

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-2b and by adding Section 5-30a as follows:

6 (305 ILCS 5/5-2b)

7 Sec. 5-2b. Medically fragile and technology dependent
8 children eligibility and program. Notwithstanding any other
9 provision of law except as provided in Section 5-30a, on and
10 after September 1, 2012, subject to federal approval, medical
11 assistance under this Article shall be available to children
12 who qualify as persons with a disability, as defined under the
13 federal Supplemental Security Income program and who are
14 medically fragile and technology dependent. The program shall
15 allow eligible children to receive the medical assistance
16 provided under this Article in the community and must maximize,
17 to the fullest extent permissible under federal law, federal
18 reimbursement and family cost-sharing, including co-pays,
19 premiums, or any other family contributions, except that the
20 Department shall be permitted to incentivize the utilization of
21 selected services through the use of cost-sharing adjustments.
22 The Department shall establish the policies, procedures,
23 standards, services, and criteria for this program by rule.

1 (Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13.)

2 (305 ILCS 5/5-30a new)

3 Sec. 5-30a. Exemptions from managed care enrollment;
4 children. Notwithstanding any other provision of law, the
5 Department shall not require any of the following children to
6 enroll in or transition to the State's managed care medical
7 assistance program:

8 (1) Children who are authorized by the Department to
9 receive in-home shift nursing services as required by the
10 federal Early and Periodic Screening, Diagnostic and
11 Treatment (EPSDT) provisions under 42 CFR 441.50 et seq.

12 (2) Children made eligible for medical assistance
13 through any home and community-based services waiver
14 program for medically fragile and technology dependent
15 children authorized under Section 1915(c) of the Social
16 Security Act.

17 Any children who meet the criteria under paragraph (1) or
18 (2) and who are enrolled in the State's managed care medical
19 assistance program on or before the effective date of this
20 amendatory Act of the 100th General Assembly shall be given the
21 option to disenroll from the State's managed care medical
22 assistance program and receive medical assistance coverage
23 under the State's traditional fee-for-service program.