



Sen. Jeffrey M. Schoenberg

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1 AMENDMENT TO SENATE BILL 3762

2 AMENDMENT NO. _____. Amend Senate Bill 3762 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 adding Section 5-5.5b as follows:

6 (305 ILCS 5/5-5.5b new)

7 Sec. 5-5.5b. Medicaid Revenue Maximization.

8 (a) Purpose. The General Assembly finds that there is a
9 need to make changes to the administration of services provided
10 by State and local governments in order to maximize federal
11 financial participation.

12 (b) Definitions. As used in this Section:

13 "Community Medicaid mental health services" means all
14 mental health services outlined in Section 132 of Title 59 of
15 the Illinois Administrative Code that are Medicaid funded and
16 provided by a community-based provider.

1 "Community-based provider" means an entity enrolled as a
2 provider pursuant to Sections 140.11 and 140.12 of Title 89 of
3 the Illinois Administrative Code and certified to provide
4 community Medicaid mental health services in accordance with
5 Section 132 of Title 59 of the Illinois Administrative Code.

6 "CTA" means the Chicago Transit Authority.

7 "DCFS" means the Department of Children and Family
8 Services.

9 "Department" means the Illinois Department of Healthcare
10 and Family Services.

11 "Developmentally disabled care facility" means an
12 intermediate care facility for the mentally retarded within the
13 meaning of Title XIX of the Social Security Act, whether public
14 or private and whether organized for profit or not-for-profit,
15 but shall not include any facility operated by the State.

16 "Developmentally disabled care provider" means a person
17 conducting, operating, or maintaining a developmentally
18 disabled care facility. For purposes of this definition,
19 "person" means any political subdivision of the State,
20 municipal corporation, individual, firm, partnership,
21 corporation, company, limited liability company, association,
22 joint stock association, or trust, or a receiver, executor,
23 trustee, guardian, or other representative appointed by order
24 of any court.

25 "DHS" means the Illinois Department of Human Services.

26 "Hospital" means an institution, place, building, or

1 agency located in this State that is licensed as a general
2 acute hospital by the Illinois Department of Public Health
3 under the Hospital Licensing Act, whether public or private and
4 whether organized for profit or not-for-profit.

5 "Long term care facility" means (i) a skilled nursing or
6 intermediate long term care facility, whether public or private
7 and whether organized for profit or not-for-profit, that is
8 subject to licensure by the Illinois Department of Public
9 Health under the Nursing Home Care Act, including a county
10 nursing home directed and maintained under Section 5-1005 of
11 the Counties Code, and (ii) a part of a hospital in which
12 skilled or intermediate long term care services within the
13 meaning of Title XVIII or XIX of the Social Security Act are
14 provided; except that the term "long term care facility" does
15 not include a facility operated solely as an intermediate care
16 facility for the mentally retarded within the meaning of Title
17 XIX of the Social Security Act.

18 "Long term care provider" means (i) a person licensed by
19 the Department of Public Health to operate and maintain a
20 skilled nursing or intermediate long term care facility or (ii)
21 a hospital provider that provides skilled or intermediate long
22 term care services within the meaning of Title XVIII or XIX of
23 the Social Security Act. For purposes of this definition,
24 "person" means any political subdivision of the State,
25 municipal corporation, individual, firm, partnership,
26 corporation, company, limited liability company, association,

1 joint stock association, or trust, or a receiver, executor,
2 trustee, guardian, or other representative appointed by order
3 of any court.

4 "State-operated developmentally disabled care facility"
5 means an intermediate care facility for the mentally retarded
6 within the meaning of Title XIX of the Social Security Act
7 operated by the State.

8 (c) Administration and deposit of Revenues. The Department
9 shall coordinate the implementation of changes required by this
10 amendatory Act of the 96th General Assembly amongst the various
11 State and local government bodies that administer programs
12 referred to in this Section.

13 Revenues generated by program changes mandated by any
14 provision in this Section, less reasonable administrative
15 costs associated with the implementation of these program
16 changes, shall be deposited into the Healthcare Provider Relief
17 Fund.

18 All changes required by this Section shall be implemented
19 no later than December 15, 2010.

20 The Department shall issue a report to the General Assembly
21 detailing the implementation of this amendatory Act of the 96th
22 General Assembly no later than March 31, 2011.

