



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5360

Introduced 1/31/2022, by Rep. Tim Butler

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-46 new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Requires the Department of Healthcare and Family Services, in collaboration with the Department of Human Services, to allow current Division of Substance Use Prevention and Recovery licensed and Medicaid certified level 3.5, 3.5D, and 3.7D programs, with existing capacity, to provide more than 16 beds per unit and to receive reimbursement under the medical assistance program for medical assistance recipients.

LRB102 23928 KTG 33127 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 adding Section 5-46 as follows:

6 (305 ILCS 5/5-46 new)

7 Sec. 5-46. Substance use disorder residential programs.

8 (a) Findings.

9 (1) The most recent National Survey on Drug Use and
10 Health by the Substance Use and Mental Health Services
11 Administration (SAMHSA) shows that approximately 247,000
12 people in Illinois needed treatment at a specialty
13 facility for drug use but were not able to get it.

14 (2) The number of Illinois deaths related to opioid
15 overdose has more than doubled since 2013 with a high in
16 2020 of almost 3,000.

17 (3) The Center for Medicare and Medicaid Services'
18 Institutions for Mental Disease (IMD) Exclusion, which has
19 existed within the Medicaid system since 1965, prohibits a
20 federal matching payment for a service rendered to an
21 individual between the ages of 21 and 64 receiving
22 treatment in an IMD. (An IMD is a facility with more than
23 16 beds that cares for individuals with mental illness. In

1 the context of an IMD, a substance use disorder is
2 considered a mental disease.)

3 (4) The Department of Healthcare and Family Services
4 received authorization under a federally approved 1115
5 Waiver to allow select licensed substance use disorder
6 residential programs to provide Medicaid-covered
7 residential substance use disorder services.

8 (5) The Department of Human Services currently
9 licenses substance use disorder programs with existing bed
10 capacity for adult residential American Society of
11 Addiction Medicine (ASAM) 3.5, 3.5D, and 3.7D programs.

12 (b) Reimbursement. The Department of Healthcare and Family
13 Services, in collaboration with the Department of Human
14 Services, shall allow current Division of Substance Use
15 Prevention and Recovery licensed and Medicaid certified level
16 3.5, 3.5D, and 3.7D programs, with existing capacity, to
17 provide more than 16 beds per unit and to receive
18 reimbursement under the medical assistance program for medical
19 assistance recipients.