



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4723

by Rep. Dagmara Avelar

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.01a

Amends the Medical Assistance Article of the Illinois Public Aid Code. In provisions concerning the supportive living facilities program, prohibits a supportive living dementia care setting from limiting a resident's access to the sink, microwave, or refrigerator located within the respective resident's room, provided a comprehensive safety assessment deems the resident's use of the appliances safe. Requires the comprehensive safety assessment to be conducted prior to any resident moving in and at least once per quarter thereafter. Requires social and recreational programming to be provided no less than 3 times daily, including at least one time and location separate from a meal service. Requires newly constructed supportive living dementia care settings to provide no less than 300 square feet for a single occupancy apartment or no less than 450 square feet for a double occupancy apartment, which may include the closets and bathroom. Requires each apartment to include a sink, microwave, and refrigerator within the unit. Provides that any newly constructed supportive living dementia care setting shall provide a common area completely separate from the dining area.

LRB104 17803 KTG 31236 b

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by  
5 changing Section 5-5.01a as follows:

6 (305 ILCS 5/5-5.01a)

7 Sec. 5-5.01a. Supportive living facilities program.

8 (a) The Department shall establish and provide oversight  
9 for a program of supportive living facilities that seek to  
10 promote resident independence, dignity, respect, and  
11 well-being in the most cost-effective manner.

12 A supportive living facility is (i) a free-standing  
13 facility or (ii) a distinct physical and operational entity  
14 within a mixed-use building that meets the criteria  
15 established in subsection (d). A supportive living facility  
16 integrates housing with health, personal care, and supportive  
17 services and is a designated setting that offers residents  
18 their own separate, private, and distinct living units.

19 Sites for the operation of the program shall be selected  
20 by the Department based upon criteria that may include the  
21 need for services in a geographic area, the availability of  
22 funding, and the site's ability to meet the standards.

23 (b) Beginning July 1, 2014, subject to federal approval,

1 the Medicaid rates for supportive living facilities shall be  
2 equal to the supportive living facility Medicaid rate  
3 effective on June 30, 2014 increased by 8.85%. Once the  
4 assessment imposed at Article V-G of this Code is determined  
5 to be a permissible tax under Title XIX of the Social Security  
6 Act, the Department shall increase the Medicaid rates for  
7 supportive living facilities effective on July 1, 2014 by  
8 9.09%. The Department shall apply this increase retroactively  
9 to coincide with the imposition of the assessment in Article  
10 V-G of this Code in accordance with the approval for federal  
11 financial participation by the Centers for Medicare and  
12 Medicaid Services.

13 The Medicaid rates for supportive living facilities  
14 effective on July 1, 2017 must be equal to the rates in effect  
15 for supportive living facilities on June 30, 2017 increased by  
16 2.8%.

17 The Medicaid rates for supportive living facilities  
18 effective on July 1, 2018 must be equal to the rates in effect  
19 for supportive living facilities on June 30, 2018.

20 Subject to federal approval, the Medicaid rates for  
21 supportive living services on and after July 1, 2019 must be at  
22 least 54.3% of the average total nursing facility services per  
23 diem for the geographic areas defined by the Department while  
24 maintaining the rate differential for dementia care and must  
25 be updated whenever the total nursing facility service per  
26 diems are updated. Beginning July 1, 2022, upon the

1 implementation of the Patient Driven Payment Model, Medicaid  
2 rates for supportive living services must be at least 54.3% of  
3 the average total nursing services per diem rate for the  
4 geographic areas. For purposes of this provision, the average  
5 total nursing services per diem rate shall include all add-ons  
6 for nursing facilities for the geographic area provided for in  
7 Section 5-5.2. The rate differential for dementia care must be  
8 maintained in these rates and the rates shall be updated  
9 whenever nursing facility per diem rates are updated.

10 Subject to federal approval, beginning January 1, 2024,  
11 the dementia care rate for supportive living services must be  
12 no less than the non-dementia care supportive living services  
13 rate multiplied by 1.5.

14 (b-5) Subject to federal approval, beginning January 1,  
15 2025, Medicaid rates for supportive living services must be at  
16 least 54.75% of the average total nursing facility per diem  
17 rate for the geographic areas defined by the Department and  
18 shall include all add-ons for nursing facilities for the  
19 geographic area provided for in Section 5-5.2.

20 (c) The Department may adopt rules to implement this  
21 Section. Rules that establish or modify the services,  
22 standards, and conditions for participation in the program  
23 shall be adopted by the Department in consultation with the  
24 Department on Aging, the Department of Rehabilitation  
25 Services, and the Department of Mental Health and  
26 Developmental Disabilities (or their successor agencies).

1           (d) Subject to federal approval by the Centers for  
2 Medicare and Medicaid Services, the Department shall accept  
3 for consideration of certification under the program any  
4 application for a site or building where distinct parts of the  
5 site or building are designated for purposes other than the  
6 provision of supportive living services, but only if:

7           (1) those distinct parts of the site or building are  
8 not designated for the purpose of providing assisted  
9 living services as required under the Assisted Living and  
10 Shared Housing Act;

11           (2) those distinct parts of the site or building are  
12 completely separate from the part of the building used for  
13 the provision of supportive living program services,  
14 including separate entrances;

15           (3) those distinct parts of the site or building do  
16 not share any common spaces with the part of the building  
17 used for the provision of supportive living program  
18 services; and

19           (4) those distinct parts of the site or building do  
20 not share staffing with the part of the building used for  
21 the provision of supportive living program services.

