



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0205

Introduced 1/22/2025, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.01a
305 ILCS 5/5-35
305 ILCS 5/5-35.5

Amends the Medical Assistance Article of the Illinois Public Aid Code. In provisions concerning personal needs allowances for residents in supportive living facilities and facilities licensed under the ID/DD Community Care Act, the Community-Integrated Living Arrangements Licensure and Certification Act, the Specialized Mental Health Rehabilitation Act of 2013, the MC/DD Act, and the Nursing Home Care Act, provides that subject to federal approval, beginning January 1, 2026, and each year thereafter, an eligible resident's personal needs allowance shall increase by an amount equal to the percentage increase, if any, in the consumer price index-u during the preceding 12-month calendar year.

LRB104 08905 KTG 18960 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 Sections 5-5.01a, 5-35 and 5-35.5 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 services 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 ~~(Public Act 103-102)~~ may
23 allow new elderly non-dementia units in addition to new
24 dementia care units. The Department may approve such
25 applications only if the application has: (1) no more than one
26 non-dementia care unit for each dementia care unit and (2) the

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

13 (h) Beginning January 1, 2025, subject to federal
14 approval, for a person who is a resident of a supportive living
15 facility under this Section, the monthly personal needs
16 allowance shall be \$120 per month. Subject to federal
17 approval, beginning January 1, 2026, and each year thereafter,
18 an eligible resident's personal needs allowance shall increase
19 by an amount equal to the percentage increase, if any, in the
20 consumer price index-u during the preceding 12-month calendar
21 year. As used in this subsection, "consumer price index-u"
22 means the index published by the Bureau of Labor Statistics of
23 the United States Department of Labor that measures the
24 average change in prices of goods and services purchased by
25 all urban consumers, United States city average, all items,
26 1982-84 = 100.

1 (i) ~~(h)~~ As stated in the supportive living program home
2 and community-based service waiver approved by the federal
3 Centers for Medicare and Medicaid Services, and beginning July
4 1, 2025, the Department must maintain the rate add-on
5 implemented on January 1, 2023 for the provision of 2 meals per
6 day at no less than \$6.15 per day.

7 (j) ~~(f)~~ Subject to federal approval, the Department shall
8 allow a certified medication aide to administer medication in
9 a supportive living facility. For purposes of this subsection,
10 "certified medication aide" means a person who has met the
11 qualifications for certification under Section 79 of the
12 Assisted Living and Shared Housing Act and assists with
13 medication administration while under the supervision of a
14 registered professional nurse as authorized by Section 50-75
15 of the Nurse Practice Act. The Department may adopt rules to
16 implement this subsection.

17 (Source: P.A. 102-43, eff. 7-6-21; 102-699, eff. 4-19-22;
18 103-102, Article 20, Section 20-5, eff. 1-1-24; 103-102,
19 Article 100, Section 100-5, eff. 1-1-24; 103-593, Article 15,
20 Section 15-5, eff. 6-7-24; 103-593, Article 100, Section
21 100-5, eff. 6-7-24; 103-593, Article 165, Section 165-5, eff.
22 6-7-24; 103-605, eff. 7-1-24; 103-886, eff. 8-9-24; revised
23 10-8-24.)

24 (305 ILCS 5/5-35)

25 Sec. 5-35. Personal needs allowance. For a person who is a

1 resident in a facility licensed under the ID/DD Community Care
2 Act, the Community-Integrated Living Arrangements Licensure
3 and Certification Act, the Specialized Mental Health
4 Rehabilitation Act of 2013, or the MC/DD Act for whom payments
5 are made under this Article throughout a month and who is
6 determined to be eligible for medical assistance under this
7 Article, the State shall pay an amount in addition to the
8 minimum monthly personal needs allowance authorized under
9 Section 1902(q) of Title XIX of the Social Security Act (42
10 U.S.C. 1396(q)) so that the person's total monthly personal
11 needs allowance from both State and federal sources equals
12 \$60. Subject to federal approval, beginning January 1, 2026,
13 and each year thereafter, an eligible resident's personal
14 needs allowance shall increase by an amount equal to the
15 percentage increase, if any, in the consumer price index-u
16 during the preceding 12-month calendar year. As used in this
17 Section, "consumer price index-u" means the index published by
18 the Bureau of Labor Statistics of the United States Department
19 of Labor that measures the average change in prices of goods
20 and services purchased by all urban consumers, United States
21 city average, all items, 1982-84 = 100.

22 (Source: P.A. 100-23, eff. 7-6-17.)

23 (305 ILCS 5/5-35.5)

24 Sec. 5-35.5. Personal needs allowance; nursing home
25 residents. Subject to federal approval, on and after January

1 1, 2024, for a person who is a resident in a facility licensed
2 under the Nursing Home Care Act for whom payments are made
3 under this Article throughout a month and who is determined to
4 be eligible for medical assistance under this Article, the
5 monthly personal needs allowance shall be \$60. Subject to
6 federal approval, beginning January 1, 2026, and each year
7 thereafter, an eligible resident's personal needs allowance
8 shall increase by an amount equal to the percentage increase,
9 if any, in the consumer price index-u during the preceding
10 12-month calendar year. As used in this Section, "consumer
11 price index-u" means the index published by the Bureau of
12 Labor Statistics of the United States Department of Labor that
13 measures the average change in prices of goods and services
14 purchased by all urban consumers, United States city average,
15 all items, 1982-84 = 100.

16 (Source: P.A. 103-102, eff. 1-1-24.)