

1 AN ACT concerning health care for women.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Hospital Licensing Act is amended by adding  
5 Section 11.5 as follows:

6 (210 ILCS 85/11.5 new)

7 Sec. 11.5. Uniform standards of obstetrical care  
8 regardless of ability to pay.

9 (a) No hospital may promulgate policies or implement  
10 practices that determine differing standards of obstetrical  
11 care based upon a patient's source of payment or ability to pay  
12 for medical services.

13 (b) Each hospital shall develop a written policy statement  
14 reflecting the requirements of subsection (a) and shall post  
15 written notices of this policy in the obstetrical admitting  
16 areas of the hospital by July 1, 2004. Notices posted pursuant  
17 to this Section shall be posted in the predominant language or  
18 languages spoken in the hospital's service area.

19 Section 15. The Illinois Public Aid Code is amended by  
20 changing Section 5-5 and adding Section 5-16.7a as follows:

21 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

22 Sec. 5-5. Medical services. The Illinois Department, by  
23 rule, shall determine the quantity and quality of and the rate  
24 of reimbursement for the medical assistance for which payment  
25 will be authorized, and the medical services to be provided,  
26 which may include all or part of the following: (1) inpatient  
27 hospital services; (2) outpatient hospital services; (3) other  
28 laboratory and X-ray services; (4) skilled nursing home  
29 services; (5) physicians' services whether furnished in the  
30 office, the patient's home, a hospital, a skilled nursing home,

1 or elsewhere; (6) medical care, or any other type of remedial  
2 care furnished by licensed practitioners; (7) home health care  
3 services; (8) private duty nursing service; (9) clinic  
4 services; (10) dental services, including prevention and  
5 treatment of periodontal disease and dental caries disease for  
6 pregnant women; (11) physical therapy and related services;  
7 (12) prescribed drugs, dentures, and prosthetic devices; and  
8 eyeglasses prescribed by a physician skilled in the diseases of  
9 the eye, or by an optometrist, whichever the person may select;  
10 (13) other diagnostic, screening, preventive, and  
11 rehabilitative services; (14) transportation and such other  
12 expenses as may be necessary; (15) medical treatment of sexual  
13 assault survivors, as defined in Section 1a of the Sexual  
14 Assault Survivors Emergency Treatment Act, for injuries  
15 sustained as a result of the sexual assault, including  
16 examinations and laboratory tests to discover evidence which  
17 may be used in criminal proceedings arising from the sexual  
18 assault; (16) the diagnosis and treatment of sickle cell  
19 anemia; and (17) any other medical care, and any other type of  
20 remedial care recognized under the laws of this State, but not  
21 including abortions, or induced miscarriages or premature  
22 births, unless, in the opinion of a physician, such procedures  
23 are necessary for the preservation of the life of the woman  
24 seeking such treatment, or except an induced premature birth  
25 intended to produce a live viable child and such procedure is  
26 necessary for the health of the mother or her unborn child. The  
27 Illinois Department, by rule, shall prohibit any physician from  
28 providing medical assistance to anyone eligible therefor under  
29 this Code where such physician has been found guilty of  
30 performing an abortion procedure in a wilful and wanton manner  
31 upon a woman who was not pregnant at the time such abortion  
32 procedure was performed. The term "any other type of remedial  
33 care" shall include nursing care and nursing home service for  
34 persons who rely on treatment by spiritual means alone through  
35 prayer for healing.

36 Notwithstanding any other provision of this Section, a

1 comprehensive tobacco use cessation program that includes  
2 purchasing prescription drugs or prescription medical devices  
3 approved by the Food and Drug administration shall be covered  
4 under the medical assistance program under this Article for  
5 persons who are otherwise eligible for assistance under this  
6 Article.

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

14 The Illinois Department of Public Aid shall provide the  
15 following services to persons eligible for assistance under  
16 this Article who are participating in education, training or  
17 employment programs operated by the Department of Human  
18 Services as successor to the Department of Public Aid:

19 (1) dental services, which shall include but not be  
20 limited to prosthodontics; and

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

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

27 The Illinois Department shall authorize the provision of,  
28 and shall authorize payment for, screening by low-dose  
29 mammography for the presence of occult breast cancer for women  
30 35 years of age or older who are eligible for medical  
31 assistance under this Article, as follows: a baseline mammogram  
32 for women 35 to 39 years of age and an annual mammogram for  
33 women 40 years of age or older. All screenings shall include a  
34 physical breast exam, instruction on self-examination and  
35 information regarding the frequency of self-examination and  
36 its value as a preventative tool. As used in this Section,

1 "low-dose mammography" means the x-ray examination of the  
2 breast using equipment dedicated specifically for mammography,  
3 including the x-ray tube, filter, compression device, image  
4 receptor, and cassettes, with an average radiation exposure  
5 delivery of less than one rad mid-breast, with 2 views for each  
6 breast.

