

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
 SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153
 LONG TERM CARE REIMBURSEMENT CHANGES

SUBPART A: GENERAL PROVISIONS

Section

- 153.100 Reimbursement for Long Term Care Services
- 153.125 Long Term Care Facility Rate Adjustments
- 153.126 Long Term Care Facility Medicaid Per Diem Adjustments
- 153.150 Quality Assurance Review (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 1026, effective January 1, 2005, for a

maximum of 150 days; emergency amendment at 29 Ill. Reg. 4740, effective March 18, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 6979, effective May 1, 2005; amended at 29 Ill. Reg. 12452, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 616, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified pursuant to the Joint Committee on Administrative Rules Objection at 30 Ill. Reg. 7817, effective April 7, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10417, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11853, effective July 1, 2006, for a maximum of 150 days; emergency expired November 27, 2006; amended at 30 Ill. Reg. 14315, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 18779, effective November 28, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 6954, effective April 26, 2007; emergency amendment at 32 Ill. Reg. 535, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 4105, effective March 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 7761, effective May 5, 2008; amended at 32 Ill. Reg. 9972, effective June 27, 2008; amended at 33 Ill. Reg. 9347, effective July 1, 2009; emergency amendment at 34 Ill. Reg. 17462, effective November 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 6171, effective March 28, 2011; amended at 35 Ill. Reg. 19524, effective December 1, 2011; emergency amendment at 36 Ill. Reg. 10416, effective July 1, 2012 through June 30, 2013; amended at 36 Ill. Reg. 17405, effective December 1, 2012; amended at 37 Ill. Reg. 10529, effective June 27, 2013; emergency amendment at 38 Ill. Reg. 15732, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23799, effective December 2, 2014; emergency amendment at 39 Ill. Reg. 6956, effective May 1, 2015 through June 30, 2015; emergency amendment at 41 Ill. Reg. 12632, effective September 25, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 4594, effective February 20, 2018; emergency amendment at 42 Ill. Reg. 16562, effective August 27, 2018, for a maximum of 150 days; emergency expired January 23, 2019; amended at 43 Ill. Reg. 2253, effective February 4, 2019; emergency amendment at 45 Ill. Reg. 1191, effective January 6, 2021, for a maximum of 150 days; emergency expired June 4, 2021; amended at 45 Ill. Reg. 8340, effective June 28, 2021; amended at 47 Ill. Reg. 18096, effective November 21, 2023; amended at 49 Ill. Reg. 10297, effective July 23, 2025; amended at 50 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 153.125 Long Term Care Facility Rate Adjustments

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996 shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.

- 87
88 c) Notwithstanding the provisions set forth in Section 153.100, long term care
89 facility (SNF/ICF and ICF/MR) rates and developmental training rates established
90 on July 1, 1999, for services provided on or after that date, shall include:
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92 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental
93 training rates;
94
95 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
96
97 3) an increase of \$10.02 per person, per month for developmental training
98 rates.
99
100 d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall
101 be increased by \$4.00 per resident day for services provided on or after October 1,
102 1999.
103
104 e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR
105 and developmental training rates shall be increased 2.5 percent per resident day
106 for services provided on or after July 1, 2000.
107
108 f) Notwithstanding the provisions set forth in Section 153.100, nursing facility
109 (SNF/ICF) rates effective on July 1, 2001 shall be computed using the most recent
110 cost reports on file with the Department no later than April 1, 2000, updated for
111 inflation to January 1, 2001.
112
113 1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code
114 140.570(b)(10), except that, as of July 1, 2001, the definition of current
115 year is the year 2000.
116
117 2) The real estate tax bill that was due to be paid in 1999 by the nursing
118 facility shall be used in determination of the capital component of the rate.
119 The real estate tax component shall be removed from the capital rate if the
120 facility's status changes so as to be exempt from assessment to pay real
121 estate taxes.
122
123 3) For rates effective July 1, 2001 only, rates shall be the greater of the rate
124 computed for July 1, 2001 or the rate effective on June 30, 2001.
125
126 4) All accounting records and other documentation necessary to support the
127 costs and other information reported on the cost report to be used in
128 accordance with rate setting under Section 153.125(f) shall be kept for a
129 minimum of two years after the Department's final payment using rates

that were based in part on that cost report.

