

# HB3841



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB3841**

Introduced 10/19/2011, by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-9

from Ch. 23, par. 12-9

Amend the Administration Article of the Illinois Public Aid Code. Adds federal financial participation revenue related to eligible disbursements made by the Department of Healthcare and Family Services to the list of monies funding the Public Aid Recoveries Trust Fund. Effective January 1, 2012.

LRB097 13775 KTG 58333 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 12-9 as follows:

6 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

7 Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The  
8 Public Aid Recoveries Trust Fund shall consist of (1)  
9 recoveries by the Department of Healthcare and Family Services  
10 (formerly Illinois Department of Public Aid) authorized by this  
11 Code in respect to applicants or recipients under Articles III,  
12 IV, V, and VI, including recoveries made by the Department of  
13 Healthcare and Family Services (formerly Illinois Department  
14 of Public Aid) from the estates of deceased recipients, (2)  
15 recoveries made by the Department of Healthcare and Family  
16 Services (formerly Illinois Department of Public Aid) in  
17 respect to applicants and recipients under the Children's  
18 Health Insurance Program Act, the Covering ALL KIDS Health  
19 Insurance Act, and the Senior Citizens and Disabled Persons  
20 Property Tax Relief and Pharmaceutical Assistance Act, (3)  
21 federal funds received on behalf of and earned by State  
22 universities and local governmental entities for services  
23 provided to applicants or recipients covered under this Code,

1 the Children's Health Insurance Program Act, the Covering ALL  
2 KIDS Health Insurance Act, and the Senior Citizens and Disabled  
3 Persons Property Tax Relief and Pharmaceutical Assistance Act,  
4 (3.5) federal financial participation revenue related to  
5 eligible disbursements made by the Department of Healthcare and  
6 Family Services from appropriations required by this Section,  
7 and (4) all other moneys received to the Fund, including  
8 interest thereon. The Fund shall be held as a special fund in  
9 the State Treasury.

10 Disbursements from this Fund shall be only (1) for the  
11 reimbursement of claims collected by the Department of  
12 Healthcare and Family Services (formerly Illinois Department  
13 of Public Aid) through error or mistake, (2) for payment to  
14 persons or agencies designated as payees or co-payees on any  
15 instrument, whether or not negotiable, delivered to the  
16 Department of Healthcare and Family Services (formerly  
17 Illinois Department of Public Aid) as a recovery under this  
18 Section, such payment to be in proportion to the respective  
19 interests of the payees in the amount so collected, (3) for  
20 payments to the Department of Human Services for collections  
21 made by the Department of Healthcare and Family Services  
22 (formerly Illinois Department of Public Aid) on behalf of the  
23 Department of Human Services under this Code, the Children's  
24 Health Insurance Program Act, and the Covering ALL KIDS Health  
25 Insurance Act, (4) for payment of administrative expenses  
26 incurred in performing the activities authorized under this

1 Code, the Children's Health Insurance Program Act, the Covering  
2 ALL KIDS Health Insurance Act, and the Senior Citizens and  
3 Disabled Persons Property Tax Relief and Pharmaceutical  
4 Assistance Act, (5) for payment of fees to persons or agencies  
5 in the performance of activities pursuant to the collection of  
6 monies owed the State that are collected under this Code, the  
7 Children's Health Insurance Program Act, the Covering ALL KIDS  
8 Health Insurance Act, and the Senior Citizens and Disabled  
9 Persons Property Tax Relief and Pharmaceutical Assistance Act,  
10 (6) for payments of any amounts which are reimbursable to the  
11 federal government which are required to be paid by State  
12 warrant by either the State or federal government, and (7) for  
13 payments to State universities and local governmental entities  
14 of federal funds for services provided to applicants or  
15 recipients covered under this Code, the Children's Health  
16 Insurance Program Act, the Covering ALL KIDS Health Insurance  
17 Act, and the Senior Citizens and Disabled Persons Property Tax  
18 Relief and Pharmaceutical Assistance Act. Disbursements from  
19 this Fund for purposes of items (4) and (5) of this paragraph  
20 shall be subject to appropriations from the Fund to the  
21 Department of Healthcare and Family Services (formerly  
22 Illinois Department of Public Aid).

23 The balance in this Fund on the first day of each calendar  
24 quarter, after payment therefrom of any amounts reimbursable to  
25 the federal government, and minus the amount reasonably  
26 anticipated to be needed to make the disbursements during that

1 quarter authorized by this Section, shall be certified by the  
2 Director of Healthcare and Family Services and transferred by  
3 the State Comptroller to the Drug Rebate Fund or the Healthcare  
4 Provider Relief Fund in the State Treasury, as appropriate,  
5 within 30 days of the first day of each calendar quarter. The  
6 Director of Healthcare and Family Services may certify and the  
7 State Comptroller shall transfer to the Drug Rebate Fund  
8 amounts on a more frequent basis.

9 On July 1, 1999, the State Comptroller shall transfer the  
10 sum of \$5,000,000 from the Public Aid Recoveries Trust Fund  
11 (formerly the Public Assistance Recoveries Trust Fund) into the  
12 DHS Recoveries Trust Fund.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-1100, eff. 1-1-11.)

14 Section 99. Effective date. This Act takes effect January  
15 1, 2012.