



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2515

by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

305 ILCS 5/11-22a

from Ch. 23, par. 11-22a

Amends the Illinois Public Aid Code. Provides that the Department of Healthcare and Family Services shall (rather than may) enforce its right to be subrogated to any right of recovery a recipient of medical assistance may have under the terms of any private or public health care coverage or casualty coverage by joining an action brought by the recipient or by instituting specified legal proceedings against any person or entity that may be liable for the recipient's health care costs.

LRB101 10306 KTG 55411 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 11-22a as follows:

6 (305 ILCS 5/11-22a) (from Ch. 23, par. 11-22a)

7 Sec. 11-22a. Right of Subrogation. To the extent of the
8 amount of (i) medical assistance provided by the Department to
9 or on behalf of a recipient under Article V or VI, (ii) health
10 care benefits provided for a child under the Covering ALL KIDS
11 Health Insurance Act, or (iii) health care benefits provided to
12 a veteran under the Veterans' Health Insurance Program Act or
13 the Veterans' Health Insurance Program Act of 2008, the
14 Department shall be subrogated to any right of recovery such
15 recipient may have under the terms of any private or public
16 health care coverage or casualty coverage, including coverage
17 under the "Workers' Compensation Act", approved July 9, 1951,
18 as amended, or the "Workers' Occupational Diseases Act",
19 approved July 9, 1951, as amended, without the necessity of
20 assignment of claim or other authorization to secure the right
21 of recovery to the Department. To enforce its subrogation
22 right, the Department shall ~~may~~ (i) intervene or join in an
23 action or proceeding brought by the recipient, his or her

1 guardian, personal representative, estate, dependents, or
2 survivors against any person or public or private entity that
3 may be liable; (ii) institute and prosecute legal proceedings
4 against any person or public or private entity that may be
5 liable for the cost of such services; or (iii) institute and
6 prosecute legal proceedings, to the extent necessary to
7 reimburse the Illinois Department for its costs, against any
8 noncustodial parent who (A) is required by court or
9 administrative order to provide insurance or other coverage of
10 the cost of health care services for a child eligible for
11 medical assistance under this Code and (B) has received payment
12 from a third party for the costs of those services but has not
13 used the payments to reimburse either the other parent or the
14 guardian of the child or the provider of the services.

15 (Source: P.A. 94-693, eff. 7-1-06; 94-816, eff. 5-30-06;
16 95-755, eff. 7-25-08.)