

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 Sections 5-2, 6-1.7, and 12-4.4 and by adding Section
6 9A-15 as follows:

7 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

8 Sec. 5-2. Classes of Persons Eligible. Medical assistance
9 under this Article shall be available to any of the following
10 classes of persons in respect to whom a plan for coverage has
11 been submitted to the Governor by the Illinois Department and
12 approved by him:

13 1. Recipients of basic maintenance grants under Articles
14 III and IV.

15 2. Persons otherwise eligible for basic maintenance under
16 Articles III and IV but who fail to qualify thereunder on the
17 basis of need, and who have insufficient income and resources
18 to meet the costs of necessary medical care, including but not
19 limited to the following:

20 (a) All persons otherwise eligible for basic
21 maintenance under Article III but who fail to qualify under
22 that Article on the basis of need and who meet either of
23 the following requirements:

24 (i) their income, as determined by the Illinois
25 Department in accordance with any federal
26 requirements, is equal to or less than 70% in fiscal
27 year 2001, equal to or less than 85% in fiscal year
28 2002 and until a date to be determined by the
29 Department by rule, and equal to or less than 100%
30 beginning on the date determined by the Department by
31 rule, of the nonfarm income official poverty line, as
32 defined by the federal Office of Management and Budget

1 and revised annually in accordance with Section 673(2)
2 of the Omnibus Budget Reconciliation Act of 1981,
3 applicable to families of the same size; or

4 (ii) their income, after the deduction of costs
5 incurred for medical care and for other types of
6 remedial care, is equal to or less than 70% in fiscal
7 year 2001, equal to or less than 85% in fiscal year
8 2002 and until a date to be determined by the
9 Department by rule, and equal to or less than 100%
10 beginning on the date determined by the Department by
11 rule, of the nonfarm income official poverty line, as
12 defined in item (i) of this subparagraph (a).

13 (b) All persons who would be determined eligible for
14 such basic maintenance under Article IV by disregarding the
15 maximum earned income permitted by federal law.

16 3. Persons who would otherwise qualify for Aid to the
17 Medically Indigent under Article VII.

18 4. Persons not eligible under any of the preceding
19 paragraphs who fall sick, are injured, or die, not having
20 sufficient money, property or other resources to meet the costs
21 of necessary medical care or funeral and burial expenses.

22 5. (a) Women during pregnancy, after the fact of pregnancy
23 has been determined by medical diagnosis, and during the
24 60-day period beginning on the last day of the pregnancy,
25 together with their infants and children born after
26 September 30, 1983, whose income and resources are
27 insufficient to meet the costs of necessary medical care to
28 the maximum extent possible under Title XIX of the Federal
29 Social Security Act.

30 (b) The Illinois Department and the Governor shall
31 provide a plan for coverage of the persons eligible under
32 paragraph 5(a) by April 1, 1990. Such plan shall provide
33 ambulatory prenatal care to pregnant women during a
34 presumptive eligibility period and establish an income
35 eligibility standard that is equal to 133% of the nonfarm
36 income official poverty line, as defined by the federal

1 Office of Management and Budget and revised annually in
2 accordance with Section 673(2) of the Omnibus Budget
3 Reconciliation Act of 1981, applicable to families of the
4 same size, provided that costs incurred for medical care
5 are not taken into account in determining such income
6 eligibility.

7 (c) The Illinois Department may conduct a
8 demonstration in at least one county that will provide
9 medical assistance to pregnant women, together with their
10 infants and children up to one year of age, where the
11 income eligibility standard is set up to 185% of the
12 nonfarm income official poverty line, as defined by the
13 federal Office of Management and Budget. The Illinois
14 Department shall seek and obtain necessary authorization
15 provided under federal law to implement such a
16 demonstration. Such demonstration may establish resource
17 standards that are not more restrictive than those
18 established under Article IV of this Code.

19 6. Persons under the age of 18 who fail to qualify as
20 dependent under Article IV and who have insufficient income and
21 resources to meet the costs of necessary medical care to the
22 maximum extent permitted under Title XIX of the Federal Social
23 Security Act.

24 7. Persons who are under 21 years of age and would qualify
25 as disabled as defined under the Federal Supplemental Security
26 Income Program, provided medical service for such persons would
27 be eligible for Federal Financial Participation, and provided
28 the Illinois Department determines that:

29 (a) the person requires a level of care provided by a
30 hospital, skilled nursing facility, or intermediate care
31 facility, as determined by a physician licensed to practice
32 medicine in all its branches;

33 (b) it is appropriate to provide such care outside of
34 an institution, as determined by a physician licensed to
35 practice medicine in all its branches;

36 (c) the estimated amount which would be expended for

1 care outside the institution is not greater than the
2 estimated amount which would be expended in an institution.