- g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (MC/DD), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).
- h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.
- i) Notwithstanding the provisions set forth in Section 153.100, daily rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (MC/DD), shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.
- j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (MC/DD), shall be reduced to the level of the rates in effect on April 10, 2002.
- k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.
- l) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2003, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (MC/DD), shall be increased by 3.59 percent.
- m) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on July 1, 2003 shall be increased by 4 percent.
- n) Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates

effective July 1, 2004 shall be 3.0 percent greater than the rates in effect on June 30, 2004. The increase is contingent on approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68.

- o) Notwithstanding the provisions set forth in Section 153.100, the "Original Building Base Cost" for nursing facilities (SNF/ICF) which have been rented continuously from an unrelated party since prior to January 1, 1978, effective on July 1, 2004, shall be added to the capital rate calculation using the most recent cost reports on file with the Department no later than June 30, 2004. The "Original Building Base Cost" as defined in 89 Ill. Adm. Code 140.570 shall be calculated from the original lease information that is presently on file with the Department. This original lease information will be used to capitalize the oldest available lease payment from the unrelated party lease that has been in effect since prior to January 1, 1978, and continued to be in effect on December 31, 1999. Before the lease payment is capitalized, a 15 percent portion will be removed from the oldest available lease payment for movable equipment costs. After the lease payment is capitalized, a portion of the capitalized amount will be removed for land cost. The land cost portion is 4.88 percent. The remaining amount will be the facility's building cost. The construction/acquisition year for the building will be the date the pre-1978 lease began. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978.
- p) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on January 1, 2005 will be 3.0 percent more than the rates in effect on December 31, 2004.
- q) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates shall be increased by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report that was filed with the Department and used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations.
- r) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on January 1, 2006 for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (MC/DD), shall be increased by 3 percent.
- s) Notwithstanding the provisions set forth in Section 153.100, developmental training rates for intermediate care facilities for persons with developmental

disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (MC/DD), effective on January 1, 2006 shall be increased by 3 percent.

t) Notwithstanding the provisions set forth in Section 153.100, for facilities that are federally defined as Institutions for Mental Disease (see Section 145.30), a socio-development component rate equal to 6.6% of the nursing component rate as of January 1, 2006 shall be established and paid effective July 1, 2006. This rate shall become a part of the facility's nursing component of the Medicaid rate. While this rate may be adjusted by the Department, the rate shall not be reduced.

u) Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the support component of the rates taking effect on January 1, 2008 shall be computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006.

1) Support rates taking effect on January 1, 2008 shall be adjusted based on audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590. The audited cost report data will be used to retroactively update the resulting support rate effective January 1, 2008, after the 45-day appeal period from Section 140.582(b) has passed.

2) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under this subsection (u) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.

v) Notwithstanding the provisions set forth in Section 153.100, pursuant to Public Act 95-0744, for services beginning August 1, 2008, the socio-development component for facilities that are federally defined as Institutions for Mental Disease (see 89 Ill. Adm. Code 145.30) shall equal 6.6% of the facility's nursing component rate as of January 1, 2006, multiplied by a factor of 3.53.

w) Notwithstanding the provisions set forth in Section 153.100, pursuant to Public Act 95-0744, for services beginning January 1, 2009, the support component for skilled and intermediate care facilities that was effective on January 1, 2008, computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006, shall be increased to the amount that would have been derived using standard Department of Healthcare and Family Services methods,

procedures and inflators described in Sections 140.533, 140.551, 140.553 and 140.561.

