



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5761

by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

20 ILCS 1705/18.4
20 ILCS 1705/18.5
30 ILCS 105/8h

Amends the Mental Health and Developmental Disabilities Administrative Act and the State Finance Act. For fiscal year 2010, reallocates the use of federal funds deposited into the Community Mental Health Medicaid Trust Fund and the Community Developmental Disability Services Medicaid Trust Fund. For other fiscal years, removes the allocation formula for the use of the Community Mental Health Medicaid Trust Fund and provides that the Fund shall be used for the purchase of community mental health services. Provides that the moneys in those funds are exempt from fund sweeps. Effective immediately.

LRB095 18795 JAM 44921 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing
6 Sections 18.4 and 18.5 as follows:

7 (20 ILCS 1705/18.4)

8 Sec. 18.4. Community Mental Health Medicaid Trust Fund;
9 reimbursement.

10 (a) The Community Mental Health Medicaid Trust Fund is
11 hereby created in the State Treasury.

12 (b) Except as provided in subsections (b-5) and (b-10),
13 amounts ~~Amounts~~ paid to the State during each State fiscal year
14 by the federal government under Title XIX or Title XXI of the
15 Social Security Act for services delivered by community mental
16 health providers, and any interest earned thereon, shall be
17 deposited 100% into the Community Mental Health Medicaid Trust
18 Fund to be used for the purchase of community mental health
19 services. as follows:

20 ~~(1) The first \$75,000,000 shall be deposited directly~~
21 ~~into the Community Mental Health Medicaid Trust Fund to be~~
22 ~~used for the purchase of community mental health services;~~

23 ~~(2) The next \$4,500,000 shall be deposited directly~~

1 ~~into the Community Mental Health Medicaid Trust Fund to be~~
2 ~~used by the Department of Human Services' Division of~~
3 ~~Mental Health for the oversight and administration of~~
4 ~~community mental health services and up to \$1,000,000 of~~
5 ~~this amount may be used for support of community mental~~
6 ~~health service initiatives;~~

7 ~~(3) The next \$3,500,000 shall be deposited directly~~
8 ~~into the General Revenue Fund;~~

9 ~~(4) Any additional amounts shall be deposited into the~~
10 ~~Community Mental Health Medicaid Trust Fund to be used for~~
11 ~~the purchase of community mental health services.~~

12 (b-5) For State fiscal year 2009, amounts paid to the State
13 by the federal government under Title XIX or Title XXI of the
14 Social Security Act for services delivered by community mental
15 health providers, and any interest earned thereon, shall be
16 deposited as follows:

17 (1) The first \$75,000,000 shall be deposited directly
18 into the Community Mental Health Medicaid Trust Fund to be
19 used for the purchase of community mental health services;

20 (2) The next \$3,000,000 shall be deposited directly
21 into the Community Mental Health Medicaid Trust Fund to be
22 used by the Department of Human Services' Division of
23 Mental Health for the oversight and administration of
24 community mental health services and up to \$1,000,000 of
25 this amount may be used for support of community mental
26 health service initiatives;

1 (3) The next \$2,300,000 shall be deposited directly
2 into the General Revenue Fund; and

3 (4) Any additional amounts shall be deposited into the
4 Community Mental Health Medicaid Trust Fund to be used for
5 the purchase of community mental health services.

6 (b-10) For State fiscal year 2010, amounts paid to the
7 State by the federal government under Title XIX or Title XXI of
8 the Social Security Act for services delivered by community
9 mental health providers, and any interest earned thereon, shall
10 be deposited as follows:

11 (1) The first \$75,000,000 shall be deposited directly
12 into the Community Mental Health Medicaid Trust Fund to be
13 used for the purchase of community mental health services;

14 (2) The next \$1,500,000 shall be deposited directly
15 into the Community Mental Health Medicaid Trust Fund to be
16 used by the Department of Human Services' Division of
17 Mental Health for the oversight and administration of
18 community mental health services and up to \$1,000,000 of
19 this amount may be used for support of community mental
20 health service initiatives;

21 (3) The next \$1,100,000 shall be deposited directly
22 into the General Revenue Fund; and

23 (4) Any additional amounts shall be deposited into the
24 Community Mental Health Medicaid Trust Fund to be used for
25 the purchase of community mental health services.

