

SB3291



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3291

Introduced 2/9/2010, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.4

from Ch. 23, par. 5-5.4

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that for facilities licensed by the Department of Public Health under the MR/DD Community Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the payment rates established by the Department of Healthcare and Family Services that take effect on July 1, 2010 shall include an increase sufficient to provide a \$0.50 per-hour wage increase for non-executive staff. Effective immediately.

LRB096 17742 KTG 33107 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 changing Section 5-5.4 as follows:

6 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

7 (Text of Section before amendment by P.A. 96-339)

8 Sec. 5-5.4. Standards of Payment - Department of Healthcare
9 and Family Services. The Department of Healthcare and Family
10 Services shall develop standards of payment of skilled nursing
11 and intermediate care services in facilities providing such
12 services under this Article which:

13 (1) Provide for the determination of a facility's payment
14 for skilled nursing and intermediate care services on a
15 prospective basis. The amount of the payment rate for all
16 nursing facilities certified by the Department of Public Health
17 under the Nursing Home Care Act as Intermediate Care for the
18 Developmentally Disabled facilities, Long Term Care for Under
19 Age 22 facilities, Skilled Nursing facilities, or Intermediate
20 Care facilities under the medical assistance program shall be
21 prospectively established annually on the basis of historical,
22 financial, and statistical data reflecting actual costs from
23 prior years, which shall be applied to the current rate year

1 and updated for inflation, except that the capital cost element
2 for newly constructed facilities shall be based upon projected
3 budgets. The annually established payment rate shall take
4 effect on July 1 in 1984 and subsequent years. No rate increase
5 and no update for inflation shall be provided on or after July
6 1, 1994 and before July 1, 2010, unless specifically provided
7 for in this Section. The changes made by Public Act 93-841
8 extending the duration of the prohibition against a rate
9 increase or update for inflation are effective retroactive to
10 July 1, 2004.

11 For facilities licensed by the Department of Public Health
12 under the Nursing Home Care Act as Intermediate Care for the
13 Developmentally Disabled facilities or Long Term Care for Under
14 Age 22 facilities, the rates taking effect on July 1, 1998
15 shall include an increase of 3%. For facilities licensed by the
16 Department of Public Health under the Nursing Home Care Act as
17 Skilled Nursing facilities or Intermediate Care facilities,
18 the rates taking effect on July 1, 1998 shall include an
19 increase of 3% plus \$1.10 per resident-day, as defined by the
20 Department. For facilities licensed by the Department of Public
21 Health under the MR/DD Community Care Act as Intermediate Care
22 Facilities for the Developmentally Disabled or Long Term Care
23 for Under Age 22 facilities, the rates taking effect on July 1,
24 2010 shall include an increase sufficient to provide a \$0.50
25 per-hour wage increase for non-executive staff. For facilities
26 licensed by the Department of Public Health under the Nursing

1 Home Care Act as Intermediate Care Facilities for the
2 Developmentally Disabled or Long Term Care for Under Age 22
3 facilities, the rates taking effect on January 1, 2006 shall
4 include an increase of 3%. For facilities licensed by the
5 Department of Public Health under the Nursing Home Care Act as
6 Intermediate Care Facilities for the Developmentally Disabled
7 or Long Term Care for Under Age 22 facilities, the rates taking
8 effect on January 1, 2009 shall include an increase sufficient
9 to provide a \$0.50 per hour wage increase for non-executive
10 staff.

11 For facilities licensed by the Department of Public Health
12 under the Nursing Home Care Act as Intermediate Care for the
13 Developmentally Disabled facilities or Long Term Care for Under
14 Age 22 facilities, the rates taking effect on July 1, 1999
15 shall include an increase of 1.6% plus \$3.00 per resident-day,
16 as defined by the Department. For facilities licensed by the
17 Department of Public Health under the Nursing Home Care Act as
18 Skilled Nursing facilities or Intermediate Care facilities,
19 the rates taking effect on July 1, 1999 shall include an
20 increase of 1.6% and, for services provided on or after October
21 1, 1999, shall be increased by \$4.00 per resident-day, as
22 defined by the Department.