7 Any medical or health care provider shall immediately  
8 recommend, to any pregnant woman who is being provided prenatal  
9 services and is suspected of drug abuse or is addicted as  
10 defined in the Alcoholism and Other Drug Abuse and Dependency  
11 Act, referral to a local substance abuse treatment provider  
12 licensed by the Department of Human Services or to a licensed  
13 hospital which provides substance abuse treatment services.  
14 The Department of Public Aid shall assure coverage for the cost  
15 of treatment of the drug abuse or addiction for pregnant  
16 recipients in accordance with the Illinois Medicaid Program in  
17 conjunction with the Department of Human Services.

18 All medical providers providing medical assistance to  
19 pregnant women under this Code shall receive information from  
20 the Department on the availability of services under the Drug  
21 Free Families with a Future or any comparable program providing  
22 case management services for addicted women, including  
23 information on appropriate referrals for other social services  
24 that may be needed by addicted women in addition to treatment  
25 for addiction.

26 The Illinois Department, in cooperation with the  
27 Departments of Human Services (as successor to the Department  
28 of Alcoholism and Substance Abuse) and Public Health, through a  
29 public awareness campaign, may provide information concerning  
30 treatment for alcoholism and drug abuse and addiction, prenatal  
31 health care, and other pertinent programs directed at reducing  
32 the number of drug-affected infants born to recipients of  
33 medical assistance.

34 Neither the Illinois Department of Public Aid nor the  
35 Department of Human Services shall sanction the recipient  
36 solely on the basis of her substance abuse.

1           The Illinois Department shall establish such regulations  
2 governing the dispensing of health services under this Article  
3 as it shall deem appropriate. The Department should seek the  
4 advice of formal professional advisory committees appointed by  
5 the Director of the Illinois Department for the purpose of  
6 providing regular advice on policy and administrative matters,  
7 information dissemination and educational activities for  
8 medical and health care providers, and consistency in  
9 procedures to the Illinois Department.

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

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

29           (1) Physicians participating in a Partnership and  
30 providing certain services, which shall be determined by  
31 the Illinois Department, to persons in areas covered by the  
32 Partnership may receive an additional surcharge for such  
33 services.

34           (2) The Department may elect to consider and negotiate  
35 financial incentives to encourage the development of  
36 Partnerships and the efficient delivery of medical care.

1           (3) Persons receiving medical services through  
2 Partnerships may receive medical and case management  
3 services above the level usually offered through the  
4 medical assistance program.

5 Medical providers shall be required to meet certain  
6 qualifications to participate in Partnerships to ensure the  
7 delivery of high quality medical services. These  
8 qualifications shall be determined by rule of the Illinois  
9 Department and may be higher than qualifications for  
10 participation in the medical assistance program. Partnership  
11 sponsors may prescribe reasonable additional qualifications  
12 for participation by medical providers, only with the prior  
13 written approval of the Illinois Department.

14 Nothing in this Section shall limit the free choice of  
15 practitioners, hospitals, and other providers of medical  
16 services by clients. In order to ensure patient freedom of  
17 choice, the Illinois Department shall immediately promulgate  
18 all rules and take all other necessary actions so that provided  
19 services may be accessed from therapeutically certified  
20 optometrists to the full extent of the Illinois Optometric  
21 Practice Act of 1987 without discriminating between service  
22 providers.

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

26 The Illinois Department shall require health care  
27 providers to maintain records that document the medical care  
28 and services provided to recipients of Medical Assistance under  
29 this Article. The Illinois Department shall require health care  
30 providers to make available, when authorized by the patient, in  
31 writing, the medical records in a timely fashion to other  
32 health care providers who are treating or serving persons  
33 eligible for Medical Assistance under this Article. All  
34 dispensers of medical services shall be required to maintain  
35 and retain business and professional records sufficient to  
36 fully and accurately document the nature, scope, details and

