

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 5-4.1 as follows:

6 (305 ILCS 5/5-4.1) (from Ch. 23, par. 5-4.1)

7 Sec. 5-4.1. Co-payments. The Department may by rule provide
8 that recipients under any Article of this Code shall pay a fee
9 as a co-payment for services. Co-payments shall be maximized to
10 the extent permitted by federal law, except that the Department
11 shall impose a co-pay of \$2 on generic drugs. Provided,
12 however, that any such rule must provide that no co-payment
13 requirement can exist for renal dialysis, radiation therapy,
14 cancer chemotherapy, or insulin, and other products necessary
15 on a recurring basis, the absence of which would be life
16 threatening, or where co-payment expenditures for required
17 services and/or medications for chronic diseases that the
18 Illinois Department shall by rule designate shall cause an
19 extensive financial burden on the recipient, and provided no
20 co-payment shall exist for emergency room encounters which are
21 for medical emergencies. The Department shall seek approval of
22 a State plan amendment that allows pharmacies to refuse to
23 dispense drugs in circumstances where the recipient does not

1 pay the required co-payment. Co-payments may not exceed \$10 for
2 emergency room use for a non-emergency situation as defined by
3 the Department by rule and subject to federal approval.

4 Notwithstanding the other provisions of this Section or any
5 other law, the Department shall not require any person
6 incarcerated in a facility of the Department of Corrections who
7 is eligible for medical assistance under this Article to pay a
8 fee as a co-payment for services.

9 (Source: P.A. 96-1501, eff. 1-25-11; 97-74, eff. 6-30-11;
10 97-689, eff. 6-14-12.)

11 Section 10. The Unified Code of Corrections is amended by
12 changing Section 3-6-2 as follows:

13 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

14 Sec. 3-6-2. Institutions and Facility Administration.

15 (a) Each institution and facility of the Department shall
16 be administered by a chief administrative officer appointed by
17 the Director. A chief administrative officer shall be
18 responsible for all persons assigned to the institution or
19 facility. The chief administrative officer shall administer
20 the programs of the Department for the custody and treatment of
21 such persons.

22 (b) The chief administrative officer shall have such
23 assistants as the Department may assign.

24 (c) The Director or Assistant Director shall have the

1 emergency powers to temporarily transfer individuals without
2 formal procedures to any State, county, municipal or regional
3 correctional or detention institution or facility in the State,
4 subject to the acceptance of such receiving institution or
5 facility, or to designate any reasonably secure place in the
6 State as such an institution or facility and to make transfers
7 thereto. However, transfers made under emergency powers shall
8 be reviewed as soon as practicable under Article 8, and shall
9 be subject to Section 5-905 of the Juvenile Court Act of 1987.
10 This Section shall not apply to transfers to the Department of
11 Human Services which are provided for under Section 3-8-5 or
12 Section 3-10-5.

13 (d) The Department shall provide educational programs for
14 all committed persons so that all persons have an opportunity
15 to attain the achievement level equivalent to the completion of
16 the twelfth grade in the public school system in this State.
17 Other higher levels of attainment shall be encouraged and
18 professional instruction shall be maintained wherever
19 possible. The Department may establish programs of mandatory
20 education and may establish rules and regulations for the
21 administration of such programs. A person committed to the
22 Department who, during the period of his or her incarceration,
23 participates in an educational program provided by or through
24 the Department and through that program is awarded or earns the
25 number of hours of credit required for the award of an
26 associate, baccalaureate, or higher degree from a community

1 college, college, or university located in Illinois shall
2 reimburse the State, through the Department, for the costs
3 incurred by the State in providing that person during his or
4 her incarceration with the education that qualifies him or her
5 for the award of that degree. The costs for which reimbursement
6 is required under this subsection shall be determined and
7 computed by the Department under rules and regulations that it
8 shall establish for that purpose. However, interest at the rate
9 of 6% per annum shall be charged on the balance of those costs
10 from time to time remaining unpaid, from the date of the
11 person's parole, mandatory supervised release, or release
12 constituting a final termination of his or her commitment to
13 the Department until paid.

14 (d-5) A person committed to the Department is entitled to
15 confidential testing for infection with human immunodeficiency
16 virus (HIV) and to counseling in connection with such testing,
17 with no copay to the committed person. A person committed to
18 the Department who has tested positive for infection with HIV
19 is entitled to medical care while incarcerated, counseling, and
20 referrals to support services, in connection with that positive
21 test result. Implementation of this subsection (d-5) is subject
22 to appropriation.

