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State/Territory Name: Illinois

State Plan Amendment (SPA) #: 20-0013

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS Form 179
- 3) Approved SPA Pages



December 14, 2020

Theresa Eagleson
Director
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield, IL 62763-0001

Re: Illinois State Plan Amendment (SPA) 20-0013

Dear Director Eagleson:

We have reviewed the proposed amendment to add section 7.4 Medicaid Disaster Relief for the COVID-19 National Emergency to your Medicaid state plan, as submitted under transmittal number (TN) 20-0013. This amendment proposes to implement temporary policies, which are different from those policies and procedures otherwise applied under your Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof).

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and consistent with section 1135 of the Social Security Act (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences of the COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse. This authority took effect as of 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of March 1, 2020. The emergency period will terminate, and this state plan provision will no longer be in effect, upon termination of the public health emergency, including any extensions.

Pursuant to section 1135(b)(5) of the Act, for the period of the public health emergency, CMS is modifying the requirement at 42 C.F.R. 430.20 that the state submit SPAs related to the COVID-19 public health emergency by the final day of the quarter, to obtain a SPA effective date during the quarter, enabling SPAs submitted after the last day of the quarter to have an effective date in a previous quarter, but no earlier than the effective date of the public health emergency.

The State of Illinois requested a waiver of public notice requirements applicable to the SPA submission process. Pursuant to section 1135(b)(1)(C) of the Act, CMS is waiving public notice requirements applicable to the SPA submission process. Public notice for SPAs is required under 42 C.F.R. §447.205 for changes in statewide methods and standards for setting Medicaid payment rates, 42 C.F.R. §447.57 for changes to premiums and cost sharing, and 42 C.F.R. §440.386 for changes to Alternative Benefit Plans (ABPs). Pursuant to section 1135(b)(1)(C) of the Act, CMS is approving the state's request to waive this notice requirement otherwise applicable to SPA submissions.

The State of Illinois also requested a waiver to modify the tribal consultation timeline applicable to this SPA submission process. Pursuant to section 1135(b)(5) of the Act, CMS is also allowing states to modify the timeframes associated with tribal consultation required under section 1902(a)(73) of the Act, including shortening the number of days before submission or conducting consultation after submission of the SPA.

These waivers of the requirements related to SPA submission timelines, public notice, and tribal consultation apply only with respect to SPAs that meet the following criteria: (1) the SPA provides or increases beneficiary access to items and services related to COVID-19 (such as by waiving or eliminating cost sharing, increasing payment rates or amending ABPs to add services or providers); (2) the SPA does not restrict or limit payment or services or otherwise burden beneficiaries and providers; and (3) the SPA is temporary, with a specified sunset date that is not later than the last day of the declared COVID-19 public health emergency (or any extension thereof). We nonetheless encourage states to make all relevant information about the SPA available to the public so they are aware of the changes.

We conducted our review of your submittal according to the statutory requirements at section 1902(a) of the Act and implementing regulations. This letter is to inform you that Illinois's Medicaid SPA Transmittal Number 20-0013 is approved effective March 1, 2020. Please note that Illinois' enhanced rates to COVID-19 designated facilities for isolation, quarantine, and ventilator services are in effect from April 6, 2020 until the end of the public health emergency.

Enclosed is a copy of the CMS-179 summary form and the approved state plan pages.

Please contact Courtenay Savage at 312-353-3721 or by email at Courtenay.Savage@cms.hhs.gov if you have any questions about this approval. We appreciate the efforts of you and your staff in responding to the needs of the residents of the State of Illinois and the health care community.