26 (c) The Department shall reimburse community mental health

1 providers for services provided to eligible individuals.
2 Moneys in the ~~Community Mental Health Medicaid~~ Trust Fund may
3 be used for that purpose.

4 (c-5) The Community Mental Health Medicaid Trust Fund is
5 not subject to sweeps, administrative charge-backs, including
6 but not limited to, those authorized under Section 8h of the
7 State Finance Act, or any other fiscal or budgetary maneuver
8 that would in any way transfer any funds from the Trust Fund
9 into any other fund of the State, except as provided in this
10 Section.

11 (c-10) The Department of Healthcare and Family Services
12 shall annually report to the Governor and the General Assembly,
13 by September 1, on both the total revenue deposited into the
14 Trust Fund and the total expenditures made from the Trust Fund
15 for the previous fiscal year. This report shall include
16 detailed descriptions of both revenues and expenditures
17 regarding the Trust Fund from the previous fiscal year. This
18 report shall be presented by the Director of Healthcare and
19 Family Services to the appropriate Appropriations Committee in
20 the House of Representatives, as determined by the Speaker of
21 the House, and in the Senate, as determined by the President of
22 the Senate. This report shall be made available to the public
23 and shall be published on the Department of Healthcare and
24 Family Services' website in an appropriate location, a minimum
25 of one week prior to presentation of the report to the General
26 Assembly.

1 (d) As used in this Section:

2 "Trust Fund" means the Community Mental Health Medicaid
3 Trust Fund.

4 "Community mental health provider" means a community
5 agency that is funded by the Department to provide a service.

6 "Service" means a mental health service provided pursuant
7 to the provisions of administrative rules adopted by the
8 Department and funded by the Department of Human Services'
9 Division of Mental Health.

10 (Source: P.A. 94-58, eff. 6-17-05; 94-839, eff. 6-6-06; 95-707,
11 eff. 1-11-08.)

12 (20 ILCS 1705/18.5)

13 Sec. 18.5. Community Developmental Disability Services
14 Medicaid Trust Fund; reimbursement.

15 (a) The Community Developmental Disability Services
16 Medicaid Trust Fund is hereby created in the State treasury.

17 (b) Except as provided in subsections ~~subsection~~ (b-5),
18 (b-10), and (b-15), any funds ~~in excess of \$16,700,000~~ in any
19 fiscal year paid to the State by the federal government under
20 Title XIX or Title XXI of the Social Security Act for services
21 delivered by community developmental disability services
22 providers for services relating to Developmental Training and
23 Community Integrated Living Arrangements as a result of the
24 conversion of such providers from a grant payment methodology
25 to a fee-for-service payment methodology, or any other funds

1 paid to the State for any subsequent revenue maximization
2 initiatives performed by such providers, and any interest
3 earned thereon, shall be deposited directly into the Community
4 Developmental Disability Services Medicaid Trust Fund.
5 ~~One third of this amount shall be used only~~ to pay for
6 Medicaid-reimbursed community developmental disability
7 services provided to eligible individuals, ~~and the remainder~~
8 ~~shall be transferred to the General Revenue Fund.~~

9 (b-5) Beginning in State fiscal year 2008, any funds paid
10 to the State by the federal government under Title XIX or Title
11 XXI of the Social Security Act for services delivered through
12 the Children's Residential Waiver and the Children's In-Home
13 Support Waiver shall be deposited directly into the ~~Community~~
14 ~~Developmental Disability Services Medicaid~~ Trust Fund and
15 shall not be subject to the transfer provisions of subsection
16 (b).

17 (b-10) For State fiscal year 2009 any funds in excess of
18 \$11,100,000 paid to the State by the federal government under
19 Title XIX or Title XXI of the Social Security Act for services
20 delivered by community developmental disability services
21 providers for services relating to Developmental Training and
22 Community Integrated Living Arrangements as a result of the
23 conversion of such providers from a grant payment methodology
24 to a fee-for-service payment methodology, or any other funds
25 paid to the State for any subsequent revenue maximization
26 initiatives performed by such providers, and any interest

1 earned thereon, shall be deposited directly into the Trust
2 Fund. Fifty percent of this amount shall be used only to pay
3 for Medicaid-reimbursed community developmental disability
4 services provided to eligible individuals, and the remainder
5 shall be transferred to the General Revenue Fund.