23 For facilities licensed by the Department of Public Health
24 under the Nursing Home Care Act as Intermediate Care for the
25 Developmentally Disabled facilities or Long Term Care for Under
26 Age 22 facilities, the rates taking effect on July 1, 2000

1 shall include an increase of 2.5% per resident-day, as defined
2 by the Department. For facilities licensed by the Department of
3 Public Health under the Nursing Home Care Act as Skilled
4 Nursing facilities or Intermediate Care facilities, the rates
5 taking effect on July 1, 2000 shall include an increase of 2.5%
6 per resident-day, as defined by the Department.

7 For facilities licensed by the Department of Public Health
8 under the Nursing Home Care Act as skilled nursing facilities
9 or intermediate care facilities, a new payment methodology must
10 be implemented for the nursing component of the rate effective
11 July 1, 2003. The Department of Public Aid (now Healthcare and
12 Family Services) shall develop the new payment methodology
13 using the Minimum Data Set (MDS) as the instrument to collect
14 information concerning nursing home resident condition
15 necessary to compute the rate. The Department shall develop the
16 new payment methodology to meet the unique needs of Illinois
17 nursing home residents while remaining subject to the
18 appropriations provided by the General Assembly. A transition
19 period from the payment methodology in effect on June 30, 2003
20 to the payment methodology in effect on July 1, 2003 shall be
21 provided for a period not exceeding 3 years and 184 days after
22 implementation of the new payment methodology as follows:

23 (A) For a facility that would receive a lower nursing
24 component rate per patient day under the new system than
25 the facility received effective on the date immediately
26 preceding the date that the Department implements the new

1 payment methodology, the nursing component rate per
2 patient day for the facility shall be held at the level in
3 effect on the date immediately preceding the date that the
4 Department implements the new payment methodology until a
5 higher nursing component rate of reimbursement is achieved
6 by that facility.

7 (B) For a facility that would receive a higher nursing
8 component rate per patient day under the payment
9 methodology in effect on July 1, 2003 than the facility
10 received effective on the date immediately preceding the
11 date that the Department implements the new payment
12 methodology, the nursing component rate per patient day for
13 the facility shall be adjusted.

14 (C) Notwithstanding paragraphs (A) and (B), the
15 nursing component rate per patient day for the facility
16 shall be adjusted subject to appropriations provided by the
17 General Assembly.

18 For facilities licensed by the Department of Public Health
19 under the Nursing Home Care Act as Intermediate Care for the
20 Developmentally Disabled facilities or Long Term Care for Under
21 Age 22 facilities, the rates taking effect on March 1, 2001
22 shall include a statewide increase of 7.85%, as defined by the
23 Department.

24 Notwithstanding any other provision of this Section, for
25 facilities licensed by the Department of Public Health under
26 the Nursing Home Care Act as skilled nursing facilities or

1 intermediate care facilities, the numerator of the ratio used
2 by the Department of Healthcare and Family Services to compute
3 the rate payable under this Section using the Minimum Data Set
4 (MDS) methodology shall incorporate the following annual
5 amounts as the additional funds appropriated to the Department
6 specifically to pay for rates based on the MDS nursing
7 component methodology in excess of the funding in effect on
8 December 31, 2006:

9 (i) For rates taking effect January 1, 2007,
10 \$60,000,000.

11 (ii) For rates taking effect January 1, 2008,
12 \$110,000,000.

13 (iii) For rates taking effect January 1, 2009,
14 \$194,000,000.

15 Notwithstanding any other provision of this Section, for
16 facilities licensed by the Department of Public Health under
17 the Nursing Home Care Act as skilled nursing facilities or
18 intermediate care facilities, the support component of the
19 rates taking effect on January 1, 2008 shall be computed using
20 the most recent cost reports on file with the Department of
21 Healthcare and Family Services no later than April 1, 2005,
22 updated for inflation to January 1, 2006.

23 For facilities licensed by the Department of Public Health
24 under the Nursing Home Care Act as Intermediate Care for the
25 Developmentally Disabled facilities or Long Term Care for Under
26 Age 22 facilities, the rates taking effect on April 1, 2002

1 shall include a statewide increase of 2.0%, as defined by the
2 Department. This increase terminates on July 1, 2002; beginning
3 July 1, 2002 these rates are reduced to the level of the rates
4 in effect on March 31, 2002, as defined by the Department.