22           (e) Facilities or distinct parts of facilities which are  
23 selected as supportive living facilities and are in good  
24 standing with the Department's rules are exempt from the  
25 provisions of the Nursing Home Care Act and the Illinois  
26 Health Facilities Planning Act.

1 (f) Section 9817 of the American Rescue Plan Act of 2021  
2 (Public Law 117-2) authorizes a 10% enhanced federal medical  
3 assistance percentage for supportive living services for a  
4 12-month period from April 1, 2021 through March 31, 2022.  
5 Subject to federal approval, including the approval of any  
6 necessary waiver amendments or other federally required  
7 documents or assurances, for a 12-month period the Department  
8 must pay a supplemental \$26 per diem rate to all supportive  
9 living facilities with the additional federal financial  
10 participation funds that result from the enhanced federal  
11 medical assistance percentage from April 1, 2021 through March  
12 31, 2022. The Department may issue parameters around how the  
13 supplemental payment should be spent, including quality  
14 improvement activities. The Department may alter the form,  
15 methods, or timeframes concerning the supplemental per diem  
16 rate to comply with any subsequent changes to federal law,  
17 changes made by guidance issued by the federal Centers for  
18 Medicare and Medicaid Services, or other changes necessary to  
19 receive the enhanced federal medical assistance percentage.

20 (g) All applications for the expansion of supportive  
21 living dementia care settings involving sites not approved by  
22 the Department by January 1, 2024 may allow new elderly  
23 non-dementia units in addition to new dementia care units. The  
24 Department may approve such applications only if the  
25 application has: (1) no more than one non-dementia care unit  
26 for each dementia care unit and (2) the site is not located

1 within 4 miles of an existing supportive living program site  
2 in Cook County (including the City of Chicago), not located  
3 within 12 miles of an existing supportive living program site  
4 in Alexander, Bond, Boone, Calhoun, Champaign, Clinton,  
5 DeKalb, DuPage, Fulton, Grundy, Henry, Jackson, Jersey,  
6 Johnson, Kane, Kankakee, Kendall, Lake, Macon, Macoupin,  
7 Madison, Marshall, McHenry, McLean, Menard, Mercer, Monroe,  
8 Peoria, Piatt, Rock Island, Sangamon, Stark, St. Clair,  
9 Tazewell, Vermilion, Will, Williamson, Winnebago, or Woodford  
10 counties, or not located within 25 miles of an existing  
11 supportive living program site in any other county.

12 (h) Beginning January 1, 2025, subject to federal  
13 approval, for a person who is a resident of a supportive living  
14 facility under this Section, the monthly personal needs  
15 allowance shall be \$120 per month.

16 (i) As stated in the supportive living program home and  
17 community-based service waiver approved by the federal Centers  
18 for Medicare and Medicaid Services, and beginning July 1,  
19 2025, the Department must maintain the rate add-on implemented  
20 on January 1, 2023 for the provision of 2 meals per day at no  
21 less than \$6.15 per day.

22 (j) Subject to federal approval, the Department shall  
23 allow a certified medication aide to administer medication in  
24 a supportive living facility. For purposes of this subsection,  
25 "certified medication aide" means a person who has met the  
26 qualifications for certification under Section 79 of the

1 Assisted Living and Shared Housing Act and assists with  
2 medication administration while under the supervision of a  
3 registered professional nurse as authorized by Section 50-75  
4 of the Nurse Practice Act. The Department may adopt rules to  
5 implement this subsection.

6 (k) A supportive living dementia care setting shall not  
7 limit resident access to the sink, microwave, or refrigerator  
8 located within the respective resident's room, provided a  
9 comprehensive safety assessment deems the resident's use of  
10 the appliances safe. This assessment shall be conducted prior  
11 to any resident moving in and at least once per quarter  
12 thereafter. Social and recreational programming shall be  
13 provided no less than 3 times daily, including at least one  
14 time and location separate from a meal service.

15 Any newly constructed supportive living dementia care  
16 setting shall provide no less than 300 square feet for a single  
17 occupancy apartment or no less than 450 square feet for a  
18 double occupancy apartment. This requirement may include the  
19 closets and bathroom. Each apartment shall include a sink,  
20 microwave, and refrigerator within the unit.

21 Any newly constructed supportive living dementia care  
22 setting shall provide a common area completely separate from  
23 the dining area.

24 (Source: P.A. 103-102, Article 20, Section 20-5, eff. 1-1-24;  
25 103-102, Article 100, Section 100-5, eff. 1-1-24; 103-593,  
26 Article 15, Section 15-5, eff. 6-7-24; 103-593, Article 100,

1 Section 100-5, eff. 6-7-24; 103-593, Article 165, Section  
2 165-5, eff. 6-7-24; 103-605, eff. 7-1-24; 103-886, eff.  
3 8-9-24; 104-9, eff. 6-16-25; 104-417, eff. 8-15-25; revised  
4 9-12-25.)