LRB102 24087 CPF 38288 a

Rep. Robyn Gabel

Filed: 3/29/2022

1 AMENDMENT TO SENATE BILL 3682

2 AMENDMENT NO. ______. Amend Senate Bill 3682 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Reducing Cervical Cancer and Saving Lives Act.

6 Section 5. Applicability. This Act applies to a hospital,
7 outpatient department, clinic, mobile unit, or other entity
8 that provides cervical cancer screening services in the State
9 of Illinois.

10 Section 10. Definitions. As used in this Act:
11 "Cervical cancer screening service" means an examination
12 and laboratory test for the screening and detection of
13 cervical cancer, including conventional Pap smear screening,
14 liquid-based cytology, or human papillomavirus (HPV) detection
15 methods.

1 "Department" means the Department of Public Health.

2 Section 15. Cervical cancer screening services; written
3 report.
4 (a) A hospital, outpatient department, clinic, mobile
5 unit, or other entity that provides a cervical cancer
6 screening service shall prepare a written report of the
7 results of any cervical cancer screening service provided to a
8 patient. The written report shall be provided to the patient's
9 referring health care professional. If a patient's referring
10 health care professional is not available or if there is no
11 such referring health care professional, only the summary of
12 the written report under subsection (b) is required.
13 (b) A summary of the written report of the results of any
14 cervical cancer screening service shall be sent directly to
15 the patient in terms easily understood by a lay person. The
16 summary of the written report may be provided electronically
17 if the patient has consented to receive electronic
18 communications. The summary of the written report shall advise
19 the patient to consult with the patient's health care
20 professional to discuss the results of the cervical cancer
21 screening.
22 (c) The Department, in collaboration with experts in
23 cervical cancer and cervical cancer screening, shall develop
24 suggested cervical cancer screening reporting language, in
25 terms easily understood by a lay person, to be sent to patients

with the summary of the written report required under subsection (b).

(d) This Section does not create a duty of care or other legal obligation beyond the duty to provide a written report as set forth in this Section.

(e) This Section is operative beginning 6 months after the Department makes the suggested cervical cancer screening reporting language required under subsection (c) publicly available, including by posting the suggested cervical cancer screening reporting language on the Department's website.

Section 20. Human papillomavirus (HPV) vaccine services pilot program.

(a) The Department shall establish a pilot program to provide for the administration of human papillomavirus (HPV) vaccines to persons enrolled in the Department's Illinois Breast and Cervical Cancer Program who are:

(1) 26 years of age or younger, have not received the full HPV vaccine series, and would like to receive the vaccine series; or

(2) 26 years of age or older, have not completed the HPV vaccine series, and whose clinicians recommend the HPV vaccine series.

(b) The pilot program shall be implemented no later than July 1, 2024.

(c) Any lead agency of the Illinois Breast and Cervical

1 Cancer Program may participate in the pilot program.
2 (d) This Section is repealed on June 30, 2027.

3 Section 50. The Illinois Public Aid Code is amended by
4 changing Section 5-5 as follows:

5 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)
6 Sec. 5-5. Medical services. The Illinois Department, by
7 rule, shall determine the quantity and quality of and the rate
8 of reimbursement for the medical assistance for which payment
9 will be authorized, and the medical services to be provided,
10 which may include all or part of the following: (1) inpatient
11 hospital services; (2) outpatient hospital services; (3) other
12 laboratory and X-ray services; (4) skilled nursing home
13 services; (5) physicians' services whether furnished in the
14 office, the patient's home, a hospital, a skilled nursing
15 home, or elsewhere; (6) medical care, or any other type of
16 remedial care furnished by licensed practitioners; (7) home
17 health care services; (8) private duty nursing service; (9)
18 clinic services; (10) dental services, including prevention
19 and treatment of periodontal disease and dental caries disease
20 for pregnant individuals, provided by an individual licensed
21 to practice dentistry or dental surgery; for purposes of this
22 item (10), "dental services" means diagnostic, preventive, or
23 corrective procedures provided by or under the supervision of
24 a dentist in the practice of his or her profession; (11)

