

1 AN ACT concerning health.

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) Amounts paid to the State during each State fiscal year
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 100% into the Community Mental Health Medicaid Trust
17 Fund. Not more than \$4,500,000 of the Community Mental Health
18 Medicaid Trust Fund may be used by the Department of Human
19 Services' Division of Mental Health for oversight and
20 administration of community mental health services, and of that
21 amount no more than \$1,000,000 may be used for the support of
22 community mental health service initiatives. The remainder
23 shall be used for the purchase of community mental health

1 services.

2 (b-5) Whenever a State mental health facility operated by
3 the Department is closed and the real estate on which the
4 facility is located is sold by the State, the net proceeds of
5 the sale of the real estate shall be deposited into the
6 Community Mental Health Medicaid Trust Fund and used for the
7 purposes enumerated in subsections (c) and (c-1) of Section 4.6
8 of the Community Services Act; however, under subsection (e) of
9 Section 4.6 of the Community Services Act, the Department may
10 set aside a portion of the net proceeds of the sale of the real
11 estate for deposit into the Human Services Priority Capital
12 Program Fund. The portion set aside shall be used for the
13 purposes enumerated in Section 6z-71 of the State Finance Act.

14 (c) The Department shall reimburse community mental health
15 providers for services provided to eligible individuals.
16 Moneys in the Trust Fund may be used for that purpose.

17 (c-5) The Community Mental Health Medicaid Trust Fund is
18 not subject to administrative charge-backs.

19 (c-10) The Department of Human Services shall annually
20 report to the Governor and the General Assembly, by September
21 1, on both the total revenue deposited into the Trust Fund and
22 the total expenditures made from the Trust Fund for the
23 previous fiscal year. This report shall include detailed
24 descriptions of both revenues and expenditures regarding the
25 Trust Fund from the previous fiscal year. This report shall be
26 presented by the Secretary of Human Services to the appropriate

1 Appropriations Committee in the House of Representatives, as
2 determined by the Speaker of the House, and in the Senate, as
3 determined by the President of the Senate. This report shall be
4 made available to the public and shall be published on the
5 Department of Human Services' website in an appropriate
6 location, a minimum of one week prior to presentation of the
7 report to the General Assembly.

8 (d) As used in this Section:

9 "Trust Fund" means the Community Mental Health Medicaid
10 Trust Fund.

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

13 "Service" means a mental health service provided pursuant
14 to the provisions of administrative rules adopted by the
15 Department and funded by or claimed through the Department of
16 Human Services' Division of Mental Health.

17 (Source: P.A. 96-660, eff. 8-25-09; 96-820, eff. 11-18-09;
18 96-868, eff. 7-1-12; 97-333, eff. 8-12-11.)

19 (20 ILCS 1705/18.5)

20 Sec. 18.5. Community Developmental Disability Services
21 Medicaid Trust Fund; reimbursement.

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

24 (b) Except as provided in subsection (b-5), any funds in
25 any fiscal year paid to the State by the federal government

1 under Title XIX or Title XXI of the Social Security Act for
2 services delivered by community developmental disability
3 services providers for services relating to Developmental
4 Training and Community Integrated Living Arrangements as a
5 result of the conversion of such providers from a grant payment
6 methodology to a fee-for-service payment methodology, or any
7 other funds paid to the State for any subsequent revenue
8 maximization initiatives performed by such providers, and any
9 interest earned thereon, shall be deposited directly into the
10 Community Developmental Disability Services Medicaid Trust
11 Fund to pay for Medicaid-reimbursed community developmental
12 disability services provided to eligible individuals.

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

20 (b-7) The Community Developmental Disability Services
21 Medicaid Trust Fund is not subject to administrative
22 charge-backs.

23 (b-9) The Department of Human Services shall annually
24 report to the Governor and the General Assembly, by September
25 1, on both the total revenue deposited into the Trust Fund and
26 the total expenditures made from the Trust Fund for the

1 previous fiscal year. This report shall include detailed
2 descriptions of both revenues and expenditures regarding the
3 Trust Fund from the previous fiscal year. This report shall be
4 presented by the Secretary of Human Services to the appropriate
5 Appropriations Committee in the House of Representatives, as
6 determined by the Speaker of the House, and in the Senate, as
7 determined by the President of the Senate. This report shall be
8 made available to the public and shall be published on the
9 Department of Human Services' website in an appropriate
10 location, a minimum of one week prior to presentation of the
11 report to the General Assembly.