3 8. Persons who become ineligible for basic maintenance
4 assistance under Article IV of this Code in programs
5 administered by the Illinois Department due to employment
6 earnings and persons in assistance units comprised of adults
7 and children who become ineligible for basic maintenance
8 assistance under Article VI of this Code due to employment
9 earnings. The plan for coverage for this class of persons
10 shall:

11 (a) extend the medical assistance coverage for up to 12
12 months following termination of basic maintenance
13 assistance; and

14 (b) offer persons who have initially received 6 months
15 of the coverage provided in paragraph (a) above, the option
16 of receiving an additional 6 months of coverage, subject to
17 the following:

18 (i) such coverage shall be pursuant to provisions
19 of the federal Social Security Act;

20 (ii) such coverage shall include all services
21 covered while the person was eligible for basic
22 maintenance assistance;

23 (iii) no premium shall be charged for such
24 coverage; and

25 (iv) such coverage shall be suspended in the event
26 of a person's failure without good cause to file in a
27 timely fashion reports required for this coverage
28 under the Social Security Act and coverage shall be
29 reinstated upon the filing of such reports if the
30 person remains otherwise eligible.

31 9. Persons with acquired immunodeficiency syndrome (AIDS)
32 or with AIDS-related conditions with respect to whom there has
33 been a determination that but for home or community-based
34 services such individuals would require the level of care
35 provided in an inpatient hospital, skilled nursing facility or
36 intermediate care facility the cost of which is reimbursed

1 under this Article. Assistance shall be provided to such
2 persons to the maximum extent permitted under Title XIX of the
3 Federal Social Security Act.

4 10. Participants in the long-term care insurance
5 partnership program established under the Partnership for
6 Long-Term Care Act who meet the qualifications for protection
7 of resources described in Section 25 of that Act.

8 11. Persons with disabilities who are employed and eligible
9 for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of
10 the Social Security Act, as provided by the Illinois Department
11 by rule.

12 12. Subject to federal approval, persons who are eligible
13 for medical assistance coverage under applicable provisions of
14 the federal Social Security Act and the federal Breast and
15 Cervical Cancer Prevention and Treatment Act of 2000 or who
16 would have been eligible for such coverage except that they are
17 found to need treatment for a cancer other than breast or
18 cervical cancer. Those eligible persons are defined to include,
19 but not be limited to, the following persons:

20 (1) persons who have been screened for breast or
21 cervical cancer under the U.S. Centers for Disease Control
22 and Prevention Breast and Cervical Cancer Program
23 established under Title XV of the federal Public Health
24 Services Act in accordance with the requirements of Section
25 1504 of that Act as administered by the Illinois Department
26 of Public Health; and

27 (2) persons whose screenings under the above program
28 were funded in whole or in part by funds appropriated to
29 the Illinois Department of Public Health for breast or
30 cervical cancer screening.

31 "Medical assistance" under this paragraph 12 shall be identical
32 to the benefits provided under the State's approved plan under
33 Title XIX of the Social Security Act. ~~The Department must~~
34 ~~request federal approval of the coverage under this paragraph~~
35 ~~12 within 30 days after the effective date of this amendatory~~
36 ~~Act of the 92nd General Assembly.~~

1 The Illinois Department and the Governor shall provide a
2 plan for coverage of the persons eligible under paragraph 7 as
3 soon as possible after July 1, 1984.

4 The eligibility of any such person for medical assistance
5 under this Article is not affected by the payment of any grant
6 under the Senior Citizens and Disabled Persons Property Tax
7 Relief and Pharmaceutical Assistance Act or any distributions
8 or items of income described under subparagraph (X) of
9 paragraph (2) of subsection (a) of Section 203 of the Illinois
10 Income Tax Act. The Department shall by rule establish the
11 amounts of assets to be disregarded in determining eligibility
12 for medical assistance, which shall at a minimum equal the
13 amounts to be disregarded under the Federal Supplemental
14 Security Income Program. The amount of assets of a single
15 person to be disregarded shall not be less than \$2,000, and the
16 amount of assets of a married couple to be disregarded shall
17 not be less than \$3,000.

18 To the extent permitted under federal law, any person found
19 guilty of a second violation of Article VIIIA shall be
20 ineligible for medical assistance under this Article, as
21 provided in Section 8A-8.