5 For facilities licensed by the Department of Public Health
6 under the Nursing Home Care Act as skilled nursing facilities
7 or intermediate care facilities, the rates taking effect on
8 July 1, 2001 shall be computed using the most recent cost
9 reports on file with the Department of Public Aid no later than
10 April 1, 2000, updated for inflation to January 1, 2001. For
11 rates effective July 1, 2001 only, rates shall be the greater
12 of the rate computed for July 1, 2001 or the rate effective on
13 June 30, 2001.

14 Notwithstanding any other provision of this Section, for
15 facilities licensed by the Department of Public Health under
16 the Nursing Home Care Act as skilled nursing facilities or
17 intermediate care facilities, the Illinois Department shall
18 determine by rule the rates taking effect on July 1, 2002,
19 which shall be 5.9% less than the rates in effect on June 30,
20 2002.

21 Notwithstanding any other provision of this Section, for
22 facilities licensed by the Department of Public Health under
23 the Nursing Home Care Act as skilled nursing facilities or
24 intermediate care facilities, if the payment methodologies
25 required under Section 5A-12 and the waiver granted under 42
26 CFR 433.68 are approved by the United States Centers for

1 Medicare and Medicaid Services, the rates taking effect on July
2 1, 2004 shall be 3.0% greater than the rates in effect on June
3 30, 2004. These rates shall take effect only upon approval and
4 implementation of the payment methodologies required under
5 Section 5A-12.

6 Notwithstanding any other provisions of this Section, for
7 facilities licensed by the Department of Public Health under
8 the Nursing Home Care Act as skilled nursing facilities or
9 intermediate care facilities, the rates taking effect on
10 January 1, 2005 shall be 3% more than the rates in effect on
11 December 31, 2004.

12 Notwithstanding any other provision of this Section, for
13 facilities licensed by the Department of Public Health under
14 the Nursing Home Care Act as skilled nursing facilities or
15 intermediate care facilities, effective January 1, 2009, the
16 per diem support component of the rates effective on January 1,
17 2008, computed using the most recent cost reports on file with
18 the Department of Healthcare and Family Services no later than
19 April 1, 2005, updated for inflation to January 1, 2006, shall
20 be increased to the amount that would have been derived using
21 standard Department of Healthcare and Family Services methods,
22 procedures, and inflators.

23 Notwithstanding any other provisions of this Section, for
24 facilities licensed by the Department of Public Health under
25 the Nursing Home Care Act as intermediate care facilities that
26 are federally defined as Institutions for Mental Disease, a

1 socio-development component rate equal to 6.6% of the
2 facility's nursing component rate as of January 1, 2006 shall
3 be established and paid effective July 1, 2006. The
4 socio-development component of the rate shall be increased by a
5 factor of 2.53 on the first day of the month that begins at
6 least 45 days after January 11, 2008 (the effective date of
7 Public Act 95-707). As of August 1, 2008, the socio-development
8 component rate shall be equal to 6.6% of the facility's nursing
9 component rate as of January 1, 2006, multiplied by a factor of
10 3.53. The Illinois Department may by rule adjust these
11 socio-development component rates, but in no case may such
12 rates be diminished.

13 For facilities licensed by the Department of Public Health
14 under the Nursing Home Care Act as Intermediate Care for the
15 Developmentally Disabled facilities or as long-term care
16 facilities for residents under 22 years of age, the rates
17 taking effect on July 1, 2003 shall include a statewide
18 increase of 4%, as defined by the Department.

19 For facilities licensed by the Department of Public Health
20 under the Nursing Home Care Act as Intermediate Care for the
21 Developmentally Disabled facilities or Long Term Care for Under
22 Age 22 facilities, the rates taking effect on the first day of
23 the month that begins at least 45 days after the effective date
24 of this amendatory Act of the 95th General Assembly shall
25 include a statewide increase of 2.5%, as defined by the
26 Department.

1 Notwithstanding any other provision of this Section, for
2 facilities licensed by the Department of Public Health under
3 the Nursing Home Care Act as skilled nursing facilities or
4 intermediate care facilities, effective January 1, 2005,
5 facility rates shall be increased by the difference between (i)
6 a facility's per diem property, liability, and malpractice
7 insurance costs as reported in the cost report filed with the
8 Department of Public Aid and used to establish rates effective
9 July 1, 2001 and (ii) those same costs as reported in the
10 facility's 2002 cost report. These costs shall be passed
11 through to the facility without caps or limitations, except for
12 adjustments required under normal auditing procedures.