12 (b-10) Whenever a State developmental disabilities
13 facility operated by the Department is closed and the real
14 estate on which the facility is located is sold by the State,
15 the net proceeds of the sale of the real estate shall be
16 deposited into the Community Developmental Disability Services
17 Medicaid Trust Fund and used for the purposes enumerated in
18 subsections (c) and (d) of Section 4.6 of the Community
19 Services Act; however, under subsection (e) of Section 4.6 of
20 the Community Services Act, the Department may set aside a
21 portion of the net proceeds of the sale of the real estate for
22 deposit into the Human Services Priority Capital Program Fund.
23 The portion set aside shall be used for the purposes enumerated
24 in Section 6z-71 of the State Finance Act.

25 (c) For purposes of this Section:

26 "Trust Fund" means the Community Developmental Disability

1 Services Medicaid Trust Fund.

2 "Medicaid-reimbursed developmental disability services"
3 means services provided by a community developmental
4 disability provider under an agreement with the Department that
5 is eligible for reimbursement under the federal Title XIX
6 program or Title XXI program.

7 "Provider" means a qualified entity as defined in the
8 State's Home and Community-Based Services Waiver for Persons
9 with Developmental Disabilities that is funded by the
10 Department to provide a Medicaid-reimbursed service.

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

14 (Source: P.A. 96-660, eff. 8-25-09; 96-868, eff. 7-1-12.)

15 Section 10. The State Finance Act is amended by changing
16 Section 6z-71 as follows:

17 (30 ILCS 105/6z-71)

18 Sec. 6z-71. Human Services Priority Capital Program Fund.
19 The Human Services Priority Capital Program Fund is created as
20 a special fund in the State treasury. Subject to appropriation,
21 the Department of Human Services shall use moneys in the Human
22 Services Priority Capital Program Fund to make grants to the
23 Illinois Facilities Fund, a not-for-profit corporation, to
24 make long term below market rate loans to nonprofit human

1 service providers working under contract to the State of
2 Illinois to assist those providers in meeting their capital
3 needs. The loans shall be for the purpose of such capital
4 needs, including but not limited to special use facilities,
5 requirements for serving the disabled, mentally ill, or
6 substance abusers, and medical and technology equipment. Loan
7 repayments shall be deposited into the Human Services Priority
8 Capital Program Fund. Interest income may be used to cover
9 expenses of the program. The Illinois Facilities Fund shall
10 report to the Department of Human Services and the General
11 Assembly by April 1, 2008, and again by April 1, 2009, as to
12 the use and earnings of the program.

13 A portion of the proceeds from the sale of a mental health
14 facility or developmental disabilities facility operated by
15 the Department of Human Services may be deposited into the Fund
16 and may be used for the purposes described in this Section.

17 (Source: P.A. 95-707, eff. 1-11-08; 95-744, eff. 7-18-08.)

18 Section 15. The Community Services Act is amended by
19 changing Section 4.6 as follows:

20 (405 ILCS 30/4.6)

21 Sec. 4.6. Closure and sale of State mental health or
22 developmental disabilities facility.

23 (a) Whenever a State mental health facility operated by the
24 Department of Human Services is closed and the real estate on

1 which the facility is located is sold by the State, then, to
2 the extent that net proceeds are realized from the sale of that
3 real estate, those net proceeds must be used for mental health
4 services or to support mental health services ~~directed toward~~
5 ~~providing other services and supports for persons with mental~~
6 ~~health needs~~. To that end, those net proceeds shall be
7 deposited into the Community Mental Health Medicaid Trust Fund.
8 The net proceeds from the sale of a State mental health
9 facility may be spent over a number of fiscal years and are not
10 required to be spent in the same fiscal year in which they are
11 deposited.

12 (b) Whenever a State developmental disabilities facility
13 operated by the Department of Human Services is closed and the
14 real estate on which the facility is located is sold by the
15 State, then, to the extent that net proceeds are realized from
16 the sale of that real estate, those net proceeds must be
17 directed toward providing other services and supports for
18 persons with developmental disabilities needs. To that end,
19 those net proceeds shall be deposited into the Community
20 Developmental Disability Services Medicaid Trust Fund. The net
21 proceeds from the sale of a State developmental disabilities
22 facility may be spent over a number of fiscal years and are not
23 required to be spent in the same fiscal year in which they are
24 deposited.

