



Sen. Edward D. Maloney

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1 AMENDMENT TO HOUSE BILL 982

2 AMENDMENT NO. _____. Amend House Bill 982 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Human Services Act is amended
5 by adding Section 10-55 as follows:

6 (20 ILCS 1305/10-55 new)

7 Sec. 10-55. Report; children with developmental
8 disabilities, severe mental illness, or severe emotional
9 disorders. On or before March 1, 2008, the Department shall
10 submit a report to the Governor and to the General Assembly
11 regarding the extent to which children (i) with developmental
12 disabilities, mental illness, severe emotional disorders, or
13 more than one of these disabilities, and (ii) who are currently
14 being provided services in an institution, could otherwise be
15 served in a less-restrictive community or home-based setting
16 for the same cost or for a lower cost. The Department shall

1 submit bi-annual updated reports to the Governor and the
2 General Assembly no later than March 1 of every even-numbered
3 year beginning in 2010.

4 Section 10. The Illinois Public Aid Code is amended by
5 changing Sections 5-2.05 and 12-4.36 as follows:

6 (305 ILCS 5/5-2.05)

7 Sec. 5-2.05. Children with disabilities ~~Disabled children.~~

8 (a) The Department of Healthcare and Family Services, in
9 conjunction with the Department of Human Services, Public Aid
10 may offer, to children with developmental disabilities or
11 children with severe mental illness or severe emotional
12 disorders ~~and severely mentally ill or emotionally disturbed~~
13 ~~children~~ who otherwise would not qualify for medical assistance
14 under this Article due to family income, home-based and
15 community-based services instead of institutional placement,
16 as allowed under paragraph 7 of Section 5-2.

17 (b) The Department of Healthcare and Family Services ~~Public~~
18 ~~Aid~~, in conjunction with the Department of Human Services and
19 the Division of Specialized Care for Children, University of
20 Illinois-Chicago, shall submit a bi-annual ~~also~~ report to the
21 Governor and the General Assembly no later than January 1 of
22 every even-numbered year, beginning in 2008, 2004 regarding the
23 status of existing services offered under paragraph 7 of
24 Section 5-2. This report shall include, but not be limited to,

1 the following information:

2 ~~(1) The number of persons eligible for these services.~~

3 ~~(2) The number of persons who applied for these~~
4 ~~services.~~

5 (1) ~~(3)~~ The number of persons who currently receive
6 these services.

7 (2) ~~(4)~~ The nature, scope, and cost of services
8 ~~provided under paragraph 7 of Section 5-2.~~

9 (3) ~~(5)~~ The comparative cost of providing those
10 services in a hospital, skilled nursing facility, or
11 intermediate care facility.

12 (4) ~~(6)~~ The funding sources for the provision of
13 services, including federal financial participation.

14 (5) ~~(7)~~ The qualifications, skills, and availability
15 of caregivers for children receiving services.

16 (6) ~~The number of children who have aged out of the~~
17 ~~services offered under paragraph 7 of Section 5-2 during~~
18 ~~the 2 years immediately preceding the report.~~

19 ~~The report shall also include information regarding the~~
20 ~~extent to which the existing programs could provide coverage~~
21 ~~for mentally disabled children who are currently being provided~~
22 ~~services in an institution who could otherwise be served in a~~
23 ~~less restrictive, community-based setting for the same or a~~
24 ~~lower cost.~~

25 (Source: P.A. 93-599, eff. 8-26-03; revised 12-15-05.)

1 (305 ILCS 5/12-4.36)

2 Sec. 12-4.36. Pilot program for persons who are medically
3 fragile and technology-dependent.

4 (a) Subject to appropriations for the first fiscal year of
5 the pilot program beginning July 1, 2006, the Department of
6 Human Services, in cooperation with the Department of
7 Healthcare and Family Services, shall adopt rules to initiate a
8 3-year pilot program to (i) test a standardized assessment tool
9 for persons who are medically fragile and technology-dependent
10 who may be provided home and community-based services to meet
11 their medical needs rather than be provided care in an
12 institution not solely because of a severe mental or
13 developmental impairment and (ii) provide appropriate home and
14 community-based medical services for such persons as provided
15 in subsection (c) of this Section. The Department of Human
16 Services may administer the pilot program until June 30, 2010
17 ~~2009~~ if the General Assembly annually appropriates funds for
18 this purpose.