22 The eligibility of any person for medical assistance under
23 this Article shall not be affected by the receipt by the person
24 of donations or benefits from fundraisers held for the person
25 in cases of serious illness, as long as neither the person nor
26 members of the person's family have actual control over the
27 donations or benefits or the disbursement of the donations or
28 benefits.

29 (Source: P.A. 92-16, eff. 6-28-01; 92-47, eff. 7-3-01; 92-597,
30 eff. 6-28-02; 93-20, eff. 6-20-03.)

31 (305 ILCS 5/6-1.7) (from Ch. 23, par. 6-1.7)

32 Sec. 6-1.7. A recipient of financial aid under this
33 Article, which money or vendor payment is made by a local
34 governmental unit which administers aid under this Article and
35 is not a County Department, who is required under Section 6-1.4

1 to register for and accept bona fide offers of employment as
2 provided in Section 11-20 but is not required to participate in
3 a job search, training and work program under Section 9-6, must
4 also register for work with such local governmental unit and
5 must perform work without compensation for a taxing district or
6 private not-for-profit organization as provided in this
7 Section.

8 A local governmental unit which administers aid under this
9 Article shall maintain a roster of the persons who have
10 registered for work in such local governmental unit, and shall
11 assure that such roster is available for the inspection of the
12 governing authorities of all taxing districts or private
13 not-for-profit organizations, or the duly authorized agents
14 thereof, for the selection of possible workers. Each such local
15 governmental unit shall cause persons, who are selected by a
16 taxing district or private not-for-profit organization to
17 perform work, to be notified at least 24 hours in advance of
18 the time the work is to begin.

19 Each such local governmental unit shall assure that the
20 following additional requirements are complied with:

21 (a) The taxing district or private not-for-profit
22 organization may not use a person selected to work under this
23 Section to replace a regular employee.

24 (b) The work to be performed for the taxing district or
25 private not-for-profit organization must be reasonably related
26 to the skills or interests of the recipient.

27 (c) The maximum number of hours such work may be performed
28 is 8 hours per day and 40 hours per week.

29 (d) The recipient shall be provided or compensated for
30 transportation to and from the work location.

31 (e) The person selected to work under this Section shall
32 receive credit against his or her monthly benefits under this
33 Article, based on the State or federal minimum wage rate,
34 whichever is higher, for the work performed.

35 However, a taxing district or private not-for-profit
36 organization using the services of such recipient must pay the

1 recipient at least the State or federal minimum wage, whichever
2 is higher, after such recipient has received credit by the
3 Illinois Department equal to the amount of financial aid
4 received under this Article, or the recipient shall be
5 discharged. Moneys made available for public aid purposes under
6 this Article may be expended to purchase worker's compensation
7 insurance or to pay worker's compensation claims.

8 For the purposes of this Section, "taxing district" means
9 any unit of local government, as defined in Section 1 of
10 Article VII of the Constitution, with the power to tax, and any
11 school district or community college district.

12 (Source: P.A. 85-114.)

13 (305 ILCS 5/9A-15 new)

14 Sec. 9A-15. Work activity; applicable minimum wage. The
15 State or federal minimum wage, whichever is higher, shall be
16 used to calculate the required number of hours of participation
17 in any earnfare or pay after performance activity under Section
18 9A-9 or any other Section of this Code in which a recipient of
19 public assistance performs work as a condition of receiving the
20 public assistance and the recipient is not paid wages for the
21 work.

22 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

23 Sec. 12-4.4. Administration of federally-aided programs.
24 Direct County Departments of Public Aid in the administration
25 of the federally funded food stamp program, programs to aid
26 refugees and Articles III, IV, and V of this Code.

27 The Illinois Department of Human Services shall operate a
28 Food Stamp Employment and Training (FSE&T) program in
29 compliance with federal law. The FSE&T program will have an
30 Earnfare component. The Earnfare component shall be available
31 in selected geographic areas based on criteria established by
32 the Illinois Department of Human Services by rule. Participants
33 in Earnfare will, to the extent resources allow, earn their
34 assistance. Participation in the Earnfare program is

1 voluntary, except when ordered by a court of competent
2 jurisdiction. Eligibility for Earnfare may be limited to only 6
3 months out of any 12 consecutive month period. Clients are not
4 entitled to be placed in an Earnfare slot. Earnfare slots shall
5 be made available only as resources permit. Earnfare shall be
6 available to persons receiving food stamps who meet eligibility
7 criteria established by the Illinois Department of Human
8 Services by rule. The Illinois Department may, by rule, extend
9 the Earnfare Program to clients who do not receive food stamps.
10 Receipt of food stamps is not an eligibility requirement of
11 Earnfare when a court of competent jurisdiction orders an
12 individual to participate in the Earnfare Program. To the
13 extent resources permit, the Earnfare program will allow
14 participants to engage in work-related activities to earn
15 monthly financial assistance payments and to improve
16 participants' employability in order for them to succeed in
17 obtaining employment. The Illinois Department of Human
18 Services may enter into contracts with other public agencies
19 including State agencies, with local governmental units, and
20 with not-for-profit community based organizations to carry out
21 the elements of the Program that the Department of Human
22 Services deems appropriate.