Sincerely,

Alissa M.
Deboy -S

Digitally signed by Alissa
M. Deboy -S
Date: 2020.12.14
10:01:46 -05'00'

Alissa Mooney DeBoy
On Behalf of Anne Marie Costello, Acting Director
Center for Medicaid and CHIP Services

Enclosures

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTER FOR MEDICARE AND MEDICAID SERVICES	1. TRANSMITTAL NUMBER 20-0013	2. STATE: ILLINOIS
	3. PROGRAM IDENTIFICATION: Title XIX of the Social Security Act (Medicaid)	
	4. PROPOSED EFFECTIVE DATE: September 1, 2020 <i>MARCH 1, 2020</i>	

TO: REGIONAL ADMINISTRATOR
 CENTERS FOR MEDICARE AND MEDICAID SERVICES
 DEPARTMENT OF HEALTH AND HUMAN SERVICES

5. TYPE OF PLAN MATERIAL (Check One)

NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION: 42 CFR 430.10 <i>TITLE XIX OF THE SOCIAL SECURITY ACT</i>	7. FEDERAL BUDGET IMPACT a. FFY 2020 - \$ (1,720,000.00) per month <i>+ 2,205,000.00</i> <i>FFY 2021 + 4,410,000.00</i>
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: 7.4. Medicaid Disaster Relief for the COVID-19 National Emergency	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): 7.4. Medicaid Disaster Relief for the COVID-19 National Emergency

10. SUBJECT OF AMENDMENT:

Title XIX Disaster Relief SPA – ~~Rescind 20% IDF/DD Increase~~, testing in non-office settings; enhanced rates for COVID-19 designated facilities

11. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT
- COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
- NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL
- OTHER, AS SPECIFIED: Not submitted for review by prior approval.

1. [REDACTED]	16. RETURN TO: Department of Healthcare and Family Services Bureau of Program and Reimbursement Analysis Attn: Mary Doran 201 South Grand Avenue East Springfield, IL 62763-0001
13. TYPED NAME: Theresa Eagleson	
14. TITLE: Director of Healthcare and Family Services	
15. DATE SUBMITTED: 9/30/2020	

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED: 9/30/2020	18. DATE APPROVED: 12/14/2020
PLAN APPROVED—ONE COPY ATTACHED	
19. EFFECTIVE DATE OF APPROVED MATERIAL: 3/1/2020	20. SIGNATURE OF REGIONAL ADMINISTRATOR: <i>Alissa M. Deboy -S</i> Deboy -S <small>Digitally signed by Alissa M. Deboy -S Date: 2020.12.14 10:02:19 -05'00'</small>
21. TYPED NAME: Alissa Mooney DeBoy on Behalf of Anne Marie Costello	22. TITLE: Acting Director, CMCS

23. REMARKS: **11/17/2020 - State agreed to the following pen-and-ink changes: box 4 to correct the effective date to March 1, 2020; box 6 to replace original citation with "Title XIX of the Social Security Act"; box 7 to correct the budget impact; and box 10 to modify the SPA subject.**

State/Territory: Illinois

Section 7 – General Provisions
7.4. Medicaid Disaster Relief for the COVID-19 National Emergency

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), and consistent with section 1135 of the Social Security Act (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse. This authority took effect as of 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of March 1, 2020. The emergency period will terminate, and waivers will no longer be available, upon termination of the public health emergency, including any extensions.

The State Medicaid agency (agency) seeks to implement the policies and procedures described below, which are different than the policies and procedures otherwise applied under the Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof), or for any shorter period described below:

N/A

NOTE: States may not elect a period longer than the Presidential or Secretarial emergency declaration (or any renewal thereof). States may not propose changes on this template that restrict or limit payment, services, or eligibility, or otherwise burden beneficiaries and providers.