19 (b) Notwithstanding any other provisions of this Code, the
20 rules implementing the pilot program shall provide for
21 criteria, standards, procedures, and reimbursement for
22 services that are not otherwise being provided in scope,
23 duration, or amount through any other program administered by
24 any Department of Human Services or any other agency of the
25 State for these medically fragile, technology-dependent
26 persons. At a minimum, the rules shall include the following:

1 (1) A requirement that a pilot program participant be
2 eligible for medical assistance under this Code, a citizen
3 of the United States, or an individual who is lawfully
4 residing permanently in the United States, and a resident
5 of Illinois.

6 (2) A requirement that a standardized assessment for
7 medically fragile, technology-dependent persons will
8 establish the level of care and the service-cost maximums.

9 (3) A requirement for a determination by a physician
10 licensed to practice medicine in all its branches (i) that,
11 except for the provision of home and community-based care,
12 these individuals would require the level of care provided
13 in an institutional setting and (ii) that the necessary
14 level of care can be provided safely in the home and
15 community through the provision of medical support
16 services.

17 (4) A requirement that the services provided be
18 medically necessary and appropriate for the level of
19 functioning of the persons who are participating in the
20 pilot program.

21 (5) Provisions for care coordination and family
22 support services that will enable the person to receive
23 services in the most integrated setting possible
24 appropriate to his or her medical condition and level of
25 functioning.

26 (6) The frequency of assessment and plan-of-care

1 reviews.

2 (7) The family or guardian's active participation as
3 care givers in meeting the individual's medical needs.

4 (8) The estimated cost to the State for in-home care,
5 as compared to the institutional level of care appropriate
6 to the individual's medical needs, may not exceed 100% of
7 the institutional care as indicated by the standardized
8 assessment tool.

9 (9) When determining the hours of medically necessary
10 support services needed to maintain the individual at home,
11 consideration shall be given to the availability of other
12 services, including direct care provided by the
13 individual's family or guardian that can reasonably be
14 expected to meet the medical needs of the individual.

15 (c) During the pilot program, an individual who has
16 received services pursuant to paragraph 7 of Section 5-2 of
17 this Code, but who no longer receives ~~receive~~ such services
18 because he or she has reached the age of 21, may be provided
19 additional services pursuant to rule if the Department of Human
20 Services, Division of Rehabilitation Services, determines from
21 completion of the assessment tool for that individual that the
22 exceptional care rate established by the Department of
23 Healthcare and Family Services under Section 5-5.8a of this
24 Code is not sufficient to cover the medical needs of the
25 individual under the home and community-based services (HCBS)
26 waivers for persons with disabilities.

1 (d) The Department of Human Services is authorized to lower
2 the payment levels established under this Section or take such
3 other actions, including, without limitation, cessation of
4 enrollment, reduction of available medical services, and
5 changing standards for eligibility, that are deemed necessary
6 by the Department during a State fiscal year to ensure that
7 payments under this Section do not exceed available funds.
8 These changes may be accomplished by emergency rulemaking under
9 Section 5-45 of the Illinois Administrative Procedure Act,
10 except that the limitation on the number of emergency rules
11 that may be adopted in a 24-month period shall not apply.

12 (e) The Department of Human Services must make an annual
13 report to the Governor and the General Assembly with respect to
14 the persons eligible for medical assistance under this pilot
15 program. The report must cover the State fiscal year ending on
16 June 30 of the preceding year. The first report is due by
17 January 1, 2008. The report must include the following
18 information for the fiscal year covered by the report:

19 (1) The number of persons who were evaluated through
20 the assessment tool under this pilot program.

21 (2) The number of persons who received services not
22 available under the home and community-based services
23 (HCBS) waivers for persons with disabilities under this
24 pilot program.

25 (3) The number of persons whose services were reduced
26 under this pilot program.

1 (4) The nature, scope, and cost of services provided
2 under this pilot program.

3 (5) The comparative costs of providing those services
4 in other institutions.

5 (6) The Department's progress in establishing an
6 objective, standardized assessment tool for the HCBS
7 waiver that assesses the medical needs of medically
8 fragile, technology-dependent adults.

9 (7) Recommendations for the funding needed to expand
10 this pilot program to all medically fragile,
11 technology-dependent individuals in HCBS waivers.

12 (8) Subject to appropriation or the availability of
13 other funds for this purpose, participant experience
14 survey information for persons with disabilities who are
15 participating in this pilot program and for persons with
16 disabilities who are not participating in the pilot program
17 but who are currently receiving services under the home and
18 community-based services (HCBS) waiver and who have
19 received services under paragraph 7 of Section 5-2 of this
20 Code.

21 This report may be submitted as part of the report required
22 by subsection (b) of section 5-2.05 of this Code.

23 (Source: P.A. 94-838, eff. 6-6-06.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."