1 physical therapy and related services; (12) prescribed drugs,
2 dentures, and prosthetic devices; and eyeglasses prescribed by
3 a physician skilled in the diseases of the eye, or by an
4 optometrist, whichever the person may select; (13) other
5 diagnostic, screening, preventive, and rehabilitative
6 services, including to ensure that the individual's need for
7 intervention or treatment of mental disorders or substance use
8 disorders or co-occurring mental health and substance use
9 disorders is determined using a uniform screening, assessment,
10 and evaluation process inclusive of criteria, for children and
11 adults; for purposes of this item (13), a uniform screening,
12 assessment, and evaluation process refers to a process that
13 includes an appropriate evaluation and, as warranted, a
14 referral; "uniform" does not mean the use of a singular
15 instrument, tool, or process that all must utilize; (14)
16 transportation and such other expenses as may be necessary;
17 (15) medical treatment of sexual assault survivors, as defined
18 in Section 1a of the Sexual Assault Survivors Emergency
19 Treatment Act, for injuries sustained as a result of the
20 sexual assault, including examinations and laboratory tests to
21 discover evidence which may be used in criminal proceedings
22 arising from the sexual assault; (16) the diagnosis and
23 treatment of sickle cell anemia; (16.5) services performed by
24 a chiropractic physician licensed under the Medical Practice
25 Act of 1987 and acting within the scope of his or her license,
26 including, but not limited to, chiropractic manipulative

treatment; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, reproductive health care that is otherwise legal in Illinois shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article.

Notwithstanding any other provision of this Section, all tobacco cessation medications approved by the United States Food and Drug Administration and all individual and group tobacco cessation counseling services and telephone-based counseling services and tobacco cessation medications provided through the Illinois Tobacco Quitline shall be covered under the medical assistance program for persons who are otherwise eligible for assistance under this Article. The Department shall comply with all federal requirements necessary to obtain

federal financial participation, as specified in 42 CFR 433.15(b)(7), for telephone-based counseling services provided through the Illinois Tobacco Quitline, including, but not limited to: (i) entering into a memorandum of understanding or interagency agreement with the Department of Public Health, as administrator of the Illinois Tobacco Quitline; and (ii) developing a cost allocation plan for Medicaid-allowable Illinois Tobacco Quitline services in accordance with 45 CFR 95.507. The Department shall submit the memorandum of understanding or interagency agreement, the cost allocation plan, and all other necessary documentation to the Centers for Medicare and Medicaid Services for review and approval. Coverage under this paragraph shall be contingent upon federal approval.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure

that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Under any contract procured under this provision, the vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services provided by or under the supervision of a dentist; and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

On and after July 1, 2018, the Department of Healthcare and Family Services shall provide dental services to any adult

who is otherwise eligible for assistance under the medical assistance program. As used in this paragraph, "dental services" means diagnostic, preventative, restorative, or corrective procedures, including procedures and services for the prevention and treatment of periodontal disease and dental caries disease, provided by an individual who is licensed to practice dentistry or dental surgery or who is under the supervision of a dentist in the practice of his or her profession.

On and after July 1, 2018, targeted dental services, as set forth in Exhibit D of the Consent Decree entered by the United States District Court for the Northern District of Illinois, Eastern Division, in the matter of Memisovski v. Maram, Case No. 92 C 1982, that are provided to adults under the medical assistance program shall be established at no less than the rates set forth in the "New Rate" column in Exhibit D of the Consent Decree for targeted dental services that are provided to persons under the age of 18 under the medical assistance program.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall

1 include a public health clinic or Federally Qualified Health
2 Center or other enrolled provider, as determined by the
3 Department, through which dental services covered under this
4 Section are performed. The Department shall establish a
5 process for payment of claims for reimbursement for covered
6 dental services rendered under this provision.

