



Rep. Terra Costa Howard

**Filed: 3/22/2023**

10300HB0810ham001

LRB103 04403 KTG 58215 a

1 AMENDMENT TO HOUSE BILL 810

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 810 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is  
5 amended by changing Sections 5a, 5b, and 5c as follows:

6 (20 ILCS 505/5a) (from Ch. 23, par. 5005a)

7 (Text of Section before amendment by P.A. 102-926)

8 Sec. 5a. Reimbursable services for which the Department of  
9 Children and Family Services shall pay 100% of the reasonable  
10 cost pursuant to a written contract negotiated between the  
11 Department and the agency furnishing the services (which shall  
12 include but not be limited to the determination of reasonable  
13 cost, the services being purchased and the duration of the  
14 agreement) include, but are not limited to:

15 SERVICE ACTIVITIES

1 Adjunctive Therapy;  
2 Child Care Service, including day care;  
3 Clinical Therapy;  
4 Custodial Service;  
5 Field Work Students;  
6 Food Service;  
7 Normal Education;  
8 In-Service Training;  
9 Intake or Evaluation, or both;  
10 Medical Services;  
11 Pass-through payments to foster parents;  
12 Recreation;  
13 Social Work or Counselling, or both;  
14 Supportive Staff;  
15 Volunteers.

16 OBJECT EXPENSES

17 Professional Fees and Contract Service Payments;  
18 Supplies;  
19 Technology infrastructure, including computers,  
20 equipment, software, and security services;  
21 Records, including electronic medical records;  
22 Telephone ~~and Telegram~~;  
23 Occupancy;  
24 Local Transportation;  
25 Equipment and Other Fixed Assets, including amortization

1           of same;  
2           Miscellaneous.

3       ADMINISTRATIVE COSTS

4           Program Administration;  
5           Supervision and Consultation;  
6           Inspection and Monitoring for purposes of issuing  
7           licenses;  
8           Determination of Children who are eligible  
9           for federal or other reimbursement;  
10          Postage and Shipping;  
11          Outside Printing, Artwork, etc.;  
12          Subscriptions and Reference Publications;  
13          Management and General Expense.

14          The Department shall not establish or enforce any rule,  
15          procedure, or contract term that reduces, limits, or restricts  
16          reimbursement to less than 100% of the reasonable cost for any  
17          object expenses, service activities, or administrative costs  
18          described in this Section.

19          To ensure provider agencies have access to cash reserves  
20          for operations in the face of rising costs and increased  
21          expenses, provider agencies shall be allowed to retain all  
22          moneys received in excess of actual reimbursable costs so long  
23          as the provider agency invests the excess revenue in, and uses  
24          the excess revenue for any of the following: (i) direct  
25          service, (ii) object expenses, (iii) service activities, (iv)

1 administrative costs, or (v) increasing positive cash flow, up  
2 to 3-months cash on hand, to ensure available funds for  
3 operations during the current and next fiscal year. The use of  
4 excess revenue shall be subject to review and audit consistent  
5 with the Department's certified audits, cost reports, and desk  
6 review procedures in the usual course. ~~Reimbursement of~~  
7 ~~administrative costs other than inspection and monitoring for~~  
8 ~~purposes of issuing licenses may not exceed 20% of the costs~~  
9 ~~for other services.~~

10 The Department may offer services to any child or family  
11 with respect to whom a report of suspected child abuse or  
12 neglect has been called in to the hotline after completion of a  
13 family assessment as provided under subsection (a-5) of  
14 Section 7.4 of the Abused and Neglected Child Reporting Act  
15 and the Department has determined that services are needed to  
16 address the safety of the child and other family members and  
17 the risk of subsequent maltreatment. Acceptance of such  
18 services shall be voluntary.

19 All Object Expenses, Service Activities and Administrative  
20 Costs are allowable.

21 If a survey instrument is used in the rate setting  
22 process:

23 (a) with respect to any day care centers, it shall be  
24 limited to those agencies which receive reimbursement from  
25 the State;

26 (b) the cost survey instrument shall be promulgated by

1 rule;

2 (c) any requirements of the respondents shall be  
3 promulgated by rule;

4 (d) all screens, limits or other tests of  
5 reasonableness, allowability and reimbursability shall be  
6 promulgated by rule;

7 (e) adjustments may be made by the Department to rates  
8 when it determines that reported wage and salary levels  
9 are insufficient to attract capable caregivers in  
10 sufficient numbers.

11 The Department of Children and Family Services may pay  
12 100% of the reasonable costs of research and valuation focused  
13 exclusively on services to youth in care. Such research  
14 projects must be approved, in advance, by the Director of the  
15 Department.

16 In addition to reimbursements otherwise provided for in  
17 this Section, the Department of Human Services shall, in  
18 accordance with annual written agreements, make advance  
19 quarterly disbursements to local public agencies for child day  
20 care services with funds appropriated from the Local Effort  
21 Day Care Fund.

22 Neither the Department of Children and Family Services nor  
23 the Department of Human Services shall pay or approve  
24 reimbursement for day care in a facility which is operating  
25 without a valid license or permit, except in the case of day  
26 care homes or day care centers which are exempt from the

1 licensing requirements of the "Child Care Act of 1969".

2 (Source: P.A. 100-159, eff. 8-18-17.)

3 (Text of Section after amendment by P.A. 102-926)

4 Sec. 5a. Reimbursable services for which the Department of  
5 Children and Family Services shall pay 100% of the reasonable  
6 cost pursuant to a written contract negotiated between the  
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13 of same;  
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3 procedure, or contract term that reduces, limits, or restricts  
4 reimbursement to less than 100% of the reasonable cost for any  
5 object expenses, service activities, or administrative costs  
6 described in this Act.

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8 for operations in the face of rising costs and increased  
9 expenses, provider agencies shall be allowed to retain all  
10 moneys received in excess of actual reimbursable costs so long  
11 as the provider agency invests the excess revenue in, and uses  
12 the excess revenue for any of the following: (i) direct  
13 service, (ii) object expenses, (iii) service activities, (iv)  
14 administrative costs, or (v) increasing positive cash flow, up  
15 to 3-months cash on hand, to ensure available funds for  
16 operations during the current and next fiscal year. The use of  
17 excess revenue shall be subject to review and audit consistent  
18 with the Department's certified audits, cost reports, and desk  
19 review procedures in the usual course.

20 ~~Reimbursement of administrative costs other than inspection~~  
21 ~~and monitoring for purposes of issuing licenses may not exceed~~  
22 ~~20% of the costs for other services.~~

23 The Department may offer services to any child or family  
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11 reimbursement for day care in a facility which is operating  
12 without a valid license or permit, except in the case of day  
13 care homes or day care centers which are exempt from the  
14 licensing requirements of the "Child Care Act of 1969".

15 The rates paid to day care providers by the Department of  
16 Children and Family Services shall match the rates paid to  
17 child care providers by the Department of Human Services under  
18 the child care assistance program, including base rates and  
19 any relevant rate enhancements.

20 (Source: P.A. 102-926, eff. 7-1-23.)

21 Section 95. No acceleration or delay. Where this Act makes  
22 changes in a statute that is represented in this Act by text  
23 that is not yet or no longer in effect (for example, a Section  
24 represented by multiple versions), the use of that text does  
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other  
2 Public Act.".