13 Rates established effective each July 1 shall govern
14 payment for services rendered throughout that fiscal year,
15 except that rates established on July 1, 1996 shall be
16 increased by 6.8% for services provided on or after January 1,
17 1997. Such rates will be based upon the rates calculated for
18 the year beginning July 1, 1990, and for subsequent years
19 thereafter until June 30, 2001 shall be based on the facility
20 cost reports for the facility fiscal year ending at any point
21 in time during the previous calendar year, updated to the
22 midpoint of the rate year. The cost report shall be on file
23 with the Department no later than April 1 of the current rate
24 year. Should the cost report not be on file by April 1, the
25 Department shall base the rate on the latest cost report filed
26 by each skilled care facility and intermediate care facility,

1 updated to the midpoint of the current rate year. In
2 determining rates for services rendered on and after July 1,
3 1985, fixed time shall not be computed at less than zero. The
4 Department shall not make any alterations of regulations which
5 would reduce any component of the Medicaid rate to a level
6 below what that component would have been utilizing in the rate
7 effective on July 1, 1984.

8 (2) Shall take into account the actual costs incurred by
9 facilities in providing services for recipients of skilled
10 nursing and intermediate care services under the medical
11 assistance program.

12 (3) Shall take into account the medical and psycho-social
13 characteristics and needs of the patients.

14 (4) Shall take into account the actual costs incurred by
15 facilities in meeting licensing and certification standards
16 imposed and prescribed by the State of Illinois, any of its
17 political subdivisions or municipalities and by the U.S.
18 Department of Health and Human Services pursuant to Title XIX
19 of the Social Security Act.

20 The Department of Healthcare and Family Services shall
21 develop precise standards for payments to reimburse nursing
22 facilities for any utilization of appropriate rehabilitative
23 personnel for the provision of rehabilitative services which is
24 authorized by federal regulations, including reimbursement for
25 services provided by qualified therapists or qualified
26 assistants, and which is in accordance with accepted

1 professional practices. Reimbursement also may be made for
2 utilization of other supportive personnel under appropriate
3 supervision.

4 (Source: P.A. 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707,
5 eff. 1-11-08; 95-744, eff. 7-18-08; 96-45, eff. 7-15-09.)

6 (Text of Section after amendment by P.A. 96-339)

7 Sec. 5-5.4. Standards of Payment - Department of Healthcare
8 and Family Services. The Department of Healthcare and Family
9 Services shall develop standards of payment of skilled nursing
10 and intermediate care services in facilities providing such
11 services under this Article which:

12 (1) Provide for the determination of a facility's payment
13 for skilled nursing and intermediate care services on a
14 prospective basis. The amount of the payment rate for all
15 nursing facilities certified by the Department of Public Health
16 under the MR/DD Community Care Act or the Nursing Home Care Act
17 as Intermediate Care for the Developmentally Disabled
18 facilities, Long Term Care for Under Age 22 facilities, Skilled
19 Nursing facilities, or Intermediate Care facilities under the
20 medical assistance program shall be prospectively established
21 annually on the basis of historical, financial, and statistical
22 data reflecting actual costs from prior years, which shall be
23 applied to the current rate year and updated for inflation,
24 except that the capital cost element for newly constructed
25 facilities shall be based upon projected budgets. The annually

1 established payment rate shall take effect on July 1 in 1984
2 and subsequent years. No rate increase and no update for
3 inflation shall be provided on or after July 1, 1994 and before
4 July 1, 2010, unless specifically provided for in this Section.
5 The changes made by Public Act 93-841 extending the duration of
6 the prohibition against a rate increase or update for inflation
7 are effective retroactive to July 1, 2004.

