

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 5F-10, 5F-15, and 5F-35 as follows:

6 (305 ILCS 5/5F-10)

7 Sec. 5F-10. Scope. This Article applies to policies and
8 contracts amended, delivered, issued, or renewed on or after
9 the effective date of this amendatory Act of the 98th General
10 Assembly for the nursing home component of the
11 Medicare-Medicaid Alignment Initiative and the Managed
12 Long-Term Services and Support Program, a fully integrated
13 dual eligible special needs plan, or any managed care plan for
14 persons who are dually eligible for Medicare and Medicaid.

15 This Article does not diminish a managed care organization's
16 duties and responsibilities under other federal or State laws
17 or rules adopted under those laws and the 3-way
18 Medicare-Medicaid Alignment Initiative contract and the
19 Managed Long-Term Services and Support Program contract.

20 (Source: P.A. 98-651, eff. 6-16-14; 99-719, eff. 1-1-17.)

21 (305 ILCS 5/5F-15)

22 Sec. 5F-15. Definitions. As used in this Article:

1 "Appeal" means any of the procedures that deal with the
2 review of adverse organization determinations on the health
3 care services the enrollee believes he or she is entitled to
4 receive, including delay in providing, arranging for, or
5 approving the health care services, such that a delay would
6 adversely affect the health of the enrollee or on any amounts
7 the enrollee must pay for a service, as defined under 42 CFR
8 422.566(b). These procedures include reconsiderations by the
9 managed care organization and, if necessary, an independent
10 review entity as provided by the Health Carrier External
11 Review Act, hearings before administrative law judges, review
12 by the Medicare Appeals Council, and judicial review.

13 "Demonstration Project" means the nursing home component
14 of the Medicare-Medicaid Alignment Initiative Demonstration
15 Project, a fully integrated dual eligible special needs plan,
16 or any managed care plan for persons who are dually eligible
17 for Medicare and Medicaid.

18 "Department" means the Department of Healthcare and Family
19 Services.

20 "Enrollee" means an individual who resides in a nursing
21 home or is qualified to be admitted to a nursing home and is
22 enrolled with a managed care organization participating in the
23 Demonstration Project.

24 "Health care services" means the diagnosis, treatment, and
25 prevention of disease and includes medication, primary care,
26 nursing or medical care, mental health treatment, psychiatric

1 rehabilitation, memory loss services, physical, occupational,
2 and speech rehabilitation, enhanced care, medical supplies and
3 equipment and the repair of such equipment, and assistance
4 with activities of daily living.

5 "Managed care organization" or "MCO" means an entity that
6 meets the definition of health maintenance organization as
7 defined in the Health Maintenance Organization Act, is
8 licensed, regulated and in good standing with the Department
9 of Insurance, and is authorized to participate in the nursing
10 home component of the Medicare-Medicaid Alignment Initiative
11 Demonstration Project by a 3-way contract with the Department
12 of Healthcare and Family Services and the Centers for Medicare
13 and Medicaid Services.

14 "Medical professional" means a physician, physician
15 assistant, or nurse practitioner.

16 "Medically necessary" means health care services that a
17 medical professional, exercising prudent clinical judgment,
18 would provide to a patient for the purpose of preventing,
19 evaluating, diagnosing, or treating an illness, injury, or
20 disease or its symptoms, and that are: (i) in accordance with
21 the generally accepted standards of medical practice; (ii)
22 clinically appropriate, in terms of type, frequency, extent,
23 site, and duration, and considered effective for the patient's
24 illness, injury, or disease; and (iii) not primarily for the
25 convenience of the patient, a medical professional, other
26 health care provider, caregiver, family member, or other

1 interested party.

2 "Nursing home" means a facility licensed under the Nursing
3 Home Care Act.

4 "Nurse practitioner" means an individual properly licensed
5 as a nurse practitioner under the Nurse Practice Act.

6 "Physician" means an individual licensed to practice in
7 all branches of medicine under the Medical Practice Act of
8 1987.

9 "Physician assistant" means an individual properly
10 licensed under the Physician Assistant Practice Act of 1987.

11 "Resident" means an enrollee who is receiving personal or
12 medical care, including, but not limited to, mental health
13 treatment, psychiatric rehabilitation, physical
14 rehabilitation, and assistance with activities of daily
15 living, from a nursing home.

16 "RAI Manual" means the most recent Resident Assessment
17 Instrument Manual, published by the Centers for Medicare and
18 Medicaid Services.

19 "Resident's representative" means a person designated in
20 writing by a resident to be the resident's representative or
21 the resident's guardian, as described by the Nursing Home Care
22 Act.

23 "SNFist" means a medical professional specializing in the
24 care of individuals residing in nursing homes employed by or
25 under contract with a MCO.

26 "Transition period" means a period of time immediately

1 following enrollment into the Demonstration Project or an
2 enrollee's movement from one managed care organization to
3 another managed care organization or one care setting to
4 another care setting.

5 (Source: P.A. 98-651, eff. 6-16-14.)

6 (305 ILCS 5/5F-35)

7 Sec. 5F-35. Reimbursement. The Department shall provide
8 each managed care organization with the quarterly
9 facility-specific ~~RUG-IV~~ nursing component per diem along with
10 any add-ons for enhanced care services, support component per
11 diem, and capital component per diem effective for each
12 nursing home under contract with the managed care
13 organization.

14 (Source: P.A. 98-651, eff. 6-16-14.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.