



Filed: 3/5/2008

09500HB5251ham001

LRB095 16277 DRJ 47477 a

1 AMENDMENT TO HOUSE BILL 5251

2 AMENDMENT NO. _____. Amend House Bill 5251 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-2 as follows:

6 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

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

14 2. Persons otherwise eligible for basic maintenance
15 under Articles III and IV but who fail to qualify
16 thereunder on the basis of need, and who have insufficient

1 income and resources to meet the costs of necessary medical
2 care, including but not limited to the following:

3 (a) All persons otherwise eligible for basic
4 maintenance under Article III but who fail to qualify
5 under that Article on the basis of need and who meet
6 either of the following requirements:

7 (i) their income, as determined by the
8 Illinois Department in accordance with any federal
9 requirements, is equal to or less than 70% in
10 fiscal year 2001, equal to or less than 85% in
11 fiscal year 2002 and until a date to be determined
12 by the Department by rule, and equal to or less
13 than 100% beginning on the date determined by the
14 Department by rule, of the nonfarm income official
15 poverty line, as defined by the federal Office of
16 Management and Budget and revised annually in
17 accordance with Section 673(2) of the Omnibus
18 Budget Reconciliation Act of 1981, applicable to
19 families of the same size; or

20 (ii) their income, after the deduction of
21 costs incurred for medical care and for other types
22 of remedial care, is equal to or less than 70% in
23 fiscal year 2001, equal to or less than 85% in
24 fiscal year 2002 and until a date to be determined
25 by the Department by rule, and equal to or less
26 than 100% beginning on the date determined by the

1 Department by rule, of the nonfarm income official
2 poverty line, as defined in item (i) of this
3 subparagraph (a).

4 (b) All persons who would be determined eligible
5 for such basic maintenance under Article IV by
6 disregarding the maximum earned income permitted by
7 federal law.

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

10 4. Persons not eligible under any of the preceding
11 paragraphs who fall sick, are injured, or die, not having
12 sufficient money, property or other resources to meet the
13 costs of necessary medical care or funeral and burial
14 expenses.

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

23 (b) The Illinois Department and the Governor shall
24 provide a plan for coverage of the persons eligible under
25 paragraph 5(a) by April 1, 1990. Such plan shall provide
26 ambulatory prenatal care to pregnant women during a

1 presumptive eligibility period and establish an income
2 eligibility standard that is equal to 133% of the nonfarm
3 income official poverty line, as defined by the federal
4 Office of Management and Budget and revised annually in
5 accordance with Section 673(2) of the Omnibus Budget
6 Reconciliation Act of 1981, applicable to families of the
7 same size, provided that costs incurred for medical care
8 are not taken into account in determining such income
9 eligibility.

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

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

1 7. Persons who are under 21 years of age and would
2 qualify as disabled as defined under the Federal
3 Supplemental Security Income Program, provided medical
4 service for such persons would be eligible for Federal
5 Financial Participation, and provided the Illinois
6 Department determines that:

7 (a) the person requires a level of care provided by
8 a hospital, skilled nursing facility, or intermediate
9 care facility, as determined by a physician licensed to
10 practice medicine in all its branches;

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

14 (c) the estimated amount which would be expended
15 for care outside the institution is not greater than
16 the estimated amount which would be expended in an
17 institution.

18 8. Persons who become ineligible for basic maintenance
19 assistance under Article IV of this Code in programs
20 administered by the Illinois Department due to employment
21 earnings and persons in assistance units comprised of
22 adults and children who become ineligible for basic
23 maintenance assistance under Article VI of this Code due to
24 employment earnings. The plan for coverage for this class
25 of persons shall:

26 (a) extend the medical assistance coverage for up

1 to 12 months following termination of basic
2 maintenance assistance; and

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

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

9 (ii) such coverage shall include all services
10 covered while the person was eligible for basic
11 maintenance assistance;

12 (iii) no premium shall be charged for such
13 coverage; and

14 (iv) such coverage shall be suspended in the
15 event of a person's failure without good cause to
16 file in a timely fashion reports required for this
17 coverage under the Social Security Act and
18 coverage shall be reinstated upon the filing of
19 such reports if the person remains otherwise
20 eligible.

21 9. Persons with acquired immunodeficiency syndrome
22 (AIDS) or with AIDS-related conditions with respect to whom
23 there has been a determination that but for home or
24 community-based services such individuals would require
25 the level of care provided in an inpatient hospital,
26 skilled nursing facility or intermediate care facility the

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

5 10. Participants in the long-term care insurance
6 partnership program established under the Illinois
7 Long-Term Care Partnership Program Act ~~Partnership for~~
8 ~~Long Term Care Act~~ who meet the qualifications for
9 protection of resources described in Section 15 25 of that
10 Act.