8 For facilities licensed by the Department of Public Health
9 under the Nursing Home Care Act as Intermediate Care for the
10 Developmentally Disabled facilities or Long Term Care for Under
11 Age 22 facilities, the rates taking effect on July 1, 1998
12 shall include an increase of 3%. For facilities licensed by the
13 Department of Public Health under the Nursing Home Care Act as
14 Skilled Nursing facilities or Intermediate Care facilities,
15 the rates taking effect on July 1, 1998 shall include an
16 increase of 3% plus \$1.10 per resident-day, as defined by the
17 Department. For facilities licensed by the Department of Public
18 Health under the MR/DD Community Care Act as Intermediate Care
19 Facilities for the Developmentally Disabled or Long Term Care
20 for Under Age 22 facilities, the rates taking effect on July 1,
21 2010 shall include an increase sufficient to provide a \$0.50
22 per-hour wage increase for non-executive staff. For facilities
23 licensed by the Department of Public Health under the Nursing
24 Home Care Act as Intermediate Care Facilities for the
25 Developmentally Disabled or Long Term Care for Under Age 22
26 facilities, the rates taking effect on January 1, 2006 shall

1 include an increase of 3%. For facilities licensed by the
2 Department of Public Health under the Nursing Home Care Act as
3 Intermediate Care Facilities for the Developmentally Disabled
4 or Long Term Care for Under Age 22 facilities, the rates taking
5 effect on January 1, 2009 shall include an increase sufficient
6 to provide a \$0.50 per hour wage increase for non-executive
7 staff.

8 For facilities licensed by the Department of Public Health
9 under the Nursing Home Care Act as Intermediate Care for the
10 Developmentally Disabled facilities or Long Term Care for Under
11 Age 22 facilities, the rates taking effect on July 1, 1999
12 shall include an increase of 1.6% plus \$3.00 per resident-day,
13 as defined by the Department. For facilities licensed by the
14 Department of Public Health under the Nursing Home Care Act as
15 Skilled Nursing facilities or Intermediate Care facilities,
16 the rates taking effect on July 1, 1999 shall include an
17 increase of 1.6% and, for services provided on or after October
18 1, 1999, shall be increased by \$4.00 per resident-day, as
19 defined by the Department.

20 For facilities licensed by the Department of Public Health
21 under the Nursing Home Care Act as Intermediate Care for the
22 Developmentally Disabled facilities or Long Term Care for Under
23 Age 22 facilities, the rates taking effect on July 1, 2000
24 shall include an increase of 2.5% per resident-day, as defined
25 by the Department. For facilities licensed by the Department of
26 Public Health under the Nursing Home Care Act as Skilled

1 Nursing facilities or Intermediate Care facilities, the rates
2 taking effect on July 1, 2000 shall include an increase of 2.5%
3 per resident-day, as defined by the Department.

4 For facilities licensed by the Department of Public Health
5 under the Nursing Home Care Act as skilled nursing facilities
6 or intermediate care facilities, a new payment methodology must
7 be implemented for the nursing component of the rate effective
8 July 1, 2003. The Department of Public Aid (now Healthcare and
9 Family Services) shall develop the new payment methodology
10 using the Minimum Data Set (MDS) as the instrument to collect
11 information concerning nursing home resident condition
12 necessary to compute the rate. The Department shall develop the
13 new payment methodology to meet the unique needs of Illinois
14 nursing home residents while remaining subject to the
15 appropriations provided by the General Assembly. A transition
16 period from the payment methodology in effect on June 30, 2003
17 to the payment methodology in effect on July 1, 2003 shall be
18 provided for a period not exceeding 3 years and 184 days after
19 implementation of the new payment methodology as follows:

20 (A) For a facility that would receive a lower nursing
21 component rate per patient day under the new system than
22 the facility received effective on the date immediately
23 preceding the date that the Department implements the new
24 payment methodology, the nursing component rate per
25 patient day for the facility shall be held at the level in
26 effect on the date immediately preceding the date that the

1 Department implements the new payment methodology until a
2 higher nursing component rate of reimbursement is achieved
3 by that facility.

4 (B) For a facility that would receive a higher nursing
5 component rate per patient day under the payment
6 methodology in effect on July 1, 2003 than the facility
7 received effective on the date immediately preceding the
8 date that the Department implements the new payment
9 methodology, the nursing component rate per patient day for
10 the facility shall be adjusted.

11 (C) Notwithstanding paragraphs (A) and (B), the
12 nursing component rate per patient day for the facility
13 shall be adjusted subject to appropriations provided by the
14 General Assembly.

15 For facilities licensed by the Department of Public Health
16 under the Nursing Home Care Act as Intermediate Care for the
17 Developmentally Disabled facilities or Long Term Care for Under
18 Age 22 facilities, the rates taking effect on March 1, 2001
19 shall include a statewide increase of 7.85%, as defined by the
20 Department.

