



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4785

by Rep. Lindsey LaPointe

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Preventing Crisis Cost Shifting to Medicaid Act. Provides that the General Assembly finds that (i) behavioral health crisis services, including crisis call centers, mobile crisis response, and crisis stabilization and receiving services, function as essential public health infrastructure and must be available statewide without regard to insurance status; and (ii) commercial health insurance policies issued or administered in the State generally do not provide comprehensive coverage for the full continuum of behavioral health crisis services, resulting in the cost of such services being disproportionately borne by Medicaid, local governments, and taxpayers. Requires specified entities (surcharge payors) that are authorized to issue or administer a policy or contract of accident and health insurance or a health maintenance organization contract in the State to pay a behavioral health crisis assessment to the Department of Human Services for deposit into the Statewide 9-8-8 Trust Fund. Exempts Medicaid managed care organizations from paying the behavioral health crisis assessment. Permits the Department to update the total behavioral health crisis assessment amount as necessary to ensure the continued availability, quality, or geographic equity of the statewide behavioral health crisis system. Requires the Department to establish an appropriate mechanism for enforcing a surcharge payor's liability, which may include accrued interest on unpaid liabilities at a rate not to exceed 18% per annum and late fees or penalties at a rate not to exceed 5% per month. Provides that the enforcement mechanism may also include notification to the Department of Healthcare and Family Services to offset payments on the surcharge payor's claims. Provides that the Department of Human Services shall not direct the Department of Healthcare and Family Services to offset claims payments unless the surcharge payor has maintained an outstanding liability to the Statewide 9-8-8 Trust Fund for a period longer than 45 days and has received proper notice of pending enforcement.

LRB104 18498 KTG 31940 b

A BILL FOR

1 AN ACT concerning behavioral health.

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

4 Section 1. Short title. This Act may be cited as the  
5 Preventing Crisis Cost Shifting to Medicaid Act.

6 Section 5. Legislative findings and purpose. The General  
7 Assembly finds that:

8 (1) Individuals experiencing behavioral health  
9 emergencies, including mental health and substance use crises,  
10 require timely access to crisis services to promote safety,  
11 stability, and recovery for themselves, their families, and  
12 their communities.

13 (2) Behavioral health crisis services, including crisis  
14 call centers, mobile crisis response, and crisis stabilization  
15 and receiving services, function as essential public health  
16 infrastructure and must be available statewide without regard  
17 to insurance status.

18 (3) Commercial health insurance policies issued or  
19 administered in this State generally do not provide  
20 comprehensive coverage for the full continuum of behavioral  
21 health crisis services, resulting in the cost of such services  
22 being disproportionately borne by Medicaid, local governments,  
23 and taxpayers.

1           (4) A predictable, multi-payer financing mechanism is  
2 necessary to prevent cost-shifting from commercial payors to  
3 Medicaid and other publicly financed systems and to ensure the  
4 long-term availability and geographic equity of a statewide  
5 behavioral health crisis system.

6           Section 10. Behavioral health crisis assessment.

7           (a) As used in this Section:

8           "Surcharge payor" means an entity that is authorized to  
9 issue or administer a policy or contract of accident and  
10 health insurance or a health maintenance organization contract  
11 in this State and that made payments subject to assessment, as  
12 determined by the Department of Human Services, in an amount  
13 of \$1,000,000 or more during the most recent fiscal year for  
14 which data are available.

15           "Total behavioral health crisis assessment amount" means  
16 \$100,000,000, or, 2 years or later after the effective date of  
17 this Act, the most recently updated total behavioral  
18 assessment amount as designated by the Department of Human  
19 Services by rule.

20           (b) Each surcharge payor shall pay a behavioral health  
21 crisis assessment to the Department of Human Services for  
22 deposit into the Statewide 9-8-8 Trust Fund.

23           (c) Each surcharge payor shall pay a portion of the total  
24 behavioral health crisis assessment amount proportional to the  
25 surcharge payor's payments subject to assessment during the

1 most recent fiscal year for which data are available, as  
2 determined by the Department by rule.

3 (d) In the event of a merger, acquisition, or other  
4 transfer of ownership, liability for the assessment shall be  
5 assumed by the successor entity.

6 (e) The assessment imposed under this Section shall not  
7 apply to Medicaid managed care organizations.

8 Section 15. Deposit of assessment revenues. All revenues  
9 collected in accordance with this Act shall be deposited into  
10 the Statewide 9-8-8 Trust Fund created under Section 6z-134 of  
11 the State Finance Act and shall be expended in accordance with  
12 the purposes of that Fund.

13 Section 20. Adjustment of total assessment amount.  
14 Beginning no earlier than 2 years after the effective date of  
15 this Act, the Department of Human Services may update the  
16 total behavioral health crisis assessment amount as necessary  
17 to ensure the continued availability, quality, or geographic  
18 equity of the statewide behavioral health crisis system.

19 Any updated amount shall apply prospectively and preserve  
20 proportional allocation among surcharge payors. The Department  
21 shall update the amount by rule, provide public notice of any  
22 update, and report any such update to the General Assembly.

23 Section 25. Enforcement.

1           (a) The Department of Human Services shall establish an  
2 appropriate mechanism for enforcing a surcharge payor's  
3 liability under this Act if a surcharge payor fails to make a  
4 required payment to the Statewide 9-8-8 Trust Fund; however,  
5 the Department may establish threshold liability amounts below  
6 which enforcement may be modified or waived.

7           (b) The enforcement mechanism may include assessment of  
8 interest on unpaid liabilities at a rate not to exceed 18% per  
9 annum and late fees or penalties at a rate not to exceed 5% per  
10 month.

11           (c) The enforcement mechanism may also include  
12 notification to the Department of Healthcare and Family  
13 Services requiring an offset of payments on claims of the  
14 surcharge payor, any entity under common ownership with the  
15 surcharge payor, or any successor in interest to the surcharge  
16 payor in an amount equal to the payment owed to the Statewide  
17 9-8-8 Trust Fund, including any interest and penalties, and  
18 transfer of the withheld amounts into the Fund.

19           (d) If the Department of Healthcare and Family Services  
20 offsets claims payments in accordance with a notice under  
21 subsection (c), the Department of Healthcare and Family  
22 Services shall not be considered to be in breach of contract or  
23 any other obligation for payment of non-contracted services,  
24 and a surcharge payor whose payments are offset under this  
25 Section shall continue to serve all Medicaid enrollees under  
26 any contract then in effect with the Department of Healthcare

1 and Family Services.

2 (e) The Department of Human Services shall not direct the  
3 Department of Healthcare and Family Services to offset claims  
4 payments unless the surcharge payor has maintained an  
5 outstanding liability to the Statewide 9-8-8 Trust Fund for a  
6 period longer than 45 days and has received proper notice that  
7 the Department of Human Services intends to initiate  
8 enforcement actions under this Section.