11 11. Persons with disabilities who are employed and
12 eligible for Medicaid, pursuant to Section
13 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
14 subject to federal approval, persons with a medically
15 improved disability who are employed and eligible for
16 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
17 the Social Security Act, as provided by the Illinois
18 Department by rule. In establishing eligibility standards
19 under this paragraph 11, the Department shall, subject to
20 federal approval:

21 (a) set the income eligibility standard at not
22 lower than 350% of the federal poverty level;

23 (b) exempt retirement accounts that the person
24 cannot access without penalty before the age of 59 1/2,
25 and medical savings accounts established pursuant to
26 U.S.C. 220;

1 (c) allow non-exempt assets up to \$25,000 as to
2 those assets accumulated during periods of eligibility
3 under this paragraph 11; and

4 (d) continue to apply subparagraphs (b) and (c) in
5 determining the eligibility of the person under this
6 Article even if the person loses eligibility under this
7 paragraph 11.

8 12. Subject to federal approval, persons who are
9 eligible for medical assistance coverage under applicable
10 provisions of the federal Social Security Act and the
11 federal Breast and Cervical Cancer Prevention and
12 Treatment Act of 2000. Those eligible persons are defined
13 to include, but not be limited to, the following persons:

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

22 (2) persons whose screenings under the above
23 program were funded in whole or in part by funds
24 appropriated to the Illinois Department of Public
25 Health for breast or cervical cancer screening.

26 "Medical assistance" under this paragraph 12 shall be

1 identical to the benefits provided under the State's
2 approved plan under Title XIX of the Social Security Act.
3 The Department must request federal approval of the
4 coverage under this paragraph 12 within 30 days after the
5 effective date of this amendatory Act of the 92nd General
6 Assembly.

7 13. Subject to appropriation and to federal approval,
8 persons living with HIV/AIDS who are not otherwise eligible
9 under this Article and who qualify for services covered
10 under Section 5-5.04 as provided by the Illinois Department
11 by rule.

12 14. Subject to the availability of funds for this
13 purpose, the Department may provide coverage under this
14 Article to persons who reside in Illinois who are not
15 eligible under any of the preceding paragraphs and who meet
16 the income guidelines of paragraph 2(a) of this Section and
17 (i) have an application for asylum pending before the
18 federal Department of Homeland Security or on appeal before
19 a court of competent jurisdiction and are represented
20 either by counsel or by an advocate accredited by the
21 federal Department of Homeland Security and employed by a
22 not-for-profit organization in regard to that application
23 or appeal, or (ii) are receiving services through a
24 federally funded torture treatment center. Medical
25 coverage under this paragraph 14 may be provided for up to
26 24 continuous months from the initial eligibility date so

1 long as an individual continues to satisfy the criteria of
2 this paragraph 14. If an individual has an appeal pending
3 regarding an application for asylum before the Department
4 of Homeland Security, eligibility under this paragraph 14
5 may be extended until a final decision is rendered on the
6 appeal. The Department may adopt rules governing the
7 implementation of this paragraph 14.

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

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

25 To the extent permitted under federal law, any person found
26 guilty of a second violation of Article VIII A shall be

1 ineligible for medical assistance under this Article, as
2 provided in Section 8A-8.

3 The eligibility of any person for medical assistance under
4 this Article shall not be affected by the receipt by the person
5 of donations or benefits from fundraisers held for the person
6 in cases of serious illness, as long as neither the person nor
7 members of the person's family have actual control over the
8 donations or benefits or the disbursement of the donations or
9 benefits.

10 Notwithstanding any other rulemaking authority that may
11 exist, neither the Governor nor any agency or agency head under
12 the jurisdiction of the Governor has any authority to make or
13 promulgate rules to implement or enforce the provisions of this
14 amendatory Act of the 95th General Assembly. If, however, the
15 Governor believes that rules are necessary to implement or
16 enforce the provisions of this amendatory Act of the 95th
17 General Assembly, the Governor may suggest rules to the General
18 Assembly by filing them with the Clerk of the House and
19 Secretary of the Senate and by requesting that the General
20 Assembly authorize such rulemaking by law, enact those
21 suggested rules into law, or take any other appropriate action
22 in the General Assembly's discretion. Nothing contained in this
23 amendatory Act of the 95th General Assembly shall be
24 interpreted to grant rulemaking authority under any other
25 Illinois statute where such authority is not otherwise
26 explicitly given. For the purposes of this amendatory Act of

1 the 95th General Assembly, "rules" is given the meaning
2 contained in Section 1-70 of the Illinois Administrative
3 Procedure Act, and "agency" and "agency head" are given the
4 meanings contained in Sections 1-20 and 1-25 of the Illinois
5 Administrative Procedure Act to the extent that such
6 definitions apply to agencies or agency heads under the
7 jurisdiction of the Governor.

8 (Source: P.A. 94-629, eff. 1-1-06; 94-1043, eff. 7-24-06;
9 95-546, eff. 8-29-07; revised 1-22-08.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."