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TO: Department on Aging
FROM: Amy Brennan, Legislative Liaison
DATE: August 23, 2019
SUBJECT: Legislative Wrap-up – 101st General Assembly – STATUS of bills signed by the Governor

Below, please find a summary of legislation tracked by the IL Department on Aging during the 101st General Assembly and with impact to the senior population in Illinois:

- **SJR 13 – Creates Elder Abuse Task Force (Sen. Crowe/Rep. Stuart)**
Status: Adopted – appointments made – 1st meeting: August 29

Summary of Legislation:

Creates the Elder Abuse Task Force to investigate the effectiveness of current elder protective services and laws, examine barriers to prosecution and strategies to increase public awareness of elder abuse and reporting, study training resources and best practices in other states and identify a long-range plan to combat elder abuse.

HouseFloorAmendment#1:

Changes the time period for members to be appointed to the task force from 30 to 60 days. Changes the date that the final report is due from January 1, 2020 to January 1, 2021. Makes other corrections for grammar purposes.

Effective Date: SJR 13 does not need the Governor’s Signature. The resolution is effective immediately, upon House approval on June 3, 2019. Timing stated above under HFA#1 for appointing members and for final report.

Link to Legislation:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=10100SJ0013enr&GA=101&SessionId=108&DocTypeId=SJR&LegID=117278&DocNum=13&GAID=15&Session=>

- **HB 3065 – Adult Protective Services – additional family notification (Rep. Bryant/ Sen. Rezin)**

Status: Passed both House and Senate

Summary of Legislation:

Amends the Adult Protective Services Act. In a provision concerning face-to-face assessments conducted by a provider agency designated to receive reports of alleged or suspected abuse, neglect, financial exploitation, or self-neglect under the Act, provides that the assessments shall (rather than may) include interviews or consultations regarding the allegations with service agencies, immediate family members, and individuals (rather than with service agencies or individuals) who may have knowledge of the eligible adult's circumstances based on the consent of the eligible adult in all instances, except where the provider agency is acting in the best interest of an eligible adult who is unable to seek assistance for himself or herself and where there are allegations against a caregiver who has assumed responsibilities in exchange for compensation.

Effective Date: If the Governor signs, the bill becomes law January 1, 2020.

Link to Legislation:

<http://ilga.gov/legislation/fulltext.asp?DocName=10100HB3065sam001&GA=101&LegID=119426&SessionId=108&SpecSess=0&DocTypeId=HB&DocNum=3065&GAID=15&Session=>

- **SB 1321 -- Medicaid Omnibus Legislation (Sen. Steans/ Rep. Harris)**

Status: Signed by the Governor August 5, 2019 – Public Act 101-0209

Summary of Legislation:

Amends the Illinois Public Aid Code. Permits DHFS to require medical assistance recipients to pay a federally approved co-payment for services (rather than prohibiting co-payments for medical assistance services and generic drugs). Requires the Department to confer with stakeholders to discuss the development of alternative value-based payment models that move away from fee-for-service and reward health outcomes and improved quality and provide flexibility in how providers meet the needs of the individuals they serve. Requires the Department to meet with mental health providers and other specified persons no later than July 1, 2019 to discuss the development of value-based payment models. Contains provisions concerning an extended period for claims submissions outside the standard filing requirements; a dispute resolution process; annual publications on the Department's website of each Medicaid managed care organization's (MCO's) calculated medical loss ratios; a MCO's liability effective date; updated provider directories from MCOs; operational guidelines to enhance and improve operation performance of the State's Medicaid managed care program; and health care information released to managed care organizations. Contains provisions concerning managed care claim rejection and denial management; pay stub information to verify eligibility for medical assistance; other acceptable information to verify continued eligibility for medical assistance; a review of the Medicaid redetermination process in order to identify changes that can increase the use of ex parte redetermination processing; reporting requirements; and audits for the State's Integrated Eligibility System; provisional eligibility for Medicaid long-term care services. Removes a provision concerning third party liability recoveries. Requires HFS to implement, by Oct. 1, 2019, a methodology effective for dates of service July 1, 2019 and later to reimburse hospitals for inpatient stays extended beyond medical necessity. Extends the completion date for a study DHFS must complete on long-term care trends. Amends the IL Procurement Code. Requires the Chief Procurement Officer to work with DHFS to identify an appropriate method of source selection to execute a contract for technology that will analyze claim denials in the Medicaid managed care program.

Background:

The language DoA requested inclusion of waiver participants (see underlined portion above in summary of legislation) in the legislation. DoA identified an opportunity to better collaborate with HFS - to include the DoA Elderly waiver recipients as a separate category under the groups to be included in ex parte Medicaid redeterminations. This adjustment to the legislation could increase Medicaid match for the state by maintaining Community Care Program (CCP) participants on Medicaid.

