

HB4787



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4787

by Rep. Sharon Chung

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-70 new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that, on and after January 1, 2027, certain services shall be eligible for reimbursement at approved programs through the Brain Injury waiver for eligible individuals over the age of 21, including, but not limited to: (1) case management; (2) nursing services; (3) medical oversight by consulting medical director; (4) physical therapy; and (5) occupational therapy. Requires the Department of Human Services to reimburse approved programs at the rates in effect for the Home and Community-Based Services Waiver program most recently approved. Effective January 1, 2027.

LRB104 19788 KTG 33238 b

A BILL FOR

1 AN ACT concerning State government.

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 adding Section 5-70 as follows:

6 (305 ILCS 5/5-70 new)

7 Sec. 5-70. Brain injury waiver services.

8 (a) Findings. The General Assembly finds that:

9 (1) Annually, over 141,000 new brain injuries are
10 sustained by children and adult Illinois residents.

11 (2) The State provides services and support for
12 individuals with brain injuries through the Persons with
13 Brain Injury waiver, which is part of the Home and
14 Community-Based Services Waiver and is operated by the
15 Department of Human Services' Division of Rehabilitation
16 Services. This program is administered by the Department
17 of Healthcare and Family Services. Day-to-day operations
18 are managed by the Department of Human Services' Division
19 of Rehabilitation Services. These services are offered for
20 individuals who are at risk of being placed in a nursing
21 facility for care due to functional limitations caused by
22 a brain injury.

23 (3) Individuals are eligible for Brain Injury waivers

1 if, among other requirements, they have an acquired brain
2 injury as documented by a physician or neurologist. This
3 includes traumatic brain injuries, infections, anoxia,
4 stroke, aneurysm, electrical injury, malignant or benign
5 tumors, neoplasm of the brain, and toxic encephalopathy.

6 (4) Twenty-two states currently offer care in the
7 community funding options for adults with brain injury who
8 require residential supports and services.

9 (5) Illinois does not currently offer reimbursement
10 for care to programs providing brain injury care services
11 for individuals over the age of 21. As a result, these
12 individuals must stop receiving care abruptly in their
13 current programs when they age out of eligibility for
14 reimbursement and must be transferred to a nursing home at
15 age 21, or transferred to another state that can seek
16 reimbursement from the State of Illinois for the provision
17 of services for this age group. This causes a disruption
18 in care and separation of families. Illinois Medicaid
19 funds are used to support these individuals in accessing
20 out-of-state care, resulting in funding going to
21 out-of-state providers and being paid at higher
22 out-of-state rates.

23 (b) As used in this Section, "approved programs" includes
24 programs authorized to provide care under the Medicaid Home
25 and Community-Based Services Waiver program.

26 (c) Notwithstanding any other provision of this Code to

1 the contrary, on and after January 1, 2027, the following
2 services shall be eligible for reimbursement at approved
3 programs through the Brain Injury waiver for eligible
4 individuals over the age of 21:

5 (1) Case management.

6 (2) Nursing services.

7 (3) Medical oversight by consulting medical director.

8 (4) Physical therapy.

9 (5) Occupational therapy.

10 (6) Speech language therapy.

11 (7) Behavioral intervention and therapy.

12 (8) Individual and family counseling.

13 (9) Life skills training, including community
14 re-access training.

15 (10) Residential habilitation.

16 (11) Day habilitation.

17 (d) The Department of Human Services shall reimburse
18 approved programs at the rates in effect for the Home and
19 Community-Based Services Waiver program most recently approved
20 under authority of Section 1915(c) of the Social Security Act.

21 Section 99. Effective date. This Act takes effect January
22 1, 2027.