7 On and after January 1, 2022, the Department of Healthcare
8 and Family Services shall administer and regulate a
9 school-based dental program that allows for the out-of-office
10 delivery of preventative dental services in a school setting
11 to children under 19 years of age. The Department shall
12 establish, by rule, guidelines for participation by providers
13 and set requirements for follow-up referral care based on the
14 requirements established in the Dental Office Reference Manual
15 published by the Department that establishes the requirements
16 for dentists participating in the All Kids Dental School
17 Program. Every effort shall be made by the Department when
18 developing the program requirements to consider the different
19 geographic differences of both urban and rural areas of the
20 State for initial treatment and necessary follow-up care. No
21 provider shall be charged a fee by any unit of local government
22 to participate in the school-based dental program administered
23 by the Department. Nothing in this paragraph shall be
24 construed to limit or preempt a home rule unit's or school
25 district's authority to establish, change, or administer a
26 school-based dental program in addition to, or independent of,

the school-based dental program administered by the Department.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for individuals 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for individuals 35 to 39 years of age.

(B) An annual mammogram for individuals 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the individual's health care provider for individuals under 40 years of age and having a family history of breast cancer, prior personal history

1 of breast cancer, positive genetic testing, or other risk
2 factors.
3 (D) A comprehensive ultrasound screening and MRI of an
4 entire breast or breasts if a mammogram demonstrates
5 heterogeneous or dense breast tissue or when medically
6 necessary as determined by a physician licensed to
7 practice medicine in all of its branches.
8 (E) A screening MRI when medically necessary, as
9 determined by a physician licensed to practice medicine in
10 all of its branches.
11 (F) A diagnostic mammogram when medically necessary,
12 as determined by a physician licensed to practice medicine
13 in all its branches, advanced practice registered nurse,
14 or physician assistant.
15 The Department shall not impose a deductible, coinsurance,
16 copayment, or any other cost-sharing requirement on the
17 coverage provided under this paragraph; except that this
18 sentence does not apply to coverage of diagnostic mammograms
19 to the extent such coverage would disqualify a high-deductible
20 health plan from eligibility for a health savings account
21 pursuant to Section 223 of the Internal Revenue Code (26
22 U.S.C. 223).
23 All screenings shall include a physical breast exam,
24 instruction on self-examination and information regarding the
25 frequency of self-examination and its value as a preventative
26 tool.

1 For purposes of this Section:
2 "Diagnostic mammogram" means a mammogram obtained using
3 diagnostic mammography.
4 "Diagnostic mammography" means a method of screening that
5 is designed to evaluate an abnormality in a breast, including
6 an abnormality seen or suspected on a screening mammogram or a
7 subjective or objective abnormality otherwise detected in the
8 breast.
9 "Low-dose mammography" means the x-ray examination of the
10 breast using equipment dedicated specifically for mammography,
11 including the x-ray tube, filter, compression device, and
12 image receptor, with an average radiation exposure delivery of
13 less than one rad per breast for 2 views of an average size
14 breast. The term also includes digital mammography and
15 includes breast tomosynthesis.
16 "Breast tomosynthesis" means a radiologic procedure that
17 involves the acquisition of projection images over the
18 stationary breast to produce cross-sectional digital
19 three-dimensional images of the breast.
20 If, at any time, the Secretary of the United States
21 Department of Health and Human Services, or its successor
22 agency, promulgates rules or regulations to be published in
23 the Federal Register or publishes a comment in the Federal
24 Register or issues an opinion, guidance, or other action that
25 would require the State, pursuant to any provision of the
26 Patient Protection and Affordable Care Act (Public Law

111-148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage for breast tomosynthesis outlined in this paragraph, then the requirement that an insurer cover breast tomosynthesis is inoperative other than any such coverage authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of coverage for breast tomosynthesis set forth in this paragraph.

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography and, after the effective date of this amendatory Act of the 102nd General Assembly, breast tomosynthesis.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a

breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free-standing breast cancer treatment centers, breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind individuals who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the

1 evaluation.

2 The Department shall establish a performance goal for
3 primary care providers with respect to their female patients
4 over age 40 receiving an annual mammogram. This performance
5 goal shall be used to provide additional reimbursement in the
6 form of a quality performance bonus to primary care providers
7 who meet that goal.

