



**HFS**

**Illinois Department of  
Healthcare and Family Services**

JB Pritzker, Governor  
Elizabeth M. Whitehorn, Director

401 S. Clinton St., Chicago, Illinois 60607  
Telephone: +1 312-793-4792, TTY: +1 800-526-5812



Public Comment Notice - Home and Community Based Services Waiver

08/28/2024

The Illinois Department of Healthcare and Family Services (HFS) proposes to amend the Home and Community Based Services (HCBS) Waiver– IL 0278 for Persons who are Medically Fragile, Technology Dependent (MFTD). Changes in the amendment include:

1. A 7% increase to the rates for in-home shift nursing; Certified Nursing Assistant (CNA), Respite in-home, Respite out-of-home, Nurse Training, and Family Training in response to Public Act 103-0593.
2. Breaks out services currently grouped under the Environmental Accessibility Adaptations service umbrella into separate services. The new separate services include:
  - Pest Control
  - Home Accessibility Modifications
  - Vehicle Modifications
  - Medical Equipment Operating Expenses
3. Adds Adaptive Equipment and Assistive Technology as new waiver services.
4. Allows for administrative claiming for home accessibility modifications, vehicle modifications, adaptive equipment, assistive technology, and pest control when they are necessary before a customer can transition home, which are started or completed, and the customer is unable to go home due to death or significant change in condition that the prohibits home placement from occurring.
5. Change to make the Operating Agency (OA) the entity responsible for the prior approval for home accessibility modifications, vehicle modifications, medical equipment operating expense, adaptive equipment, placement maintenance counseling, and assistive technology. For pest control, the OA will have a post-approval process. The Medicaid Agency (MA) will continue to be responsible for prior approvals for all nursing services.
6. Adds language to align with 305 ILCS 5/5-2b by which customers must qualify as a person with a disability, as defined under the federal Supplemental Security Income Program.
7. Clarifies that customer contacts are attempted every 30 days, with a successful contact required at least every 90 days.
8. Creates a new waiver service allowing the legally responsible person, relative, and legal guardian to provide CNA services.
9. Modifies the provider qualifications for CNA and in-home shift nursing to include the vendor must enrolled with the Medicaid Agency's Illinois Medicaid Program Advanced Cloud

Technology (IMPACT) system, be active with State Comptroller, and approved by the OA, customer and family.

10. Updates language to state the use of restraints, unauthorized restrictive interventions, and unauthorized seclusion are monitored through bi-annual, face-to-face visits, and routine contact with the customer and through reports by providers, family, or friends, as well as through the analysis of complaints or incidents.
11. Removes the requirement of two (2) bids if the cost exceeds \$2,000 for Specialized Medical Equipment and Supplies services. This change is needed to help increase access to services.
12. Revises the date that rates for In-home Shift Nursing, Certified Nursing Assistant (CNA), and Respite (in-home) were last reviewed and increased.

HFS seeks public input on this proposed waiver amendment through two separate statements of public notice.

- 1) An electronic public notice is posted on the HFS website at <https://hfs.illinois.gov/info/legal/publicnotices.html>
- 2) A non-electronic public notice may be viewed at the Department of Human Services (DHS) local offices (except in Cook County). In Cook County, the notice may be reviewed at the Office of the Director, Illinois Department of Healthcare and Family Services, 401 South Clinton Street, 1st Floor, Chicago, Illinois.

In addition to the two methods of notification above, the University of Illinois at Chicago, Division of Specialized Care for Children, the operating agency for the waiver, will share the public notice and the opportunity for input with stakeholders and other interested parties.

A hard copy of the proposed waiver amendment may be downloaded and printed from the HFS website at <https://hfs.illinois.gov/medicalclients/hcbs.html> or may be requested by calling 217/524-4148.

Copies are also available at the following locations:

|                                |                                |
|--------------------------------|--------------------------------|
| Healthcare and Family Services | Healthcare and Family Services |
| 201 South Grand Avenue East    | 401 South Clinton              |
| Springfield, IL 62763          | Chicago, IL 60607              |

HFS is accepting public input regarding this proposed amendment for a 30-day public comment period from 8/29/2024 through 9/28/2024. Those interested in providing input are asked to email feedback to the HFS email address at [HFS.HCBSWaiver@illinois.gov](mailto:HFS.HCBSWaiver@illinois.gov) or mail their written input to:

Illinois Department of Healthcare and Family Services  
ATTN: Waiver Operations Management  
201 South Grand Avenue East, 2FL  
Springfield, IL 62763

A summary of the public notice and comments will be incorporated into the waiver amendment. The summary will include modifications to the initial waiver amendment and the reasons why the State of Illinois adopted or did not adopt specific comments or recommendations.