Request for Waivers under Section 1135

X The agency seeks the following under section 1135(b)(1)(C) and/or section 1135(b)(5) of the Act:

- a. X SPA submission requirements – the agency requests modification of the requirement to submit the SPA by March 31, 2020, to obtain a SPA effective date during the first calendar quarter of 2020, pursuant to 42 CFR 430.20.
- b. X Public notice requirements – the agency requests waiver of public notice requirements that would otherwise be applicable to this SPA submission. These requirements may include those specified in 42 CFR 440.386 (Alternative Benefit Plans), 42 CFR 447.57(c) (premiums and cost sharing), and 42 CFR 447.205 (public notice of changes in statewide methods and standards for setting payment rates).
- c. X Tribal consultation requirements – the agency requests modification of tribal consultation timelines specified in the Illinois Medicaid state plan, as described below:

TN: 20-0013

Supersedes TN: 20-0004

Approval Date: 12/14/2020

Effective Date: 03/01/2020

State/Territory: Illinois

The state will provide notice within 24 hours of submission.

Section A – Eligibility

1. The agency furnishes medical assistance to the following optional groups of individuals described in section 1902(a)(10)(A)(ii) or 1902(a)(10)(c) of the Act. This may include the new optional group described at section 1902(a)(10)(A)(ii)(XXIII) and 1902(ss) of the Act providing coverage for uninsured individuals.

COVID 19 Testing for the Uninsured: *The state is covering the 1902 (a) (10) (A) (ii) (XXIII) and 1902 (ss) group effective March 18, 2020 which includes those affected by COVID 19. There is no maximum income or resource limit. The individual must be uninsured.*

2. The agency furnishes medical assistance to the following populations of individuals described in section 1902(a)(10)(A)(ii)(XX) of the Act and 42 CFR 435.218:

- a. All individuals who are described in section 1905(a)(10)(A)(ii)(XX)

Income standard: _____

-or-

- b. Individuals described in the following categorical populations in section 1905(a) of the Act:

Income standard: _____

3. The agency applies less restrictive financial methodologies to individuals excepted from financial methodologies based on modified adjusted gross income (MAGI) as follows.

Less restrictive income methodologies:

Less restrictive resource methodologies:

Eliminate Resource Test: The state requests elimination of the resource test in determining eligibility for ABD, HBWD (Ticket to Work), and Medicare Savings Program individuals. This includes the following groups:

- Mandatory ABD group for 209(b) States--1902(f)
- Qualified Medicare Beneficiaries--1902(a)(10)(E)(i)
- Specified Low-Income Medicare Beneficiaries--1902(a)(10)(E)(iii)
- Qualifying Individuals--1902(a)(10)(E)(iv)

State/Territory: Illinois

- Age and Disability-Related Poverty Level Group--1902(a)(10)(A)(ii)(X)
- Ticket to Work Basic/TWWIIA Basic--1902(a)(10)(A)(ii)(XV)
- Medically Needy Individuals under 21--1902(a)(10)(C)
- Medically Needy Individuals Based on Age, Blindness, or Disability--1902(a)(10)(C)

4. The agency considers individuals who are evacuated from the state, who leave the state for medical reasons related to the disaster or public health emergency, or who are otherwise absent from the state due to the disaster or public health emergency and who intend to return to the state, to continue to be residents of the state under 42 CFR 435.403(j)(3).
5. The agency provides Medicaid coverage to the following individuals living in the state, who are non-residents:

6. The agency provides for an extension of the reasonable opportunity period for non-citizens declaring to be in a satisfactory immigration status, if the non-citizen is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency is unable to complete the verification process within the 90-day reasonable opportunity period due to the disaster or public health emergency.

Section B – Enrollment

1. The agency elects to allow hospitals to make presumptive eligibility determinations for the following additional state plan populations, or for populations in an approved section 1115 demonstration, in accordance with section 1902(a)(47)(B) of the Act and 42 CFR 435.1110, provided that the agency has determined that the hospital is capable of making such determinations.

2. X The agency designates itself as a qualified entity for purposes of making presumptive eligibility determinations described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L.