8 The Department shall devise a means of case-managing or
9 patient navigation for beneficiaries diagnosed with breast
10 cancer. This program shall initially operate as a pilot
11 program in areas of the State with the highest incidence of
12 mortality related to breast cancer. At least one pilot program
13 site shall be in the metropolitan Chicago area and at least one
14 site shall be outside the metropolitan Chicago area. On or
15 after July 1, 2016, the pilot program shall be expanded to
16 include one site in western Illinois, one site in southern
17 Illinois, one site in central Illinois, and 4 sites within
18 metropolitan Chicago. An evaluation of the pilot program shall
19 be carried out measuring health outcomes and cost of care for
20 those served by the pilot program compared to similarly
21 situated patients who are not served by the pilot program.

22 The Department shall require all networks of care to
23 develop a means either internally or by contract with experts
24 in navigation and community outreach to navigate cancer
25 patients to comprehensive care in a timely fashion. The
26 Department shall require all networks of care to include

access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

The Department shall provide coverage and reimbursement for a human papillomavirus (HPV) vaccine that is approved for marketing by the federal Food and Drug Administration for all persons between the ages of 9 and 45 and persons of the age of 46 and above who have been diagnosed with cervical dysplasia with a high risk of recurrence or progression. The Department shall disallow any preauthorization requirements for the administration of the human papillomavirus (HPV) vaccine.

On or after July 1, 2022, individuals who are otherwise eligible for medical assistance under this Article shall receive coverage for perinatal depression screenings for the 12-month period beginning on the last day of their pregnancy. Medical assistance coverage under this paragraph shall be conditioned on the use of a screening instrument approved by the Department.

Any medical or health care provider shall immediately recommend, to any pregnant individual who is being provided prenatal services and is suspected of having a substance use disorder as defined in the Substance Use Disorder Act, referral to a local substance use disorder treatment program licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure

1 coverage for the cost of treatment of the drug abuse or
2 addiction for pregnant recipients in accordance with the
3 Illinois Medicaid Program in conjunction with the Department
4 of Human Services.

5 All medical providers providing medical assistance to
6 pregnant individuals under this Code shall receive information
7 from the Department on the availability of services under any
8 program providing case management services for addicted
9 individuals, including information on appropriate referrals
10 for other social services that may be needed by addicted
11 individuals in addition to treatment for addiction.

12 The Illinois Department, in cooperation with the
13 Departments of Human Services (as successor to the Department
14 of Alcoholism and Substance Abuse) and Public Health, through
15 a public awareness campaign, may provide information
16 concerning treatment for alcoholism and drug abuse and
17 addiction, prenatal health care, and other pertinent programs
18 directed at reducing the number of drug-affected infants born
19 to recipients of medical assistance.

20 Neither the Department of Healthcare and Family Services
21 nor the Department of Human Services shall sanction the
22 recipient solely on the basis of the recipient's substance
23 abuse.

24 The Illinois Department shall establish such regulations
25 governing the dispensing of health services under this Article
26 as it shall deem appropriate. The Department should seek the

advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

1 (1) Physicians participating in a Partnership and
2 providing certain services, which shall be determined by
3 the Illinois Department, to persons in areas covered by
4 the Partnership may receive an additional surcharge for
5 such services.
6 (2) The Department may elect to consider and negotiate
7 financial incentives to encourage the development of
8 Partnerships and the efficient delivery of medical care.
9 (3) Persons receiving medical services through
10 Partnerships may receive medical and case management
11 services above the level usually offered through the
12 medical assistance program.
13 Medical providers shall be required to meet certain
14 qualifications to participate in Partnerships to ensure the
15 delivery of high quality medical services. These
16 qualifications shall be determined by rule of the Illinois
17 Department and may be higher than qualifications for
18 participation in the medical assistance program. Partnership
19 sponsors may prescribe reasonable additional qualifications
20 for participation by medical providers, only with the prior
21 written approval of the Illinois Department.
22 Nothing in this Section shall limit the free choice of
23 practitioners, hospitals, and other providers of medical
24 services by clients. In order to ensure patient freedom of
25 choice, the Illinois Department shall immediately promulgate
26 all rules and take all other necessary actions so that

provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations

promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after September 16, 1984 (the effective date of Public Act 83-1439), the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013 (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities licensed under

1 the Nursing Home Care Act to submit monthly billing claims for
2 reimbursement purposes. Following development of these
3 procedures, the Department shall, by July 1, 2016, test the
4 viability of the new system and implement any necessary
5 operational or structural changes to its information
6 technology platforms in order to allow for the direct
7 acceptance and payment of nursing home claims.