- x) Notwithstanding the provisions set forth in Section 153.100, effective November 1, 2010, the program and support components of the per diem rate for ICF/MR qualifying under 89 Ill. Adm. Code 144.102 shall be adjusted in accordance with that Section.
- y) Notwithstanding the provisions set forth in Section 153.100, pursuant to Public Act 96-1530, for services beginning May 1, 2011, the socio-development component for facilities that are federally defined as Institutions for Mental Disease (IMD) (see 89 Ill. Adm. Code 145.30) and that are Medicaid certified will have the nursing component of their rate fully funded using the MDS methodology and will also receive an increase to their socio-development component rate. The socio-development component rate increase will be equal to two-thirds of the difference between the highest nursing rate among the Medicaid certified IMD facilities and the individual IMD's nursing rate. This rate change is subject to approval by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.
- z) Notwithstanding the provisions set forth in Section 153.100, effective for services beginning May 1, 2011, facilities that are federally defined as Institutions for Mental Disease (see 89 Ill. Adm. Code 145.30) and determined to be Subpart T facilities (see 89 Ill. Adm. Code 145.10) will receive an increase to their socio-development component rate of \$.50 per day, per resident.
- aa) Notwithstanding the provisions set forth in Section 153.100, effective for services beginning August 1, 2017, facilities licensed by the Department of Public Health under the ID/DD Community Care Act [210 ILCS 47] as an ID/DD facility and medically complex for the developmentally disabled facilities licensed under the MC/DD Act [210 ILCS 46] as an MC/DD facility will receive an increase to their reimbursement rates sufficient to provide a \$0.75 per hour wage increase for non-executive staff. This increase shall apply to the facility per diem rates and developmental training rates.
- bb) Notwithstanding the provisions set forth in Section 153.100, effective for services beginning July 1, 2018, facilities licensed by the Department of Public Health under the ID/DD Community Care Act [210 ILCS 47] or MC/DD Act [210 ILCS 46] will receive an increase to the facility per diem rates and developmental training rates as follows:

- 1) Facilities outside the geographic boundaries of the City of Chicago will receive an increase to their reimbursement rates sufficient to provide a \$0.50 per hour wage increase for front-line personnel.
 - 2) Facilities inside the geographic boundaries of the City of Chicago will receive an increase to their reimbursement rates sufficient to provide a \$0.54 per hour wage increase for front-line personnel.
- cc) Notwithstanding the provisions set forth in Section 153.100, pursuant to ILCS 5/5-5.4(j), effective for services beginning July 1, 2018, the per diem rate will be increased by \$21.15 for facilities with more than 16 beds licensed by the Department of Public Health under the ID/DD Community Care Act [210 ILCS 47] and located in the Department of Public Health's Planning Area 7-B.
- dd) Notwithstanding the provisions set forth in Section 153.100, facilities licensed by the Department of Public Health under the ID/DD Community Care Act [210 ILCS 47] or MC/DD Act [210 ILCS 46] will receive an increase to their facility rate:
- 1) Effective for dates of services on or after August 1, 2019, the exceptional care per diem rate in effect on July 30, 2019 shall be increased by 3.5%, as per 89 Ill. Adm. Code 146.1015(i)(3)(A).
 - 2) Effective June 1, 2020, facilities will receive an increase to their reimbursement rates sufficient to provide a \$0.26 per hour wage increase for non-executive staff.
 - 3) Effective July 1, 2020, facilities will receive an increase to their reimbursement rates sufficient to provide a \$1.00 per hour wage increase for non-executive staff. Facilities shall use these additional funds to provide a direct increase to wages for non-executive staff by at least \$0.80 per hour, with priority given to direct care staff wages.
 - 4) Effective January 1, 2021, facilities will receive an increase to their reimbursement rates sufficient to provide a \$0.50 per hour wage increase for non-executive staff. Facilities shall use these additional funds to provide a direct increase to wages for non-executive staff by at least \$0.40 per hour, with priority given to direct care staff wages.
 - 5) Non-executive staff, for purposes of subsection (dd), includes but is not limited to direct care staff (direct support persons (DSPs), front-line supervisors, qualified intellectual disabilities professionals, and nurses) and non-administrative support staff.