6 (b-15) For State fiscal year 2010 any funds in excess of
7 \$5,500,000 paid to the State by the federal government under
8 Title XIX or Title XXI of the Social Security Act for services
9 delivered by community developmental disability services
10 providers for services relating to Developmental Training and
11 Community Integrated Living Arrangements as a result of the
12 conversion of such providers from a grant payment methodology
13 to a fee-for-service payment methodology, or any other funds
14 paid to the State for any subsequent revenue maximization
15 initiatives performed by such providers, and any interest
16 earned thereon, shall be deposited directly into the Trust
17 Fund. Seventy-five percent of this amount shall be used only to
18 pay for Medicaid-reimbursed community developmental disability
19 services provided to eligible individuals, and the remainder
20 shall be transferred to the General Revenue Fund.

21 (b-20) The Community Developmental Disability Services
22 Medicaid Trust Fund is not subject to sweeps, administrative
23 charge-backs, including but not limited to, those authorized
24 under Section 8h of the State Finance Act, or any other fiscal
25 or budgetary maneuver that would in any way transfer any funds
26 from the Trust Fund into any other fund of the State, except as

1 provided in this Section.

2 (b-25) The Department of Healthcare and Family Services
3 shall annually report to the Governor and the General Assembly,
4 by September 1, on both the total revenue deposited into the
5 Trust Fund and the total expenditures made from the Trust Fund
6 for the previous fiscal year. This report shall include
7 detailed descriptions of both revenues and expenditures
8 regarding the Trust Fund from the previous fiscal year. This
9 report shall be presented by the Director of Healthcare and
10 Family Services to the appropriate Appropriations Committee in
11 the House of Representatives, as determined by the Speaker of
12 the House, and in the Senate, as determined by the President of
13 the Senate. This report shall be made available to the public
14 and shall be published on the Department of Healthcare and
15 Family Services' website in an appropriate location, a minimum
16 of one week prior to presentation of the report to the General
17 Assembly.

18 (c) For purposes of this Section:

19 "Trust Fund" means the Community Developmental Disability
20 Services Medicaid Trust Fund.

21 "Medicaid-reimbursed developmental disability services"
22 means services provided by a community developmental
23 disability provider under an agreement with the Department that
24 is eligible for reimbursement under the federal Title XIX
25 program or Title XXI program.

26 "Provider" means a qualified entity as defined in the

1 State's Home and Community-Based Services Waiver for Persons
2 with Developmental Disabilities that is funded by the
3 Department to provide a Medicaid-reimbursed service.

4 "Revenue maximization alternatives" do not include
5 increases in funds paid to the State as a result of growth in
6 spending through service expansion or rate increases.

7 (Source: P.A. 95-707, eff. 1-11-08.)

8 Section 10. The State Finance Act is amended by changing
9 Section 8h as follows:

10 (30 ILCS 105/8h)

11 Sec. 8h. Transfers to General Revenue Fund.

12 (a) Except as otherwise provided in this Section and
13 Section 8n of this Act, and notwithstanding any other State law
14 to the contrary, the Governor may, through June 30, 2007, from
15 time to time direct the State Treasurer and Comptroller to
16 transfer a specified sum from any fund held by the State
17 Treasurer to the General Revenue Fund in order to help defray
18 the State's operating costs for the fiscal year. The total
19 transfer under this Section from any fund in any fiscal year
20 shall not exceed the lesser of (i) 8% of the revenues to be
21 deposited into the fund during that fiscal year or (ii) an
22 amount that leaves a remaining fund balance of 25% of the July
23 1 fund balance of that fiscal year. In fiscal year 2005 only,
24 prior to calculating the July 1, 2004 final balances, the