8 Notwithstanding any other law to the contrary, the
9 Illinois Department shall, within 365 days after August 15,
10 2014 (the effective date of Public Act 98-963), establish
11 procedures to permit ID/DD facilities licensed under the ID/DD
12 Community Care Act and MC/DD facilities licensed under the
13 MC/DD Act to submit monthly billing claims for reimbursement
14 purposes. Following development of these procedures, the
15 Department shall have an additional 365 days to test the
16 viability of the new system and to ensure that any necessary
17 operational or structural changes to its information
18 technology platforms are implemented.

19 The Illinois Department shall require all dispensers of
20 medical services, other than an individual practitioner or
21 group of practitioners, desiring to participate in the Medical
22 Assistance program established under this Article to disclose
23 all financial, beneficial, ownership, equity, surety or other
24 interests in any and all firms, corporations, partnerships,
25 associations, business enterprises, joint ventures, agencies,
26 institutions or other legal entities providing any form of

1 health care services in this State under this Article.
2 The Illinois Department may require that all dispensers of
3 medical services desiring to participate in the medical
4 assistance program established under this Article disclose,
5 under such terms and conditions as the Illinois Department may
6 by rule establish, all inquiries from clients and attorneys
7 regarding medical bills paid by the Illinois Department, which
8 inquiries could indicate potential existence of claims or
9 liens for the Illinois Department.
10 Enrollment of a vendor shall be subject to a provisional
11 period and shall be conditional for one year. During the
12 period of conditional enrollment, the Department may terminate
13 the vendor's eligibility to participate in, or may disenroll
14 the vendor from, the medical assistance program without cause.
15 Unless otherwise specified, such termination of eligibility or
16 disenrollment is not subject to the Department's hearing
17 process. However, a disenrolled vendor may reapply without
18 penalty.
19 The Department has the discretion to limit the conditional
20 enrollment period for vendors based upon category of risk of
21 the vendor.
22 Prior to enrollment and during the conditional enrollment
23 period in the medical assistance program, all vendors shall be
24 subject to enhanced oversight, screening, and review based on
25 the risk of fraud, waste, and abuse that is posed by the
26 category of risk of the vendor. The Illinois Department shall

1 establish the procedures for oversight, screening, and review,
2 which may include, but need not be limited to: criminal and
3 financial background checks; fingerprinting; license,
4 certification, and authorization verifications; unscheduled or
5 unannounced site visits; database checks; prepayment audit
6 reviews; audits; payment caps; payment suspensions; and other
7 screening as required by federal or State law.

8 The Department shall define or specify the following: (i)
9 by provider notice, the "category of risk of the vendor" for
10 each type of vendor, which shall take into account the level of
11 screening applicable to a particular category of vendor under
12 federal law and regulations; (ii) by rule or provider notice,
13 the maximum length of the conditional enrollment period for
14 each category of risk of the vendor; and (iii) by rule, the
15 hearing rights, if any, afforded to a vendor in each category
16 of risk of the vendor that is terminated or disenrolled during
17 the conditional enrollment period.

18 To be eligible for payment consideration, a vendor's
19 payment claim or bill, either as an initial claim or as a
20 resubmitted claim following prior rejection, must be received
21 by the Illinois Department, or its fiscal intermediary, no
22 later than 180 days after the latest date on the claim on which
23 medical goods or services were provided, with the following
24 exceptions:

25 (1) In the case of a provider whose enrollment is in
26 process by the Illinois Department, the 180-day period

1 shall not begin until the date on the written notice from
2 the Illinois Department that the provider enrollment is
3 complete.

4 (2) In the case of errors attributable to the Illinois
5 Department or any of its claims processing intermediaries
6 which result in an inability to receive, process, or
7 adjudicate a claim, the 180-day period shall not begin
8 until the provider has been notified of the error.

