



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4178

Introduced 10/25/2023, by Rep. Jed Davis

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-2.06a new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Requires the Department of Healthcare and Family Services to apply for a Home and Community-Based Services State Plan amendment and any federal waiver necessary to reimburse legally responsible family caregivers as providers of personal care or home health aide services under the Illinois Title XIX State Plan Home and Community-Based Services benefit and the home and community-based services waiver program authorized under the Social Security Act for persons who are medically fragile and technology dependent. Provides that to be eligible for reimbursement, a legally responsible family caregiver must be a certified nursing assistant or certified nurse aide and must provide services to a medically fragile relative who is receiving in-home shift nursing services coordinated by the University of Illinois at Chicago, Division of Specialized Care for Children. Provides that upon federal approval of the State Plan amendment and waiver, the Department shall adopt rules that define who qualifies for reimbursement as a legally responsible family caregiver, specify which personal care and home health aide services are eligible for reimbursement if the provider is a legally responsible family caregiver, establish oversight policies to ensure legally responsible family caregivers meet and comply with licensing and program requirements, and adopt any other policies or procedures necessary to implement the amendatory Act.

LRB103 34037 KTG 63854 b

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 adding Section 5-2.06a as follows:

6 (305 ILCS 5/5-2.06a new)

7 Sec. 5-2.06a. Medically fragile children; reimbursement
8 for legally responsible family caregivers. The Department of
9 Healthcare and Family Services shall apply for a Home and
10 Community-Based Services State Plan amendment and any federal
11 waiver necessary to reimburse legally responsible family
12 caregivers as providers of personal care or home health aide
13 services under the Illinois Title XIX State Plan Home and
14 Community-Based Services benefit and the home and
15 community-based services waiver program authorized under
16 Section 1915(c) of the Social Security Act for persons who are
17 medically fragile and technology dependent. To be eligible for
18 reimbursement under this Section, a legally responsible family
19 caregiver must be a certified nursing assistant or certified
20 nurse aide and must provide services to a medically fragile
21 relative who is receiving in-home shift nursing services
22 coordinated by the University of Illinois at Chicago, Division
23 of Specialized Care for Children. Upon federal approval of the

1 State Plan amendment and waiver, the Department shall adopt
2 rules that define who qualifies for reimbursement as a legally
3 responsible family caregiver, specify which personal care and
4 home health aide services are eligible for reimbursement if
5 the provider is a legally responsible family caregiver,
6 establish oversight policies to ensure legally responsible
7 family caregivers meet and comply with licensing and program
8 requirements, and adopt any other policies or procedures
9 necessary to implement this Section.