



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3980

by Rep. Kelly Burke

SYNOPSIS AS INTRODUCED:

305 ILCS 5/11-5.4

Amends the Illinois Public Aid Code. In provisions concerning advance payments to nursing facilities with significant outstanding Medicaid liability associated with services provided to residents with Medicaid applications pending and residents facing the greatest delays, provides that each facility with an advance payment shall enter into a contract with the Department of Healthcare and Family Services that specifies the terms and conditions of repayment of the advance (rather than that each facility with an advance payment shall state in writing whether its own recoupment schedule will be in 3 or 6 equal monthly installments, as long as all advances are recouped by June 30, 2015). Provides that repayment shall be in the form of no more than 6 equal payments and shall not commence until the processing time for long-term care eligibility determinations equals 90 or fewer days. Effective immediately.

LRB099 08720 KTG 30815 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 11-5.4 as follows:

6 (305 ILCS 5/11-5.4)

7 Sec. 11-5.4. Expedited long-term care eligibility
8 determination and enrollment.

9 (a) An expedited long-term care eligibility determination
10 and enrollment system shall be established to reduce long-term
11 care determinations to 90 days or fewer by July 1, 2014 and
12 streamline the long-term care enrollment process.
13 Establishment of the system shall be a joint venture of the
14 Department of Human Services and Healthcare and Family Services
15 and the Department on Aging. The Governor shall name a lead
16 agency no later than 30 days after the effective date of this
17 amendatory Act of the 98th General Assembly to assume
18 responsibility for the full implementation of the
19 establishment and maintenance of the system. Project outcomes
20 shall include an enhanced eligibility determination tracking
21 system accessible to providers and a centralized application
22 review and eligibility determination with all applicants
23 reviewed within 90 days of receipt by the State of a complete

1 application. If the Department of Healthcare and Family
2 Services' Office of the Inspector General determines that there
3 is a likelihood that a non-allowable transfer of assets has
4 occurred, and the facility in which the applicant resides is
5 notified, an extension of up to 90 days shall be permissible.
6 On or before December 31, 2015, a streamlined application and
7 enrollment process shall be put in place based on the following
8 principles:

9 (1) Minimize the burden on applicants by collecting
10 only the data necessary to determine eligibility for
11 medical services, long-term care services, and spousal
12 impoverishment offset.

13 (2) Integrate online data sources to simplify the
14 application process by reducing the amount of information
15 needed to be entered and to expedite eligibility
16 verification.

17 (3) Provide online prompts to alert the applicant that
18 information is missing or not complete.

19 (b) The Department shall, on or before July 1, 2014, assess
20 the feasibility of incorporating all information needed to
21 determine eligibility for long-term care services, including
22 asset transfer and spousal impoverishment financials, into the
23 State's integrated eligibility system identifying all
24 resources needed and reasonable timeframes for achieving the
25 specified integration.

26 (c) The lead agency shall file interim reports with the

1 Chairs and Minority Spokespersons of the House and Senate Human
2 Services Committees no later than September 1, 2013 and on
3 February 1, 2014. The Department of Healthcare and Family
4 Services shall include in the annual Medicaid report for State
5 Fiscal Year 2014 and every fiscal year thereafter information
6 concerning implementation of the provisions of this Section.

7 (d) No later than August 1, 2014, the Auditor General shall
8 report to the General Assembly concerning the extent to which
9 the timeframes specified in this Section have been met and the
10 extent to which State staffing levels are adequate to meet the
11 requirements of this Section.

12 (e) The Department of Healthcare and Family Services, the
13 Department of Human Services, and the Department on Aging shall
14 take the following steps to achieve federally established
15 timeframes for eligibility determinations for Medicaid and
16 long-term care benefits and shall work toward the federal goal
17 of real time determinations:

18 (1) The Departments shall review, in collaboration
19 with representatives of affected providers, all forms and
20 procedures currently in use, federal guidelines either
21 suggested or mandated, and staff deployment by September
22 30, 2014 to identify additional measures that can improve
23 long-term care eligibility processing and make adjustments
24 where possible.