9 (3) In the case of a provider for whom the Illinois
10 Department initiates the monthly billing process.

11 (4) In the case of a provider operated by a unit of
12 local government with a population exceeding 3,000,000
13 when local government funds finance federal participation
14 for claims payments.

15 For claims for services rendered during a period for which
16 a recipient received retroactive eligibility, claims must be
17 filed within 180 days after the Department determines the
18 applicant is eligible. For claims for which the Illinois
19 Department is not the primary payer, claims must be submitted
20 to the Illinois Department within 180 days after the final
21 adjudication by the primary payer.

22 In the case of long term care facilities, within 120
23 calendar days of receipt by the facility of required
24 prescreening information, new admissions with associated
25 admission documents shall be submitted through the Medical
26 Electronic Data Interchange (MEDI) or the Recipient

Eligibility Verification (REV) System or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency

1 exclusions; taxpayer identification numbers; tax delinquency;
2 corporate information; and death records.

3 The Illinois Department shall enter into agreements with
4 State agencies and departments, and is authorized to enter
5 into agreements with federal agencies and departments, under
6 which such agencies and departments shall share data necessary
7 for medical assistance program integrity functions and
8 oversight. The Illinois Department shall develop, in
9 cooperation with other State departments and agencies, and in
10 compliance with applicable federal laws and regulations,
11 appropriate and effective methods to share such data. At a
12 minimum, and to the extent necessary to provide data sharing,
13 the Illinois Department shall enter into agreements with State
14 agencies and departments, and is authorized to enter into
15 agreements with federal agencies and departments, including,
16 but not limited to: the Secretary of State; the Department of
17 Revenue; the Department of Public Health; the Department of
18 Human Services; and the Department of Financial and
19 Professional Regulation.

20 Beginning in fiscal year 2013, the Illinois Department
21 shall set forth a request for information to identify the
22 benefits of a pre-payment, post-adjudication, and post-edit
23 claims system with the goals of streamlining claims processing
24 and provider reimbursement, reducing the number of pending or
25 rejected claims, and helping to ensure a more transparent
26 adjudication process through the utilization of: (i) provider

data verification and provider screening technology; and (ii) clinical code editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Notwithstanding any provision of Section 5-5f to the contrary, the Department may, by rule, exempt certain replacement wheelchair parts from prior approval and, for wheelchairs, wheelchair parts, wheelchair accessories, and related seating

1 and positioning items, determine the wholesale price by
2 methods other than actual acquisition costs.
3 The Department shall require, by rule, all providers of
4 durable medical equipment to be accredited by an accreditation
5 organization approved by the federal Centers for Medicare and
6 Medicaid Services and recognized by the Department in order to
7 bill the Department for providing durable medical equipment to
8 recipients. No later than 15 months after the effective date
9 of the rule adopted pursuant to this paragraph, all providers
10 must meet the accreditation requirement.
11 In order to promote environmental responsibility, meet the
12 needs of recipients and enrollees, and achieve significant
13 cost savings, the Department, or a managed care organization
14 under contract with the Department, may provide recipients or
15 managed care enrollees who have a prescription or Certificate
16 of Medical Necessity access to refurbished durable medical
17 equipment under this Section (excluding prosthetic and
18 orthotic devices as defined in the Orthotics, Prosthetics, and
19 Pedorthics Practice Act and complex rehabilitation technology
20 products and associated services) through the State's
21 assistive technology program's reutilization program, using
22 staff with the Assistive Technology Professional (ATP)
23 Certification if the refurbished durable medical equipment:
24 (i) is available; (ii) is less expensive, including shipping
25 costs, than new durable medical equipment of the same type;
26 (iii) is able to withstand at least 3 years of use; (iv) is

1 cleaned, disinfected, sterilized, and safe in accordance with
2 federal Food and Drug Administration regulations and guidance
3 governing the reprocessing of medical devices in health care
4 settings; and (v) equally meets the needs of the recipient or
5 enrollee. The reutilization program shall confirm that the
6 recipient or enrollee is not already in receipt of the same or
7 similar equipment from another service provider, and that the
8 refurbished durable medical equipment equally meets the needs
9 of the recipient or enrollee. Nothing in this paragraph shall
10 be construed to limit recipient or enrollee choice to obtain
11 new durable medical equipment or place any additional prior
12 authorization conditions on enrollees of managed care
13 organizations.