- 6) Effective for dates of services on or after July 1, 2021;
 - A) Residential services rates in effect on June 30, 2021 shall be increased by \$0.50 per hour for ICF Aides, with at least 50% (\$0.25 per hour) of those funds to be provided for a direct increase to all ICF Aides wages, with the remaining 50% (\$0.25 per hour) to be used flexibly for wage increases for ICF Aides and other frontline staff; and
 - B) Such rates shall include an increase sufficient to provide wages for all residential non-executive direct care staff, excluding ICF Aides, at the federal Department of Labor, Bureau of Labor Statistics' average wage.
- 7) Effective for dates of services on or after January 1, 2022;
 - A) Residential services rates in effect on December 31, 2021 shall be increased by \$1.00 per hour for ICF Aides, with at least 50% (\$0.50 per hour) of those funds to be provided for a direct increase to all ICF Aid wages, with the remaining 50% (\$0.50 per hour) to be used flexibly for wage increases for ICF Aides and other frontline staff; and
 - B) Such rates shall include an increase sufficient to provide wages for all residential non-executive direct care staff, excluding ICF Aides, at the federal Department of Labor, Bureau of Labor Statistics' average wage.
- 8) Notwithstanding the provisions set forth in this Section, facilities licensed by the Department of Public Health under the ID/DD Community Care Act [210 ILCS 47] or MC/DD Act [210 ILCS 46] will receive an increase to their facility rate effective for dates of service on or after January 1, 2024.
 - A) Facilities will receive a \$2.50 per hour wage increase for all direct support personnel and all other frontline personnel, who: are not subject to the Bureau of Labor Statistics' average wage increases and who work in residential and community day services settings.
 - i) At least \$1.25 of those funds must be provided as a direct increase to all aide base wages; and

ii) The remaining \$1.25 of those funds must be used flexibly for base wage increases to the rate methodology for aides.

B) Facilities will receive an increase sufficient to provide wages for all residential nonexecutive direct care staff, excluding aides, at the federal Department of Labor, Bureau of Labor Statistics' average wage.

9) Notwithstanding the provisions set forth in this Section, facilities licensed by the Department of Public Health under the ID/DD Community Care Act [210 ILCS 47] or MC/DD Act [210 ILCS 46] will receive an increase to their facility rate effective for dates of service on or after January 1, 2025.

A) Facilities will receive a \$1.00 per hour wage increase for all direct support personnel and all other frontline personnel who are not subject to the Bureau of Labor Statistics' average wage increases and who work in residential and community day services settings.

i) At least \$0.75 of those funds to be provided as a direct increase to all aide base wages; and

ii) The remaining \$0.25 to be used flexibly for base wage increases to the rate methodology for aides.

B) Facilities will receive an increase sufficient to provide wages for all residential nonexecutive direct care staff, excluding aides, at the federal Department of Labor, Bureau of Labor Statistics' average wage. Notwithstanding any other provision of this Section.

ee) Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the support component of the rates taking effect on and after January 1, 2024, shall be the rate in effect on June 30, 2023, increased by 12%.

ff) Notwithstanding any other provision of this Section, for facilities licensed under the Nursing Home Care Act as skilled or intermediate care facilities (SNF/ICF), effective for services beginning January 1, 2025, the real estate tax component of the payment rate shall be updated using the 2022 long term care site property tax bill included with the facility's 2023 cost report that has been filed with the department. The per diem rate shall be computed by dividing the allowable facility 2022 real estate tax bill costs reported in the 2023 cost report inflated to

the midpoint of the rate year by the total number of patient days reported in the same cost report. Computation of the real estate tax component shall be based on capital days as defined in 89 IAC 140.570(b)(3).

gg) Notwithstanding any other provision of this Section to the contrary, any regional wage adjuster for facilities located outside of the counties of Cook, DuPage, Kane, Lake, McHenry, and Will shall be no lower than 1.00, and any regional wage adjuster for facilities located within the counties of Cook, DuPage, Kane, Lake, McHenry, and Will shall be no lower than 1.15. Regional wage adjusters will be set as follows:

<u>Rate Region</u>	<u>Wage Factor</u>
<u>HSA1</u>	<u>1.0357162</u>
<u>HSA2</u>	<u>1.0000000</u>
<u>HSA3</u>	<u>1.0000000</u>
<u>HSA4</u>	<u>1.0000000</u>
<u>HSA5</u>	<u>1.0000000</u>
<u>HSA6</u>	<u>1.2014172</u>
<u>HSA7</u>	<u>1.2014172</u>
<u>HSA8</u>	<u>1.2014172</u>
<u>HSA9</u>	<u>1.1500000</u>
<u>HSA9 – Kankakee</u>	<u>1.1169271</u>
<u>HSA10</u>	<u>1.0357162</u>
<u>HSA11</u>	<u>1.0000000</u>

(Source: Amended at 50 Ill. Reg. _____, effective _____)