23 (e) A person committed to the Department who becomes in
24 need of medical or surgical treatment but is incapable of
25 giving consent thereto shall receive such medical or surgical
26 treatment by the chief administrative officer consenting on the

1 person's behalf. Before the chief administrative officer
2 consents, he or she shall obtain the advice of one or more
3 physicians licensed to practice medicine in all its branches in
4 this State. If such physician or physicians advise:

5 (1) that immediate medical or surgical treatment is
6 required relative to a condition threatening to cause
7 death, damage or impairment to bodily functions, or
8 disfigurement; and

9 (2) that the person is not capable of giving consent to
10 such treatment; the chief administrative officer may give
11 consent for such medical or surgical treatment, and such
12 consent shall be deemed to be the consent of the person for
13 all purposes, including, but not limited to, the authority
14 of a physician to give such treatment.

15 (e-5) If a physician providing medical care to a committed
16 person on behalf of the Department advises the chief
17 administrative officer that the committed person's mental or
18 physical health has deteriorated as a result of the cessation
19 of ingestion of food or liquid to the point where medical or
20 surgical treatment is required to prevent death, damage, or
21 impairment to bodily functions, the chief administrative
22 officer may authorize such medical or surgical treatment.

23 (f) In the event that the person requires medical care and
24 treatment at a place other than the institution or facility,
25 the person may be removed therefrom under conditions prescribed
26 by the Department. The Department shall not require any

1 committed person receiving medical or dental treatment or
2 services to pay a fee as a co-payment for such treatment or
3 services. ~~The Department shall require the committed person~~
4 ~~receiving medical or dental services on a non-emergency basis~~
5 ~~to pay a \$5 co payment to the Department for each visit for~~
6 ~~medical or dental services. The amount of each co payment shall~~
7 ~~be deducted from the committed person's individual account. A~~
8 ~~committed person who has a chronic illness, as defined by~~
9 ~~Department rules and regulations, shall be exempt from the \$5~~
10 ~~co payment for treatment of the chronic illness. A committed~~
11 ~~person shall not be subject to a \$5 co payment for follow up~~
12 ~~visits ordered by a physician, who is employed by, or contracts~~
13 ~~with, the Department. A committed person who is indigent is~~
14 ~~exempt from the \$5 co payment and is entitled to receive~~
15 ~~medical or dental services on the same basis as a committed~~
16 ~~person who is financially able to afford the co payment. For~~
17 ~~purposes of this Section only, "indigent" means a committed~~
18 ~~person who has \$20 or less in his or her Inmate Trust Fund at~~
19 ~~the time of such services and for the 30 days prior to such~~
20 ~~services. Notwithstanding any other provision in this~~
21 ~~subsection (f) to the contrary, any person committed to any~~
22 ~~facility operated by the Department of Juvenile Justice, as set~~
23 ~~forth in Section 3-2.5-15 of this Code, is exempt from the~~
24 ~~co-payment requirement for the duration of confinement in those~~
25 ~~facilities.~~

26 (g) Any person having sole custody of a child at the time

1 of commitment or any woman giving birth to a child after her
2 commitment, may arrange through the Department of Children and
3 Family Services for suitable placement of the child outside of
4 the Department of Corrections. The Director of the Department
5 of Corrections may determine that there are special reasons why
6 the child should continue in the custody of the mother until
7 the child is 6 years old.

8 (h) The Department may provide Family Responsibility
9 Services which may consist of, but not be limited to the
10 following:

11 (1) family advocacy counseling;

12 (2) parent self-help group;

13 (3) parenting skills training;

14 (4) parent and child overnight program;

15 (5) parent and child reunification counseling, either
16 separately or together, preceding the inmate's release;
17 and

18 (6) a prerelease reunification staffing involving the
19 family advocate, the inmate and the child's counselor, or
20 both and the inmate.

21 (i) (Blank).

22 (j) Any person convicted of a sex offense as defined in the
23 Sex Offender Management Board Act shall be required to receive
24 a sex offender evaluation prior to release into the community
25 from the Department of Corrections. The sex offender evaluation
26 shall be conducted in conformance with the standards and

1 guidelines developed under the Sex Offender Management Board
2 Act and by an evaluator approved by the Board.

