



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3749

Introduced 1/21/2022, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

305 ILCS 5/Art. XVII heading new
305 ILCS 5/17-1 new

Amends the Illinois Public Aid Code. Adds the Nursing Facility Oversight Committee Article to the Code. Provides that a Nursing Facility Oversight Committee shall be named by the 4 legislative leaders to oversee, assess, and provide direction to the Department of Healthcare and Family Services as it relates to long-term care services, including, but not limited to, Medicaid reimbursement, bed assessments, managed long-term care, and Medicaid long-term care eligibility. Provides that the Committee shall be expressly charged with overseeing, assessing, and providing leadership to the Department on issues related to nursing facilities and to provide ongoing evaluation of the effectiveness of any related policies, regulatory rules, and State Plan amendments. Provides that the Committee shall be comprised of 12 voting members with each legislative leader appointing 2 legislative members and a member of the general public recommended by membership-based nursing home trade associations. Requires the co-chairs to call the first meeting within 30 days after the effective date of the amendatory Act, but no later than 10 business days prior to the Department's initial submission of any State Plan amendment related to nursing facilities. Requires the Department to provide copies of all documents at least 10 days in advance of a meeting at which the Department is asking the Committee to give comment or approval. Contains provisions concerning scheduled meetings and proxies; administrative support from the Department; and annual open forums held by the Committee to accept comments on the implementation of policies, regulatory rules, and State Plan amendments concerning nursing facilities. Requires the Department to seek the Committee's advice and consent prior to filing emergency or permanent administrative rules with the Secretary of State or submitting Medicaid State Plan amendments to the Centers for Medicare and Medicaid Services.

LRB102 23948 KTG 33150 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 Article XVII as follows:

6 (305 ILCS 5/Art. XVII heading new)

7 ARTICLE XVII. NURSING FACILITY OVERSIGHT COMMITTEE

8 (305 ILCS 5/17-1 new)

9 Sec. 17-1. Nursing Facility Oversight Committee.

10 (a) A Nursing Facility Oversight Committee shall be named
11 by the 4 legislative leaders to oversee, assess, and provide
12 direction to the Department of Healthcare and Family Services
13 as it relates to long-term care services, including, but not
14 limited to, Medicaid reimbursement, bed assessments, managed
15 long-term care, and Medicaid long-term care eligibility. The
16 Committee shall be expressly charged with overseeing,
17 assessing, and providing leadership to the Department on
18 issues related to nursing facilities and to provide ongoing
19 evaluation of the effectiveness of any related policies,
20 regulatory rules, and State Plan amendments.

21 (b) The Committee shall be comprised of 12 voting members
22 with each legislative leader appointing 2 legislative members

1 and a member of the general public recommended by
2 membership-based nursing home trade associations. Each
3 legislative leader shall identify one legislative member to
4 serve as a co-chair. Members shall serve until a replacement
5 is named. Citizen members shall serve without compensation.

6 (c) The co-chairs shall call the first meeting within 30
7 days after the effective date of this amendatory Act of the
8 102nd General Assembly, but no later than 10 business days
9 prior to the Department's initial submission of any State Plan
10 amendment related to nursing facilities.

11 (d) The Department shall provide copies of all documents
12 at least 10 days in advance of a meeting at which the
13 Department is asking the Committee to give comment or
14 approval.

15 (e) The Committee shall meet at least monthly during the
16 implementation of redesigns, quarterly thereafter, and more
17 frequently at the call of the co-chairs.

18 (f) Voting members unable to attend a meeting may submit
19 comments in writing prior to the meeting. Voting members may
20 attend and vote in person, by phone or by teleconference, or
21 may name a proxy to attend and vote in their place. Proxies
22 shall be named in writing, which may be submitted by the
23 appointee or by the legislative leader that appointed them,
24 and delivered to each of the co-chairs.

25 (g) The Department of Healthcare and Family Services shall
26 provide administrative and staffing support to the Committee

1 with assistance, upon request, from membership-based nursing
2 home trade associations.

3 (h) The Committee shall hold at least 2 open forums
4 annually, one in Chicago and one in Springfield, to accept
5 comments on the implementation of policies, regulatory rules,
6 and State Plan amendments concerning nursing facilities; to
7 host the Department to respond to questions concerning its
8 implementation plans; and to encourage members of the public,
9 family members of nursing home residents, and licensed
10 operators to share their issues and concerns.

11 (i) Prior to filing emergency or permanent administrative
12 rules with the Secretary of State or submitting Medicaid State
13 Plan amendments and all substantive correspondence to the
14 Centers for Medicare and Medicaid Services, the Department
15 shall seek the advice and consent of the Committee. The
16 Department shall provide the Committee members with no fewer
17 than 10 business days to review materials and seek additional
18 information prior to requesting the members' advice and
19 consent. The Department shall designate a person to answer
20 questions and accept comments in advance of the meeting, at
21 which time a vote shall occur.