14 The Department shall execute, relative to the nursing home
15 prescreening project, written inter-agency agreements with the
16 Department of Human Services and the Department on Aging, to
17 effect the following: (i) intake procedures and common
18 eligibility criteria for those persons who are receiving
19 non-institutional services; and (ii) the establishment and
20 development of non-institutional services in areas of the
21 State where they are not currently available or are
22 undeveloped; and (iii) notwithstanding any other provision of
23 law, subject to federal approval, on and after July 1, 2012, an
24 increase in the determination of need (DON) scores from 29 to
25 37 for applicants for institutional and home and
26 community-based long term care; if and only if federal

1 approval is not granted, the Department may, in conjunction
2 with other affected agencies, implement utilization controls
3 or changes in benefit packages to effectuate a similar savings
4 amount for this population; and (iv) no later than July 1,
5 2013, minimum level of care eligibility criteria for
6 institutional and home and community-based long term care; and
7 (v) no later than October 1, 2013, establish procedures to
8 permit long term care providers access to eligibility scores
9 for individuals with an admission date who are seeking or
10 receiving services from the long term care provider. In order
11 to select the minimum level of care eligibility criteria, the
12 Governor shall establish a workgroup that includes affected
13 agency representatives and stakeholders representing the
14 institutional and home and community-based long term care
15 interests. This Section shall not restrict the Department from
16 implementing lower level of care eligibility criteria for
17 community-based services in circumstances where federal
18 approval has been granted.

19 The Illinois Department shall develop and operate, in
20 cooperation with other State Departments and agencies and in
21 compliance with applicable federal laws and regulations,
22 appropriate and effective systems of health care evaluation
23 and programs for monitoring of utilization of health care
24 services and facilities, as it affects persons eligible for
25 medical assistance under this Code.

26 The Illinois Department shall report annually to the

1 General Assembly, no later than the second Friday in April of
2 1979 and each year thereafter, in regard to:
3 (a) actual statistics and trends in utilization of
4 medical services by public aid recipients;
5 (b) actual statistics and trends in the provision of
6 the various medical services by medical vendors;
7 (c) current rate structures and proposed changes in
8 those rate structures for the various medical vendors; and
9 (d) efforts at utilization review and control by the
10 Illinois Department.
11 The period covered by each report shall be the 3 years
12 ending on the June 30 prior to the report. The report shall
13 include suggested legislation for consideration by the General
14 Assembly. The requirement for reporting to the General
15 Assembly shall be satisfied by filing copies of the report as
16 required by Section 3.1 of the General Assembly Organization
17 Act, and filing such additional copies with the State
18 Government Report Distribution Center for the General Assembly
19 as is required under paragraph (t) of Section 7 of the State
20 Library Act.
21 Rulemaking authority to implement Public Act 95-1045, if
22 any, is conditioned on the rules being adopted in accordance
23 with all provisions of the Illinois Administrative Procedure
24 Act and all rules and procedures of the Joint Committee on
25 Administrative Rules; any purported rule not so adopted, for
26 whatever reason, is unauthorized.

1 On and after July 1, 2012, the Department shall reduce any
2 rate of reimbursement for services or other payments or alter
3 any methodologies authorized by this Code to reduce any rate
4 of reimbursement for services or other payments in accordance
5 with Section 5-5e.

6 Because kidney transplantation can be an appropriate,
7 cost-effective alternative to renal dialysis when medically
8 necessary and notwithstanding the provisions of Section 1-11
9 of this Code, beginning October 1, 2014, the Department shall
10 cover kidney transplantation for noncitizens with end-stage
11 renal disease who are not eligible for comprehensive medical
12 benefits, who meet the residency requirements of Section 5-3
13 of this Code, and who would otherwise meet the financial
14 requirements of the appropriate class of eligible persons
15 under Section 5-2 of this Code. To qualify for coverage of
16 kidney transplantation, such person must be receiving
17 emergency renal dialysis services covered by the Department.
18 Providers under this Section shall be prior approved and
19 certified by the Department to perform kidney transplantation
20 and the services under this Section shall be limited to
21 services associated with kidney transplantation.