1 Governor may calculate and direct the State Treasurer with the
2 Comptroller to transfer additional amounts determined by
3 applying the formula authorized in Public Act 93-839 to the
4 funds balances on July 1, 2003. No transfer may be made from a
5 fund under this Section that would have the effect of reducing
6 the available balance in the fund to an amount less than the
7 amount remaining unexpended and unreserved from the total
8 appropriation from that fund estimated to be expended for that
9 fiscal year. This Section does not apply to any funds that are
10 restricted by federal law to a specific use, to any funds in
11 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
12 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
13 Teacher Health Insurance Security Fund, the Reviewing Court
14 Alternative Dispute Resolution Fund, the Voters' Guide Fund,
15 the Foreign Language Interpreter Fund, the Lawyers' Assistance
16 Program Fund, the Supreme Court Federal Projects Fund, the
17 Supreme Court Special State Projects Fund, the Supplemental
18 Low-Income Energy Assistance Fund, the Good Samaritan Energy
19 Trust Fund, the Low-Level Radioactive Waste Facility
20 Development and Operation Fund, the Horse Racing Equity Trust
21 Fund, the Metabolic Screening and Treatment Fund, or the
22 Hospital Basic Services Preservation Fund, or to any funds to
23 which Section 70-50 of the Nurse Practice Act applies. No
24 transfers may be made under this Section from the Pet
25 Population Control Fund. Notwithstanding any other provision
26 of this Section, for fiscal year 2004, the total transfer under

1 this Section from the Road Fund or the State Construction
2 Account Fund shall not exceed the lesser of (i) 5% of the
3 revenues to be deposited into the fund during that fiscal year
4 or (ii) 25% of the beginning balance in the fund. For fiscal
5 year 2005 through fiscal year 2007, no amounts may be
6 transferred under this Section from the Road Fund, the State
7 Construction Account Fund, the Criminal Justice Information
8 Systems Trust Fund, the Wireless Service Emergency Fund, or the
9 Mandatory Arbitration Fund.

10 In determining the available balance in a fund, the
11 Governor may include receipts, transfers into the fund, and
12 other resources anticipated to be available in the fund in that
13 fiscal year.

14 The State Treasurer and Comptroller shall transfer the
15 amounts designated under this Section as soon as may be
16 practicable after receiving the direction to transfer from the
17 Governor.

18 (a-5) Transfers directed to be made under this Section on
19 or before February 28, 2006 that are still pending on May 19,
20 2006 (the effective date of Public Act 94-774) shall be
21 redirected as provided in Section 8n of this Act.

22 (b) This Section does not apply to: (i) the Ticket For The
23 Cure Fund; (ii) any fund established under the Community Senior
24 Services and Resources Act; or (iii) on or after January 1,
25 2006 (the effective date of Public Act 94-511), the Child Labor
26 and Day and Temporary Labor Enforcement Fund.

1 (c) This Section does not apply to the Demutualization
2 Trust Fund established under the Uniform Disposition of
3 Unclaimed Property Act.

4 (d) This Section does not apply to moneys set aside in the
5 Illinois State Podiatric Disciplinary Fund for podiatric
6 scholarships and residency programs under the Podiatric
7 Scholarship and Residency Act.

8 (e) Subsection (a) does not apply to, and no transfer may
9 be made under this Section from, the Pension Stabilization
10 Fund.

11 (f) Subsection (a) does not apply to, and no transfer may
12 be made under this Section from, the Illinois Power Agency
13 Operations Fund, the Illinois Power Agency Facilities Fund, the
14 Illinois Power Agency Debt Service Fund, and the Illinois Power
15 Agency Trust Fund.

16 (g) ~~(f)~~ This Section does not apply to the Veterans Service
17 Organization Reimbursement Fund.

18 (h) ~~(f)~~ This Section does not apply to the Supreme Court
19 Historic Preservation Fund.

20 (i) This Section does not apply to the Community Mental
21 Health Medicaid Trust Fund or the Community Developmental
22 Disability Services Medicaid Trust Fund.

23 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,
24 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;
25 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.
26 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,

1 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;
2 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.
3 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,
4 eff. 10-5-07; 95-695, eff. 11-5-07; revised 11-2-07.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.