



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3911

Introduced 1/21/2022, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

20 ILCS 2205/2205-40 new

Amends the Department of Healthcare and Family Services Law of the Civil Administrative Code of Illinois. Requires the Department of Healthcare and Family Services, subject to federal law, to take all necessary action to ensure that proposed modifications, additions, deletions, or amendments to the healthcare and behavioral healthcare (mental health and substance use disorder) provisions of the Illinois Public Aid Code are announced, shared, disseminated, and explained prior to the Department undertaking such proposed modifications, if legally possible. Requires the Department to provide consumer or patient advocacy groups, managed care organizations under contract with the Department, and other interested parties with notice, information, and opportunity to comment, object, or support prior to final action upon, addition, modification, deletion, or amendment to the healthcare and behavioral healthcare (mental health and substance use disorder) provisions to or from the Illinois Public Aid Code or rules or regulations promulgated based upon the Illinois Public Aid Code, for which the Department has authority over. Requires the Department to give the interested parties the opportunity to provide input and advice upon proposed actions of the Department regarding healthcare and behavioral healthcare (mental health and substance use disorder) provisions to or from the Illinois Public Aid Code or Department rules. Provides that the amendatory Act shall not be construed to modify or grant preferences to the interested parties over any other party or the public with respect to the Department's administrative or legislative activities; nor grant the interested parties the right to block or veto Department action.

LRB102 22271 KTG 31404 b

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 Department of Healthcare and Family
5 Services Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2205-40 as follows:

7 (20 ILCS 2205/2205-40 new)

8 Sec. 2205-40. Department transparency. The Department of
9 Healthcare and Family Services shall, to the full extent
10 permitted by federal law, take all necessary action to ensure
11 that proposed modifications, additions, deletions, or
12 amendments to the healthcare and behavioral healthcare (mental
13 health and substance use disorder) provisions of the Illinois
14 Public Aid Code are announced, shared, disseminated, and
15 explained prior to the Department undertaking such proposed
16 modifications, if legally possible. The Department shall, to
17 the full extent permitted under federal and State law, provide
18 notice, information, and opportunity to comment, object, or
19 support prior to final action upon, addition, modification,
20 deletion, or amendment to the healthcare and behavioral
21 healthcare (mental health and substance use disorder)
22 provisions to or from the Illinois Public Aid Code or rules or
23 regulations promulgated based upon the Illinois Public Aid

1 Code, for which the Department has authority over or
2 participates in, including, but not limited to, 59 Ill. Adm.
3 Code 132, 77 Ill. Adm. Code 2060, 77 Ill. Adm. Code 2090, and
4 89 Ill. Adm. Code 140, or any amendments or additions thereto,
5 in accordance with the Illinois Administrative Procedure Act,
6 by public notice and written or electronic notice directed to
7 the public and via notice and meaningful opportunity to
8 comment and provide input and advice upon proposed actions of
9 the Department by the following Illinois groups or entities
10 ("interested parties"):

11 (1) consumer or patient advocacy groups;

12 (2) statewide provider trade associations;

13 (3) managed care organizations under contract with the
14 Department;

15 (4) statewide managed care organization trade
16 associations; and

17 (5) statewide child advocacy associations.

18 This Section shall not be construed to modify or grant
19 preferences to the interested parties over any other party or
20 the public with respect to the Department's administrative or
21 legislative activities. Nor shall this Section grant the
22 interested parties the right to block or veto Department
23 action.

24 In addition to the foregoing, the Department of Healthcare
25 and Family Services shall provide public notice and written or
26 electronic notice to the interested parties to the full extent

1 permitted under federal law related to any State Plan
2 amendment or waiver submitted to the federal Centers for
3 Medicare and Medicaid Services.