



Rep. Robyn Gabel

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LRB103 03230 JDS 73250 a

1 AMENDMENT TO SENATE BILL 774

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 774 on page 17,  
3 line 17, by replacing "adopt" with "propose"; and

4 by replacing line 23 on page 17 through line 18 on page 24 with  
5 the following:

6 "Section 15. The Illinois Public Aid Code is amended by  
7 changing Section 5-5.01a as follows:

8 (305 ILCS 5/5-5.01a)

9 Sec. 5-5.01a. Supportive living facilities program.

10 (a) The Department shall establish and provide oversight  
11 for a program of supportive living facilities that seek to  
12 promote resident independence, dignity, respect, and  
13 well-being in the most cost-effective manner.

14 A supportive living facility is (i) a free-standing  
15 facility or (ii) a distinct physical and operational entity

1 within a mixed-use building that meets the criteria  
2 established in subsection (d). A supportive living facility  
3 integrates housing with health, personal care, and supportive  
4 services and is a designated setting that offers residents  
5 their own separate, private, and distinct living units.

6 Sites for the operation of the program shall be selected  
7 by the Department based upon criteria that may include the  
8 need for services in a geographic area, the availability of  
9 funding, and the site's ability to meet the standards.

10 (b) Beginning July 1, 2014, subject to federal approval,  
11 the Medicaid rates for supportive living facilities shall be  
12 equal to the supportive living facility Medicaid rate  
13 effective on June 30, 2014 increased by 8.85%. Once the  
14 assessment imposed at Article V-G of this Code is determined  
15 to be a permissible tax under Title XIX of the Social Security  
16 Act, the Department shall increase the Medicaid rates for  
17 supportive living facilities effective on July 1, 2014 by  
18 9.09%. The Department shall apply this increase retroactively  
19 to coincide with the imposition of the assessment in Article  
20 V-G of this Code in accordance with the approval for federal  
21 financial participation by the Centers for Medicare and  
22 Medicaid Services.

23 The Medicaid rates for supportive living facilities  
24 effective on July 1, 2017 must be equal to the rates in effect  
25 for supportive living facilities on June 30, 2017 increased by  
26 2.8%.

1           The Medicaid rates for supportive living facilities  
2 effective on July 1, 2018 must be equal to the rates in effect  
3 for supportive living facilities on June 30, 2018.

4           Subject to federal approval, the Medicaid rates for  
5 supportive living services on and after July 1, 2019 must be at  
6 least 54.3% of the average total nursing facility services per  
7 diem for the geographic areas defined by the Department while  
8 maintaining the rate differential for dementia care and must  
9 be updated whenever the total nursing facility service per  
10 diems are updated. Beginning July 1, 2022, upon the  
11 implementation of the Patient Driven Payment Model, Medicaid  
12 rates for supportive living services must be at least 54.3% of  
13 the average total nursing services per diem rate for the  
14 geographic areas. For purposes of this provision, the average  
15 total nursing services per diem rate shall include all add-ons  
16 for nursing facilities for the geographic area provided for in  
17 Section 5-5.2. The rate differential for dementia care must be  
18 maintained in these rates and the rates shall be updated  
19 whenever nursing facility per diem rates are updated.

20           Subject to federal approval, beginning January 1, 2024,  
21 the dementia care rate for supportive living services must be  
22 no less than the non-dementia care supportive living services  
23 rate multiplied by 1.5.

24           (c) The Department may adopt rules to implement this  
25 Section. Rules that establish or modify the services,  
26 standards, and conditions for participation in the program

1 shall be adopted by the Department in consultation with the  
2 Department on Aging, the Department of Rehabilitation  
3 Services, and the Department of Mental Health and  
4 Developmental Disabilities (or their successor agencies).

5 (d) Subject to federal approval by the Centers for  
6 Medicare and Medicaid Services, the Department shall accept  
7 for consideration of certification under the program any  
8 application for a site or building where distinct parts of the  
9 site or building are designated for purposes other than the  
10 provision of supportive living services, but only if:

11 (1) those distinct parts of the site or building are  
12 not designated for the purpose of providing assisted  
13 living services as required under the Assisted Living and  
14 Shared Housing Act;

15 (2) those distinct parts of the site or building are  
16 completely separate from the part of the building used for  
17 the provision of supportive living program services,  
18 including separate entrances;

19 (3) those distinct parts of the site or building do  
20 not share any common spaces with the part of the building  
21 used for the provision of supportive living program  
22 services; and

23 (4) those distinct parts of the site or building do  
24 not share staffing with the part of the building used for  
25 the provision of supportive living program services.

26 (e) Facilities or distinct parts of facilities which are

1 selected as supportive living facilities and are in good  
2 standing with the Department's rules are exempt from the  
3 provisions of the Nursing Home Care Act and the Illinois  
4 Health Facilities Planning Act.

5 (f) Section 9817 of the American Rescue Plan Act of 2021  
6 (Public Law 117-2) authorizes a 10% enhanced federal medical  
7 assistance percentage for supportive living services for a  
8 12-month period from April 1, 2021 through March 31, 2022.  
9 Subject to federal approval, including the approval of any  
10 necessary waiver amendments or other federally required  
11 documents or assurances, for a 12-month period the Department  
12 must pay a supplemental \$26 per diem rate to all supportive  
13 living facilities with the additional federal financial  
14 participation funds that result from the enhanced federal  
15 medical assistance percentage from April 1, 2021 through March  
16 31, 2022. The Department may issue parameters around how the  
17 supplemental payment should be spent, including quality  
18 improvement activities. The Department may alter the form,  
19 methods, or timeframes concerning the supplemental per diem  
20 rate to comply with any subsequent changes to federal law,  
21 changes made by guidance issued by the federal Centers for  
22 Medicare and Medicaid Services, or other changes necessary to  
23 receive the enhanced federal medical assistance percentage.

24 (g) All applications for the expansion of supportive  
25 living dementia care settings involving sites not approved by  
26 the Department on January 1, 2024 (the effective date of

1 Public Act 103-102) ~~this amendatory Act of the 103rd General~~  
2 ~~Assembly~~ may allow new elderly non-dementia units in addition  
3 to new dementia care units. The Department may approve such  
4 applications only if the application has: (1) no more than one  
5 non-dementia care unit for each dementia care unit and (2) the  
6 site is not located within 4 miles of an existing supportive  
7 living program site in Cook County (including the City of  
8 Chicago), not located within 12 miles of an existing  
9 supportive living program site in DuPage County, Kane County,  
10 Lake County, McHenry County, or Will County, or not located  
11 within 25 miles of an existing supportive living program site  
12 in any other county.

13 (f) Subject to federal approval, the Department shall  
14 allow a certified medication aide to administer medication in  
15 a supportive living facility. For purposes of this subsection,  
16 "certified medication aide" means a person who has met the  
17 qualifications for certification under Section 79 of the  
18 Assisted Living and Shared Housing Act and assists with  
19 medication administration while under the supervision of a  
20 registered professional nurse as authorized by Section 50-75  
21 of the Nurse Practice Act. The Department may adopt rules to  
22 implement this subsection.

23 (Source: P.A. 102-43, eff. 7-6-21; 102-699, eff. 4-19-22;  
24 103-102, Article 20, Section 20-5, eff. 1-1-24; 103-102,  
25 Article 100, Section 100-5, eff. 1-1-24; revised 12-15-23.)".