23 (d) Acceleration of administrative vouchers. The
24 Department shall create all vouchers for long term care
25 facilities and developmentally disabled care facilities for
26 dates of service in November and December 2010 and shall, no

1 later than December 15, 2010, submit these vouchers to the
2 Comptroller for payment.

3 The Department of Human Services shall create the necessary
4 documentation for State-operated developmentally disabled care
5 facilities so that the necessary data for dates of service
6 before January 1, 2011 can be adjudicated by the Department no
7 later than December 15, 2010.

8 (e) Conversion of DHS grant programs to fee-for-service.
9 After the effective date of this amendatory Act of the 96th
10 General Assembly, community Medicaid mental health services
11 provided by community-based providers shall no longer be
12 included in contracts with DHS. Instead, community Medicaid
13 mental health services provided by a community-based provider
14 must be billed directly to the Department and must be separate
15 from contracts between the Department of Human Services and
16 community-based providers for all other mental health
17 services.

18 Rates of reimbursement for community Medicaid mental
19 health services shall be consistent with rates outlined in
20 Section 132 of Title 59 of the Illinois Administrative Code.

21 (f) DCFS Medicaid services. The Department shall work with
22 DCFS to identify all existing grants that can be converted to
23 Medicaid fee-for-service in order to secure federal financial
24 revenue.

25 All appropriations and administrative responsibilities for
26 such services shall be transferred to the Department from DCFS.

1 (g) Third Party Liability recoveries. The Department shall
2 contract with a vendor to support the Department in
3 coordinating benefits for Medicaid enrollees. The scope of work
4 shall include, at a minimum, the identification of other
5 insurance for Medicaid enrollees and the recovery of funds paid
6 by the Department when another payer was liable. The vendor
7 shall be paid a percentage of the recovered funds when
8 practical and subject to federal law.

9 (h) CTA transportation to Medical providers for service.
10 The Department, working with its DataWarehouse vendor and the
11 CTA, shall create a process to identify transportation services
12 provided to Medicaid enrollees.

13 The Department shall assist the CTA in determining total
14 costs associated with the provision of transportation services
15 to Medicaid enrollees.

16 The Department shall determine and draw the maximum
17 allowable federal matching dollars associated with the cost of
18 CTA services provided to Medicaid enrollees.

19 (i) Public health departments. The Department shall
20 identify unreimbursed costs for persons covered by Medicaid who
21 are served by the Chicago Department of Public Health.

22 The Department shall assist the Chicago Department of
23 Public Health in determining total unreimbursed costs
24 associated with the provision of healthcare services to
25 Medicaid enrollees.

26 The Department shall determine and draw the maximum

1 allowable federal matching dollars associated with the cost of
2 Chicago Department of Public Health services provided to
3 Medicaid enrollees.

4 (j) Acceleration of hospital-based payments. The
5 Department shall, by December 10, 2010, create vouchers for all
6 State fiscal year 2011 hospital payments exempt from the prompt
7 payment requirements of the American Recovery and Reinvestment
8 Act of 2009. The Department shall, no later than December 15,
9 2010, submit these vouchers to the Comptroller for payment.

10 Section 10. The Community Services Act is amended by adding
11 Section 4.8 as follows:

12 (405 ILCS 30/4.8 new)

13 Sec. 4.8. Payments for community Medicaid mental health
14 services.

15 (a) After the effective date of this amendatory Act of the
16 96th General Assembly, community Medicaid mental health
17 services provided by community-based providers shall no longer
18 be included in contracts with the Department of Human Services.
19 Instead, community Medicaid mental health services provided by
20 a community-based provider must be billed directly to the
21 Department of Healthcare and Family Services and must be
22 separate from contracts between the Department of Human
23 Services and community-based providers for all other mental
24 health services. Rates of reimbursement for community Medicaid

1 mental health services shall be consistent with rates outlined
2 in Section 132 of Title 59 of the Illinois Administrative Code.

3 (b) For purposes of this Section:

4 "Community Medicaid mental health services" means all
5 mental health services outlined in Section 132 of Title 59 of
6 the Illinois Administrative Code that are Medicaid funded and
7 provided by a community-based provider.

8 "Community-based provider" means an entity enrolled as a
9 provider pursuant to Sections 140.11 and 140.12 of Title 89 of
10 the Illinois Administrative Code and certified to provide
11 community Medicaid mental health services in accordance with
12 Section 132 of Title 59 of the Illinois Administrative Code.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."