Presumptive Eligibility for MAGI Adults: *The state chooses to add Presumptive Eligibility for MAGI parents and caretaker relative adults eligible under 1902 (a) (10) (A) (i) I, former foster care under 1902 (a) (10) (A)(i) (IX), pregnant women as identified in the eligibility groups listed in SPA 14.0003 (S28), and Medicaid Expansion Adults eligible under 1902(a)(10)(A)(i)(VIII).*

More Frequent PE for Children and Adults: *The state requests to change the children’s limit on PE periods to two times per calendar year and to apply this new limit to PE under the newly requested MAGI categories.*

State/Territory: Illinois

3. The agency designates the following entities as qualified entities for purposes of making presumptive eligibility determinations or adds additional populations as described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L. Indicate if any designated entities are permitted to make presumptive eligibility determinations only for specified populations.

The state requests to change the limit for presumptive eligibility for pregnant women to two times in a calendar year.

4. The agency adopts a total of months (not to exceed 12 months) continuous eligibility for children under age enter age (not to exceed age 19) regardless of changes in circumstances in accordance with section 1902(e)(12) of the Act and 42 CFR 435.926.
5. The agency conducts redeterminations of eligibility for individuals excepted from MAGI-based financial methodologies under 42 CFR 435.603(j) once every months (not to exceed 12 months) in accordance with 42 CFR 435.916(b).
6. The agency uses the following simplified application(s) to support enrollment in affected areas or for affected individuals (a copy of the simplified application(s) has been submitted to CMS).
- a. The agency uses a simplified paper application.
 - b. The agency uses a simplified online application.
 - c. The simplified paper or online application is made available for use in call-centers or other telephone applications in affected areas.

Section C – Premiums and Cost Sharing

1. The agency suspends deductibles, copayments, coinsurance, and other cost sharing charges as follows:

2. The agency suspends enrollment fees, premiums and similar charges for:
- a. All beneficiaries
 - b. The following eligibility groups or categorical populations:

Premiums are suspended for those enrolled in the Ticket to Work (Medicaid Buy-In) program, the only Title XIX program that currently requires premiums.

3. The agency allows waiver of payment of the enrollment fee, premiums and similar charges for undue hardship.

State/Territory: Illinois

Section D – Benefits

Benefits:

1. The agency adds the following optional benefits in its state plan (include service descriptions, provider qualifications, and limitations on amount, duration or scope of the benefit):

2. The agency makes the following adjustments to benefits currently covered in the state plan:

Effective retroactive to March 1, 2020, for the purposes of testing to diagnose or detect SARS-CoV-2 antibodies to SARS-CoV-2, or COVID-19, tests conducted in non-office settings such as parking lots are covered, exempting requirements in 42 CFR 440.30(b).

Coverage also includes laboratory processing of self-collected test systems that the FDA has authorized for home use, if available to diagnose or detect SARS-CoV-2, antibodies to SARS-CoV-2, or COVID-19, even if those self-collected tests would not otherwise meet the requirements in 42 CFR 440.30(a) or (b), as long as the self-collection of the test is intended to avoid transmission of COVID-19.

3. The agency assures that newly added benefits or adjustments to benefits comply with all applicable statutory requirements, including the statewideness requirements found at 1902(a)(1), comparability requirements found at 1902(a)(10)(B), and free choice of provider requirements found at 1902(a)(23).
4. Application to Alternative Benefit Plans (ABP). The state adheres to all ABP provisions in 42 CFR Part 440, Subpart C. This section only applies to states that have an approved ABP(s).
 - a. The agency assures that these newly added and/or adjusted benefits will be made available to individuals receiving services under ABPs.
 - b. Individuals receiving services under ABPs will not receive these newly added and/or adjusted benefits, or will only receive the following subset:

State/Territory: Illinois

Telehealth:

5. The agency utilizes telehealth in the following manner, which may be different than outlined in the state's approved state plan:

The state has added virtual check-in visit and e-visit codes to the [COVID-19 Virtual Healthcare Expansion Fee Schedule](#). Additionally, FQHCs, RHCs, Encounter Rate Clinics and Critical Clinic Providers may bill these codes, fee-for-service, at the rate established by the Department as listed on the [COVID-19 Virtual Healthcare Expansion Fee Schedule](#). The clinics identified above will not receive their established encounter rate for virtual check-in visits and e-visits.