23 The Earnfare Program shall contain the following elements:

24 (1) To the extent resources allow and slots exist, the
25 Illinois Department of Human Services shall refer
26 recipients of food stamp assistance who meet eligibility
27 criteria, as established by rule. Receipt of food stamps is
28 not an eligibility requirement of Earnfare when a court of
29 competent jurisdiction orders an individual to participate
30 in the Earnfare Program.

31 (2) Persons participating in Earnfare shall engage in
32 employment assigned activities equal to the amount of the
33 food stamp benefits divided by the State or federal minimum
34 wage, whichever is higher, and subsequently shall earn
35 minimum wage assistance for each additional hour of
36 performance in Earnfare activity. Earnfare participants

1 shall be offered the opportunity to earn up to \$154. The
2 Department of Human Services may establish a higher amount
3 by rule provided resources permit. If a court of competent
4 jurisdiction orders an individual to participate in the
5 Earnfare program, hours engaged in employment assigned
6 activities shall first be applied for a \$50 payment made to
7 the custodial parent as a support obligation. If the
8 individual receives food stamps, the individual shall
9 engage in employment assigned activities equal to the
10 amount of the food stamp benefits divided by the State or
11 federal minimum wage, whichever is higher, and
12 subsequently shall earn State or federal minimum wage
13 assistance, whichever is higher, for each additional hour
14 of performance in Earnfare activity.

15 (3) To the extent appropriate slots are available, the
16 Illinois Department of Human Services shall assign
17 Earnfare participants to Earnfare activities based on an
18 assessment of the person's age, literacy, education,
19 educational achievement, job training, work experience,
20 and recent institutionalization, whenever these factors
21 are known to the Department of Human Services or to the
22 contractor and are relevant to the individual's success in
23 carrying out the assigned activities and in ultimately
24 obtaining employment.

25 (4) The Department of Human Services shall consider the
26 participant's preferences and personal employment goals in
27 making assignments to the extent administratively possible
28 and to the extent that resources allow.

29 (5) The Department of Human Services may enter into
30 cooperative agreements with local governmental units
31 (which may, in turn, enter into agreements with
32 not-for-profit community based organizations): with other
33 public, including State, agencies; directly with
34 not-for-profit community based organizations, and with
35 private employers to create Earnfare activities for
36 program participants.

1 (6) To the extent resources permit, the Department of
2 Human Services shall provide the Earnfare participants
3 with the costs of transportation in looking for work and in
4 getting to and from the assigned Earnfare job site and
5 initial expenses of employment.

6 (7) All income and asset limitations of the Federal
7 Food Stamp Program will govern continued Earnfare
8 participation, except that court ordered participants
9 shall participate for 6 months unless the court orders
10 otherwise.

11 (8) Earnfare participants shall not displace or
12 substitute for regular, full time or part time employees,
13 regardless of whether or not the employee is currently
14 working, on a leave of absence or in a position or similar
15 position where a layoff has taken place or the employer has
16 terminated the employment of any regular employee or
17 otherwise reduced its workforce with the effect of filling
18 the vacancy so created with a participant subsidized under
19 this program, or is or has been involved in a labor dispute
20 between a labor organization and the sponsor.

21 (9) Persons who fail to cooperate with the FSE&T
22 program shall become ineligible for food stamp assistance
23 according to Food Stamp regulations, and for Earnfare
24 participation. Failure to participate in Earnfare for all
25 of the hours assigned is not a failure to cooperate unless
26 so established by the employer pursuant to Department of
27 Human Services rules, except that the changes to Sec. 5-2
28 in Section 5 take effect on January 1, 2005. If a person
29 who is ordered by a court of competent jurisdiction to
30 participate in the Earnfare Program fails to cooperate with
31 the Program, the person shall be referred to the court for
32 failure to comply with the court order.

33 (Source: P.A. 92-111, eff. 1-1-02.)

34 Section 99. Effective date. This Act takes effect upon
35 becoming law.