3 (k) Any minor committed to the Department of Juvenile
4 Justice for a sex offense as defined by the Sex Offender
5 Management Board Act shall be required to undergo sex offender
6 treatment by a treatment provider approved by the Board and
7 conducted in conformance with the Sex Offender Management Board
8 Act.

9 (l) Prior to the release of any inmate committed to a
10 facility of the Department or the Department of Juvenile
11 Justice, the Department must provide the inmate with
12 appropriate information verbally, in writing, by video, or
13 other electronic means, concerning HIV and AIDS. The Department
14 shall develop the informational materials in consultation with
15 the Department of Public Health. At the same time, the
16 Department must also offer the committed person the option of
17 testing for infection with human immunodeficiency virus (HIV),
18 with no copayment for the test. Pre-test information shall be
19 provided to the committed person and informed consent obtained
20 as required in subsection (d) of Section 3 and Section 5 of the
21 AIDS Confidentiality Act. The Department may conduct opt-out
22 HIV testing as defined in Section 4 of the AIDS Confidentiality
23 Act. If the Department conducts opt-out HIV testing, the
24 Department shall place signs in English, Spanish and other
25 languages as needed in multiple, highly visible locations in
26 the area where HIV testing is conducted informing inmates that

1 they will be tested for HIV unless they refuse, and refusal or
2 acceptance of testing shall be documented in the inmate's
3 medical record. The Department shall follow procedures
4 established by the Department of Public Health to conduct HIV
5 testing and testing to confirm positive HIV test results. All
6 testing must be conducted by medical personnel, but pre-test
7 and other information may be provided by committed persons who
8 have received appropriate training. The Department, in
9 conjunction with the Department of Public Health, shall develop
10 a plan that complies with the AIDS Confidentiality Act to
11 deliver confidentially all positive or negative HIV test
12 results to inmates or former inmates. Nothing in this Section
13 shall require the Department to offer HIV testing to an inmate
14 who is known to be infected with HIV, or who has been tested
15 for HIV within the previous 180 days and whose documented HIV
16 test result is available to the Department electronically. The
17 testing provided under this subsection (1) shall consist of a
18 test approved by the Illinois Department of Public Health to
19 determine the presence of HIV infection, based upon
20 recommendations of the United States Centers for Disease
21 Control and Prevention. If the test result is positive, a
22 reliable supplemental test based upon recommendations of the
23 United States Centers for Disease Control and Prevention shall
24 be administered.

25 Prior to the release of an inmate who the Department knows
26 has tested positive for infection with HIV, the Department in a

1 timely manner shall offer the inmate transitional case
2 management, including referrals to other support services.

3 (m) The chief administrative officer of each institution or
4 facility of the Department shall make a room in the institution
5 or facility available for addiction recovery services to be
6 provided to committed persons on a voluntary basis. The
7 services shall be provided for one hour once a week at a time
8 specified by the chief administrative officer of the
9 institution or facility if the following conditions are met:

10 (1) the addiction recovery service contacts the chief
11 administrative officer to arrange the meeting;

12 (2) the committed person may attend the meeting for
13 addiction recovery services only if the committed person
14 uses pre-existing free time already available to the
15 committed person;

16 (3) all disciplinary and other rules of the institution
17 or facility remain in effect;

18 (4) the committed person is not given any additional
19 privileges to attend addiction recovery services;

20 (5) if the addiction recovery service does not arrange
21 for scheduling a meeting for that week, no addiction
22 recovery services shall be provided to the committed person
23 in the institution or facility for that week;

24 (6) the number of committed persons who may attend an
25 addiction recovery meeting shall not exceed 40 during any
26 session held at the correctional institution or facility;

1 (7) a volunteer seeking to provide addiction recovery
2 services under this subsection (m) must submit an
3 application to the Department of Corrections under
4 existing Department rules and the Department must review
5 the application within 60 days after submission of the
6 application to the Department; and

7 (8) each institution and facility of the Department
8 shall manage the addiction recovery services program
9 according to its own processes and procedures.

10 For the purposes of this subsection (m), "addiction
11 recovery services" means recovery services for alcoholics and
12 addicts provided by volunteers of recovery support services
13 recognized by the Department of Human Services.

14 (Source: P.A. 96-284, eff. 1-1-10; 97-244, eff. 8-4-11; 97-323,
15 eff. 8-12-11; 97-562, eff. 1-1-12; 97-802, eff. 7-13-12;
16 97-813, eff. 7-13-12.)