Effective Date: Effective Immediately

Link to Legislation:

<http://www.ilga.gov/legislation/101/SB/10100SB1321enr.htm>

- **HB 347 – Penalties for Assault of Elderly/ Probate (Rep.Flowers/Sen. Crowe)**

Status – Signed by the Governor August 2, 2019– Public Act 101-0182

Summary of Legislation:

Amends the Probate Act of 1975. Provides that a person convicted of assault, aggravated assault, battery, or aggravated battery of an elderly person shall not receive any property, benefit, or other interest by reason of the death of that elderly person.

Effective Date: Becomes law on January 1, 2020.

Link to Legislation:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=10100HB0347enr&GA=101&SessionId=108&DocTypeId=HB&LegID=114528&DocNum=347&GAID=15&Session=>

- **HB 3343 - SNAP restaurant Meals program (Rep. Harper/Sen. Aquino)**

Status – Signed by the Governor July 19, 2019 – Public Act 101-0110

Summary of Legislation:

Requires DHS to establish a Restaurant Meals Program to permit individuals who are elderly, persons with a disability, and homeless individuals to redeem their Supplemental Nutrition Assistance Program benefits at private establishments that contract with the Department to offer meals for eligible SNAP recipients at concessional prices. Requires the Restaurant Meals Program to be operational no later than January 1, 2020. Requires the Department to adopt rules. Effective immediately.

Effective Date: Bill becomes law effective immediately after Governor’s signature.

Link to Legislation:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=10100HB3343enr&GA=101&SessionId=108&DocTypeId=HB&LegID=119845&DocNum=3343&GAID=15&Session=>

- **SB 69 - Increased Penalties for Financial Exploitation Elderly (Sen. Tarrant/ Rep. Manley)**
Status: Signed by the Governor August 16, 2019 – Public Act 101-0394

Summary of Legislation:

Provides that the court shall not order the sealing of the records of arrests or charges not initiated by arrest that result in a conviction for financial exploitation of an elderly person or a person with a disability, aggravated identity theft against a person 60 years of age or older or a person with a disability, abuse or criminal neglect of a long term care facility resident, or criminal abuse or neglect of an elderly person or person with a disability. Amends the Criminal Code of 2012. Provides that a person who commits the offense of financial exploitation of an elderly person or a person with a disability may be tried in any one of the following counties in which (1) any part of the offense occurred or (2) the victim or one of the victims reside. Provides that theft by deception from a person with a disability is a Class 2 felony. Provides that consent is not a defense to financial exploitation of an elderly person or a person with a disability if the accused knew or had reason to know that the elderly person or a person with a disability lacked capacity to consent.

Effective Date: Bill becomes law effective January 1, 2020.

Link to Legislation:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=10100SB0069enr&GA=101&SessionId=108&DocTypeId=SB&LegID=114592&DocNum=69&GAID=15&Session=>

- **SB 109 - Electronic Monitoring in Nursing Home Facility/ Dementia Unit (Sen. Link/ Rep. Didech)**
Status – Signed by the Governor July 26, 2019 – Public Act 101-0160

Summary of Legislation:

Provides that a facility that houses dementia residents may allow electronic monitoring devices only in rooms that are located in a building that is entirely dedicated to dementia care or that are located in a building that is solely dedicated to dementia care. Effective immediately.

Effective Date: Effective immediately.

Link to Legislation:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=10100SB0109enr&GA=101&SessionId=108&DocTypeId=SB&LegID=115122&DocNum=109&GAID=15&Session=>

- **SB 1319 –Discrimination in Assisted Living (Sen. Villivalam/ Rep. Mah)**
Status – Governor signed August 9, 2019 – Public Act 101-0325

Summary of Legislation:

Defines "greatest social need" for the purpose of a specified rule. Makes a conforming change. Amends the Assisted Living and Shared Housing Act. Prohibits unlawful discrimination by an owner, licensee, administrator, employee, or agent of an assisted living establishment of residents in assisted living establishments. Provides that unlawful discrimination does not include an action by an owner, licensee, administrator, employee, or agent that is required by the Act or rules adopted under the Act. Effective immediately.

Effective Date: Effective Immediately.

Link to the Legislation:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=10100SB1319enr&GA=101&SessionId=108&DocTypeId=SB&LegID=118569&DocNum=1319&GAID=15&Session=>

- **SB 1726 – Alzheimer’s Advisory Committee (Sen. Glowiak/ Rep. Manley)**

Status – Passed both houses – Sent to the Governor – Not signed yet

Summary of Legislation:

Provides that the Alzheimer's Disease Advisory Committee shall consist of 17 (rather than 16) voting members; provides that the additional voting member of the Committee shall be an individual with medical or academic experience with early onset Alzheimer's disease or related disorders; and provides that the Dementia Coordinator shall be funded out of the Alzheimer's Disease Research, Care, and Support Fund.

Effective Date: If the Governor signs, the bill becomes law on January 1, 2020.

Link to Legislation:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=10100SB1726enr&GA=101&SessionId=108&DocTypeId=SB&LegID=118976&DocNum=1726&GAID=15&Session=>