25 (c) The sale of a State mental health or developmental
26 disabilities facility shall be done in accordance with

1 applicable State laws and, if a State mental health or
2 developmental disabilities facility to be sold has been
3 financed or refinanced with tax-exempt bonds, applicable
4 federal laws. In determining whether any net proceeds are
5 realized from a sale of real estate described in subsection (a)
6 or (b), the Division of Developmental Disabilities and the
7 Division of Mental Health of the Department of Human Services
8 shall each first determine the money, if any, that shall be
9 made available for infrastructure not to exceed 25% of the
10 proceeds of the sale of the real estate to ensure that life,
11 safety, and care concerns, ~~including infrastructure,~~ are
12 addressed so as to provide for persons with developmental
13 disabilities or mental illness at the remaining respective
14 State-operated facilities ~~that will be expected to serve the~~
15 ~~individuals previously served at the closed facility.~~ That
16 amount shall be excluded from the calculation of net proceeds
17 by the Division of Developmental Disabilities or the Division
18 of Mental Health, or both, of the Department of Human Services.
19 Amounts determined by the Department for infrastructure to be
20 necessary to ensure that life, safety, and care concerns are
21 addressed shall be deposited, respectively, into the Community
22 Mental Health Medicaid Trust Fund or the Community
23 Developmental Disability Services Medicaid Trust Fund.

24 (c-1) To the extent that a State mental health facility
25 which has been closed served a geographical area, at minimum,
26 40% of the resulting net proceeds of its sale shall be made

1 exclusively in the facility's geographical area. If any other
2 State-operated mental health facility which served a specific
3 geographic area was closed within one year before or after the
4 closure of the facility whose sale has resulted in net proceeds
5 under this Section, 20% of the proceeds shall be used to
6 provide services in the geographic area of this facility. The
7 remainder of the net proceeds may be spent anywhere in the
8 State. All net proceeds may be used for the following mental
9 health services and supports, to include, but not limited to:

10 (1) Permanent Supportive housing.

11 (2) Technology that enables behavioral health
12 providers to participate in health information exchanges.

13 (3) Assertive Community Treatment and Community
14 Support Team.

15 (4) Transitional living apartments.

16 (5) Crisis residential services targeted at diverting
17 persons with mental illnesses from emergency departments
18 (including peer run crisis services).

19 (6) Psychiatric services.

20 (7) Community mental health services targeted at
21 diverting persons with mental illness from the criminal
22 justice system.

23 (8) Individual Placement and Support and other
24 services to support employment.

25 (9) Alcohol and substance abuse treatment.

26 (d) The purposes for which the net proceeds from a sale of

1 real estate as provided in subsection (b) of this Section may
2 be used include, but are not limited to, the following:

3 (1) Providing individuals with developmental
4 disabilities community-based Medicaid services and
5 supports such as residential habilitation, day programs,
6 supported employment, home-based supports, therapies,
7 adaptive equipment, and home modifications.

8 (2) Assisting individuals with developmental
9 disabilities through case management, service
10 coordination, and assessments.

11 (3) Strengthening the service delivery system through
12 crisis intervention services.

13 (4) Enhancing the service delivery system through
14 infrastructure improvements, including technology
15 improvements.

16 ~~(1) Providing for individuals with developmental~~
17 ~~disabilities and mental health needs the services and~~
18 ~~supports described in subsection (c) of Section 4.4.~~

19 ~~(2) In the case of the closure of a mental health~~
20 ~~facility, the construction of a new facility to serve the~~
21 ~~needs of persons with mental health needs.~~

22 ~~(3) In the case of the closure of a developmental~~
23 ~~disabilities facility, construction of a new facility to~~
24 ~~serve the needs of persons with developmental disabilities~~
25 ~~needs.~~

26 (e) Whenever any net proceeds are realized from a sale of

1 real estate as provided in this Section, the Department of
2 Human Services shall share and discuss its plan or plans for
3 using those net proceeds with advocates, advocacy
4 organizations, and advisory groups whose mission includes
5 advocacy for persons with developmental disabilities or
6 persons with mental illness.

7 (f) Consistent with the provisions of Sections 4.4 and 4.5
8 of this Act, whenever a State mental health facility operated
9 by the Department of Human Services is closed, the Department
10 of Human Services, at the direction of the Governor, shall
11 transfer funds from the closed facility to the appropriate line
12 item providing appropriation authority for the new venue of
13 care to facilitate the transition of services to the new venue
14 of care, provided that the new venue of care is a Department of
15 Human Services funded provider or facility.

16 (g) As used in this Section, the term "mental health
17 facility" has the meaning ascribed to that term in the Mental
18 Health and Developmental Disabilities Code.

19 (Source: P.A. 98-403, eff. 1-1-14.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.