25 (2) No later than June 30, 2014, the Department of
26 Healthcare and Family Services shall issue vouchers for

1 advance payments not to exceed \$50,000,000 to nursing
2 facilities with significant outstanding Medicaid liability
3 associated with services provided to residents with
4 Medicaid applications pending and residents facing the
5 greatest delays. Each facility with an advance payment
6 shall enter into a contract with the Department of
7 Healthcare and Family Services that specifies the terms and
8 conditions of repayment of the advance. Repayment shall be
9 in the form of no more than 6 equal payments and shall not
10 commence until the processing time for long-term care
11 eligibility determinations equals 90 or fewer days. state
12 ~~in writing whether its own recoupment schedule will be in 3~~
13 ~~or 6 equal monthly installments, as long as all advances~~
14 ~~are recouped by June 30, 2015.~~

15 (3) The Department of Healthcare and Family Services'
16 Office of Inspector General and the Department of Human
17 Services shall immediately forgo resource review and
18 review of transfers during the relevant look-back period
19 for applications that were submitted prior to September 1,
20 2013. An applicant who applied prior to September 1, 2013,
21 who was denied for failure to cooperate in providing
22 required information, and whose application was
23 incorrectly reviewed under the wrong look-back period
24 rules may request review and correction of the denial based
25 on this subsection. If found eligible upon review, such
26 applicants shall be retroactively enrolled.

1 (4) As soon as practicable, the Department of
2 Healthcare and Family Services shall implement policies
3 and promulgate rules to simplify financial eligibility
4 verification in the following instances: (A) for
5 applicants or recipients who are receiving Supplemental
6 Security Income payments or who had been receiving such
7 payments at the time they were admitted to a nursing
8 facility and (B) for applicants or recipients with verified
9 income at or below 100% of the federal poverty level when
10 the declared value of their countable resources is no
11 greater than the allowable amounts pursuant to Section 5-2
12 of this Code for classes of eligible persons for whom a
13 resource limit applies. Such simplified verification
14 policies shall apply to community cases as well as
15 long-term care cases.

16 (5) As soon as practicable, but not later than July 1,
17 2014, the Department of Healthcare and Family Services and
18 the Department of Human Services shall jointly begin a
19 special enrollment project by using simplified eligibility
20 verification policies and by redeploying caseworkers
21 trained to handle long-term care cases to prioritize those
22 cases, until the backlog is eliminated and processing time
23 is within 90 days. This project shall apply to applications
24 for long-term care received by the State on or before May
25 15, 2014.

26 (6) As soon as practicable, but not later than

1 September 1, 2014, the Department on Aging shall make
2 available to long-term care facilities and community
3 providers upon request, through an electronic method, the
4 information contained within the Interagency Certification
5 of Screening Results completed by the pre-screener, in a
6 form and manner acceptable to the Department of Human
7 Services.

8 (7) Effective 30 days after the completion of 3
9 regionally based trainings, nursing facilities shall
10 submit all applications for medical assistance online via
11 the Application for Benefits Eligibility (ABE) website.
12 This requirement shall extend to scanning and uploading
13 with the online application any required additional forms
14 such as the Long Term Care Facility Notification and the
15 Additional Financial Information for Long Term Care
16 Applicants as well as scanned copies of any supporting
17 documentation. Long-term care facility admission documents
18 must be submitted as required in Section 5-5 of this Code.
19 No local Department of Human Services office shall refuse
20 to accept an electronically filed application.

21 (8) Notwithstanding any other provision of this Code,
22 the Department of Human Services and the Department of
23 Healthcare and Family Services' Office of the Inspector
24 General shall, upon request, allow an applicant additional
25 time to submit information and documents needed as part of
26 a review of available resources or resources transferred

1 during the look-back period. The initial extension shall
2 not exceed 30 days. A second extension of 30 days may be
3 granted upon request. Any request for information issued by
4 the State to an applicant shall include the following: an
5 explanation of the information required and the date by
6 which the information must be submitted; a statement that
7 failure to respond in a timely manner can result in denial
8 of the application; a statement that the applicant or the
9 facility in the name of the applicant may seek an
10 extension; and the name and contact information of a
11 caseworker in case of questions. Any such request for
12 information shall also be sent to the facility. In deciding
13 whether to grant an extension, the Department of Human
14 Services or the Department of Healthcare and Family
15 Services' Office of the Inspector General shall take into
16 account what is in the best interest of the applicant. The
17 time limits for processing an application shall be tolled
18 during the period of any extension granted under this
19 subsection.

20 (9) The Department of Human Services and the Department
21 of Healthcare and Family Services must jointly compile data
22 on pending applications and post a monthly report on each
23 Department's website for the purposes of monitoring
24 long-term care eligibility processing. The report must
25 specify the number of applications pending long-term care
26 eligibility determination and admission in the following

1 categories:

2 (A) Length of time application is pending - 0 to 90
3 days, 91 days to 180 days, 181 days to 12 months, over
4 12 months to 18 months, over 18 months to 24 months,
5 and over 24 months.

6 (B) Percentage of applications pending in the
7 Department of Human Services' Family Community
8 Resource Centers, in the Department of Human Services'
9 long-term care hubs, with the Department of Healthcare
10 and Family Services' Office of Inspector General, and
11 those applications which are being tolled due to
12 requests for extension of time for additional
13 information.

14 (C) Status of pending applications.

15 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.