21 Notwithstanding any other provision of this Section, for
22 facilities licensed by the Department of Public Health under
23 the Nursing Home Care Act as skilled nursing facilities or
24 intermediate care facilities, the numerator of the ratio used
25 by the Department of Healthcare and Family Services to compute
26 the rate payable under this Section using the Minimum Data Set

1 (MDS) methodology shall incorporate the following annual
2 amounts as the additional funds appropriated to the Department
3 specifically to pay for rates based on the MDS nursing
4 component methodology in excess of the funding in effect on
5 December 31, 2006:

6 (i) For rates taking effect January 1, 2007,
7 \$60,000,000.

8 (ii) For rates taking effect January 1, 2008,
9 \$110,000,000.

10 (iii) For rates taking effect January 1, 2009,
11 \$194,000,000.

12 Notwithstanding any other provision of this Section, for
13 facilities licensed by the Department of Public Health under
14 the Nursing Home Care Act as skilled nursing facilities or
15 intermediate care facilities, the support component of the
16 rates taking effect on January 1, 2008 shall be computed using
17 the most recent cost reports on file with the Department of
18 Healthcare and Family Services no later than April 1, 2005,
19 updated for inflation to January 1, 2006.

20 For facilities licensed by the Department of Public Health
21 under the Nursing Home Care Act as Intermediate Care for the
22 Developmentally Disabled facilities or Long Term Care for Under
23 Age 22 facilities, the rates taking effect on April 1, 2002
24 shall include a statewide increase of 2.0%, as defined by the
25 Department. This increase terminates on July 1, 2002; beginning
26 July 1, 2002 these rates are reduced to the level of the rates

1 in effect on March 31, 2002, as defined by the Department.

2 For facilities licensed by the Department of Public Health
3 under the Nursing Home Care Act as skilled nursing facilities
4 or intermediate care facilities, the rates taking effect on
5 July 1, 2001 shall be computed using the most recent cost
6 reports on file with the Department of Public Aid no later than
7 April 1, 2000, updated for inflation to January 1, 2001. For
8 rates effective July 1, 2001 only, rates shall be the greater
9 of the rate computed for July 1, 2001 or the rate effective on
10 June 30, 2001.

11 Notwithstanding any other provision of this Section, for
12 facilities licensed by the Department of Public Health under
13 the Nursing Home Care Act as skilled nursing facilities or
14 intermediate care facilities, the Illinois Department shall
15 determine by rule the rates taking effect on July 1, 2002,
16 which shall be 5.9% less than the rates in effect on June 30,
17 2002.

18 Notwithstanding any other provision of this Section, for
19 facilities licensed by the Department of Public Health under
20 the Nursing Home Care Act as skilled nursing facilities or
21 intermediate care facilities, if the payment methodologies
22 required under Section 5A-12 and the waiver granted under 42
23 CFR 433.68 are approved by the United States Centers for
24 Medicare and Medicaid Services, the rates taking effect on July
25 1, 2004 shall be 3.0% greater than the rates in effect on June
26 30, 2004. These rates shall take effect only upon approval and

1 implementation of the payment methodologies required under
2 Section 5A-12.

3 Notwithstanding any other provisions of this Section, for
4 facilities licensed by the Department of Public Health under
5 the Nursing Home Care Act as skilled nursing facilities or
6 intermediate care facilities, the rates taking effect on
7 January 1, 2005 shall be 3% more than the rates in effect on
8 December 31, 2004.

9 Notwithstanding any other provision of this Section, for
10 facilities licensed by the Department of Public Health under
11 the Nursing Home Care Act as skilled nursing facilities or
12 intermediate care facilities, effective January 1, 2009, the
13 per diem support component of the rates effective on January 1,
14 2008, computed using the most recent cost reports on file with
15 the Department of Healthcare and Family Services no later than
16 April 1, 2005, updated for inflation to January 1, 2006, shall
17 be increased to the amount that would have been derived using
18 standard Department of Healthcare and Family Services methods,
19 procedures, and inflators.