Drug Benefit:

6. The agency makes the following adjustments to the day supply or quantity limit for covered outpatient drugs. The agency should only make this modification if its current state plan pages have limits on the amount of medication dispensed.

7. Prior authorization for medications is expanded by automatic renewal without clinical review, or time/quantity extensions.

8. The agency makes the following payment adjustment to the professional dispensing fee when additional costs are incurred by the providers for delivery. States will need to supply documentation to justify the additional fees.

9. The agency makes exceptions to their published Preferred Drug List if drug shortages occur. This would include options for covering a brand name drug product that is a multi-source drug if a generic drug option is not available.

Section E – Payments

Optional benefits described in Section D:

1. Newly added benefits described in Section D are paid using the following methodology:

- a. Published fee schedules –

Effective date (enter date of change): March 9, 2020

Location (list published location): <https://www.illinois.gov/hfs/Pages/coronavirus.aspx>

TN: 20-0013

Supersedes TN: 20-0004

Approval Date: 12/14/2020

Effective Date: 03/01/2020

State/Territory: Illinois

b. Other:

Increases to state plan payment methodologies:

2. The agency increases payment rates for the following services:

Effective March 17, 2020, facility per diem rates will be increased by 20% for ICF/DD and MC/DD facilities.

Effective April 6, 2020 and until the end of the public health emergency, the Department will pay enhanced rates to COVID-19 designated facilities for isolation and quarantine services and ventilator services.

NOTE: The above 20% increase to ICF/DD and MC/DD facility per diems have been rescinded in Section 7.4.A by IL-20-0013-A effective September 1, 2020.

a. Payment increases are targeted based on the following criteria:

Facilities licensed by the Department of Public Health under the ID/DD Community Care Act as an ID/DD [210 ILCS 47] facility and medically complex for the developmentally disabled facilities licensed under the MC/DD Act [210 ILCS 46].

Nursing facilities designated as a COVID-19 dedicated facilities by the Department of Healthcare and Family Services.

b. Payments are increased through:

i. A supplemental payment or add-on within applicable upper payment limits:

ii. An increase to rates as described below.

Rates are increased:

Uniformly by the following percentage: 20% (March 17, 2020 for ICF/DD and MC/DD facilities)

Through a modification to published fee schedules –

State/Territory: Illinois

Effective date (enter date of change): _____

Location (list published location): _____

Up to the Medicare payments for equivalent services.

By the following factors:

*For COVID-19 dedicated facilities, the Department will pay the following enhanced Medicaid rates:
a) \$350 per day for isolation and quarantine services, and
b) \$620 per day for ventilator services.*

Payment for services delivered via telehealth:

3. For the duration of the emergency, the state authorizes payments for telehealth services that:
- a. Are not otherwise paid under the Medicaid state plan;
 - b. Differ from payments for the same services when provided face to face;
 - c. Differ from current state plan provisions governing reimbursement for telehealth;

The state has added virtual check-in visit and e-visit codes to the [COVID-19 Virtual Healthcare Expansion Fee Schedule](#). Additionally, FQHCs, RHCs, Encounter Rate Clinics and Critical Clinic Providers shall bill these codes, fee-for-service, at the rate established by the Department as listed on the [COVID-19 Virtual Healthcare Expansion Fee Schedule](#). The clinics identified above will not receive their established encounter rate for virtual check-in visits and e-visits.

- d. Include payment for ancillary costs associated with the delivery of covered services via telehealth, (if applicable), as follows:
 - i. Ancillary cost associated with the originating site for telehealth is incorporated into fee-for-service rates.
 - ii. Ancillary cost associated with the originating site for telehealth is separately reimbursed as an administrative cost by the state when a Medicaid service is delivered.

Other:

4. Other payment changes:

