

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.