20 Notwithstanding any other provisions of this Section, for
21 facilities licensed by the Department of Public Health under
22 the Nursing Home Care Act as intermediate care facilities that
23 are federally defined as Institutions for Mental Disease, a
24 socio-development component rate equal to 6.6% of the
25 facility's nursing component rate as of January 1, 2006 shall
26 be established and paid effective July 1, 2006. The

1 socio-development component of the rate shall be increased by a
2 factor of 2.53 on the first day of the month that begins at
3 least 45 days after January 11, 2008 (the effective date of
4 Public Act 95-707). As of August 1, 2008, the socio-development
5 component rate shall be equal to 6.6% of the facility's nursing
6 component rate as of January 1, 2006, multiplied by a factor of
7 3.53. The Illinois Department may by rule adjust these
8 socio-development component rates, but in no case may such
9 rates be diminished.

10 For facilities licensed by the Department of Public Health
11 under the Nursing Home Care Act as Intermediate Care for the
12 Developmentally Disabled facilities or as long-term care
13 facilities for residents under 22 years of age, the rates
14 taking effect on July 1, 2003 shall include a statewide
15 increase of 4%, as defined by the Department.

16 For facilities licensed by the Department of Public Health
17 under the Nursing Home Care Act as Intermediate Care for the
18 Developmentally Disabled facilities or Long Term Care for Under
19 Age 22 facilities, the rates taking effect on the first day of
20 the month that begins at least 45 days after the effective date
21 of this amendatory Act of the 95th General Assembly shall
22 include a statewide increase of 2.5%, as defined by the
23 Department.

24 Notwithstanding any other provision of this Section, for
25 facilities licensed by the Department of Public Health under
26 the Nursing Home Care Act as skilled nursing facilities or

1 intermediate care facilities, effective January 1, 2005,
2 facility rates shall be increased by the difference between (i)
3 a facility's per diem property, liability, and malpractice
4 insurance costs as reported in the cost report filed with the
5 Department of Public Aid and used to establish rates effective
6 July 1, 2001 and (ii) those same costs as reported in the
7 facility's 2002 cost report. These costs shall be passed
8 through to the facility without caps or limitations, except for
9 adjustments required under normal auditing procedures.

10 Rates established effective each July 1 shall govern
11 payment for services rendered throughout that fiscal year,
12 except that rates established on July 1, 1996 shall be
13 increased by 6.8% for services provided on or after January 1,
14 1997. Such rates will be based upon the rates calculated for
15 the year beginning July 1, 1990, and for subsequent years
16 thereafter until June 30, 2001 shall be based on the facility
17 cost reports for the facility fiscal year ending at any point
18 in time during the previous calendar year, updated to the
19 midpoint of the rate year. The cost report shall be on file
20 with the Department no later than April 1 of the current rate
21 year. Should the cost report not be on file by April 1, the
22 Department shall base the rate on the latest cost report filed
23 by each skilled care facility and intermediate care facility,
24 updated to the midpoint of the current rate year. In
25 determining rates for services rendered on and after July 1,
26 1985, fixed time shall not be computed at less than zero. The

1 Department shall not make any alterations of regulations which
2 would reduce any component of the Medicaid rate to a level
3 below what that component would have been utilizing in the rate
4 effective on July 1, 1984.

5 (2) Shall take into account the actual costs incurred by
6 facilities in providing services for recipients of skilled
7 nursing and intermediate care services under the medical
8 assistance program.

9 (3) Shall take into account the medical and psycho-social
10 characteristics and needs of the patients.

11 (4) Shall take into account the actual costs incurred by
12 facilities in meeting licensing and certification standards
13 imposed and prescribed by the State of Illinois, any of its
14 political subdivisions or municipalities and by the U.S.
15 Department of Health and Human Services pursuant to Title XIX
16 of the Social Security Act.

17 The Department of Healthcare and Family Services shall
18 develop precise standards for payments to reimburse nursing
19 facilities for any utilization of appropriate rehabilitative
20 personnel for the provision of rehabilitative services which is
21 authorized by federal regulations, including reimbursement for
22 services provided by qualified therapists or qualified
23 assistants, and which is in accordance with accepted
24 professional practices. Reimbursement also may be made for
25 utilization of other supportive personnel under appropriate
26 supervision.

1 (Source: P.A. 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707,
2 eff. 1-11-08; 95-744, eff. 7-18-08; 96-45, eff. 7-15-09;
3 96-339, eff. 7-1-10; revised 10-23-09.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.