22 Notwithstanding any other provision of this Code to the
23 contrary, on or after July 1, 2015, all FDA approved forms of
24 medication assisted treatment prescribed for the treatment of
25 alcohol dependence or treatment of opioid dependence shall be
26 covered under both fee for service and managed care medical

1 assistance programs for persons who are otherwise eligible for
2 medical assistance under this Article and shall not be subject
3 to any (1) utilization control, other than those established
4 under the American Society of Addiction Medicine patient
5 placement criteria, (2) prior authorization mandate, or (3)
6 lifetime restriction limit mandate.

7 On or after July 1, 2015, opioid antagonists prescribed
8 for the treatment of an opioid overdose, including the
9 medication product, administration devices, and any pharmacy
10 fees or hospital fees related to the dispensing, distribution,
11 and administration of the opioid antagonist, shall be covered
12 under the medical assistance program for persons who are
13 otherwise eligible for medical assistance under this Article.
14 As used in this Section, "opioid antagonist" means a drug that
15 binds to opioid receptors and blocks or inhibits the effect of
16 opioids acting on those receptors, including, but not limited
17 to, naloxone hydrochloride or any other similarly acting drug
18 approved by the U.S. Food and Drug Administration.

19 Upon federal approval, the Department shall provide
20 coverage and reimbursement for all drugs that are approved for
21 marketing by the federal Food and Drug Administration and that
22 are recommended by the federal Public Health Service or the
23 United States Centers for Disease Control and Prevention for
24 pre-exposure prophylaxis and related pre-exposure prophylaxis
25 services, including, but not limited to, HIV and sexually
26 transmitted infection screening, treatment for sexually

transmitted infections, medical monitoring, assorted labs, and counseling to reduce the likelihood of HIV infection among individuals who are not infected with HIV but who are at high risk of HIV infection.

A federally qualified health center, as defined in Section 1905(l)(2)(B) of the federal Social Security Act, shall be reimbursed by the Department in accordance with the federally qualified health center's encounter rate for services provided to medical assistance recipients that are performed by a dental hygienist, as defined under the Illinois Dental Practice Act, working under the general supervision of a dentist and employed by a federally qualified health center.

Within 90 days after October 8, 2021 (the effective date of Public Act 102-665) ~~this amendatory Act of the 102nd General Assembly~~, the Department shall seek federal approval of a State Plan amendment to expand coverage for family planning services that includes presumptive eligibility to individuals whose income is at or below 208% of the federal poverty level. Coverage under this Section shall be effective beginning no later than December 1, 2022.

Subject to approval by the federal Centers for Medicare and Medicaid Services of a Title XIX State Plan amendment electing the Program of All-Inclusive Care for the Elderly (PACE) as a State Medicaid option, as provided for by Subtitle I (commencing with Section 4801) of Title IV of the Balanced Budget Act of 1997 (Public Law 105-33) and Part 460

1 (commencing with Section 460.2) of Subchapter E of Title 42 of
2 the Code of Federal Regulations, PACE program services shall
3 become a covered benefit of the medical assistance program,
4 subject to criteria established in accordance with all
5 applicable laws.

6 Notwithstanding any other provision of this Code,
7 community-based pediatric palliative care from a trained
8 interdisciplinary team shall be covered under the medical
9 assistance program as provided in Section 15 of the Pediatric
10 Palliative Care Act.

11 (Source: P.A. 101-209, eff. 8-5-19; 101-580, eff. 1-1-20;
12 102-43, Article 30, Section 30-5, eff. 7-6-21; 102-43, Article
13 35, Section 35-5, eff. 7-6-21; 102-43, Article 55, Section
14 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123, eff. 1-1-22;
15 102-558, eff. 8-20-21; 102-598, eff. 1-1-22; 102-655, eff.
16 1-1-22; 102-665, eff. 10-8-21; revised 11-18-21.)".