1 receipt of the health care provided to persons eligible for  
2 medical assistance under this Code, in accordance with  
3 regulations promulgated by the Illinois Department. The rules  
4 and regulations shall require that proof of the receipt of  
5 prescription drugs, dentures, prosthetic devices and  
6 eyeglasses by eligible persons under this Section accompany  
7 each claim for reimbursement submitted by the dispenser of such  
8 medical services. No such claims for reimbursement shall be  
9 approved for payment by the Illinois Department without such  
10 proof of receipt, unless the Illinois Department shall have put  
11 into effect and shall be operating a system of post-payment  
12 audit and review which shall, on a sampling basis, be deemed  
13 adequate by the Illinois Department to assure that such drugs,  
14 dentures, prosthetic devices and eyeglasses for which payment  
15 is being made are actually being received by eligible  
16 recipients. Within 90 days after the effective date of this  
17 amendatory Act of 1984, the Illinois Department shall establish  
18 a current list of acquisition costs for all prosthetic devices  
19 and any other items recognized as medical equipment and  
20 supplies reimbursable under this Article and shall update such  
21 list on a quarterly basis, except that the acquisition costs of  
22 all prescription drugs shall be updated no less frequently than  
23 every 30 days as required by Section 5-5.12.

24 The rules and regulations of the Illinois Department shall  
25 require that a written statement including the required opinion  
26 of a physician shall accompany any claim for reimbursement for  
27 abortions, or induced miscarriages or premature births. This  
28 statement shall indicate what procedures were used in providing  
29 such medical services.

30 The Illinois Department shall require all dispensers of  
31 medical services, other than an individual practitioner or  
32 group of practitioners, desiring to participate in the Medical  
33 Assistance program established under this Article to disclose  
34 all financial, beneficial, ownership, equity, surety or other  
35 interests in any and all firms, corporations, partnerships,  
36 associations, business enterprises, joint ventures, agencies,

1 institutions or other legal entities providing any form of  
2 health care services in this State under this Article.

3 The Illinois Department may require that all dispensers of  
4 medical services desiring to participate in the medical  
5 assistance program established under this Article disclose,  
6 under such terms and conditions as the Illinois Department may  
7 by rule establish, all inquiries from clients and attorneys  
8 regarding medical bills paid by the Illinois Department, which  
9 inquiries could indicate potential existence of claims or liens  
10 for the Illinois Department.

11 Enrollment of a vendor that provides non-emergency medical  
12 transportation, defined by the Department by rule, shall be  
13 conditional for 180 days. During that time, the Department of  
14 Public Aid may terminate the vendor's eligibility to  
15 participate in the medical assistance program without cause.  
16 That termination of eligibility is not subject to the  
17 Department's hearing process.

18 The Illinois Department shall establish policies,  
19 procedures, standards and criteria by rule for the acquisition,  
20 repair and replacement of orthotic and prosthetic devices and  
21 durable medical equipment. Such rules shall provide, but not be  
22 limited to, the following services: (1) immediate repair or  
23 replacement of such devices by recipients without medical  
24 authorization; and (2) rental, lease, purchase or  
25 lease-purchase of durable medical equipment in a  
26 cost-effective manner, taking into consideration the  
27 recipient's medical prognosis, the extent of the recipient's  
28 needs, and the requirements and costs for maintaining such  
29 equipment. Such rules shall enable a recipient to temporarily  
30 acquire and use alternative or substitute devices or equipment  
31 pending repairs or replacements of any device or equipment  
32 previously authorized for such recipient by the Department.  
33 Rules under clause (2) above shall not provide for purchase or  
34 lease-purchase of durable medical equipment or supplies used  
35 for the purpose of oxygen delivery and respiratory care.

36 The Department shall execute, relative to the nursing home



1 prescreening project, written inter-agency agreements with the  
2 Department of Human Services and the Department on Aging, to  
3 effect the following: (i) intake procedures and common  
4 eligibility criteria for those persons who are receiving  
5 non-institutional services; and (ii) the establishment and  
6 development of non-institutional services in areas of the State  
7 where they are not currently available or are undeveloped.

8 The Illinois Department shall develop and operate, in  
9 cooperation with other State Departments and agencies and in  
10 compliance with applicable federal laws and regulations,  
11 appropriate and effective systems of health care evaluation and  
12 programs for monitoring of utilization of health care services  
13 and facilities, as it affects persons eligible for medical  
14 assistance under this Code.

15 The Illinois Department shall report annually to the  
16 General Assembly, no later than the second Friday in April of  
17 1979 and each year thereafter, in regard to:

18 (a) actual statistics and trends in utilization of  
19 medical services by public aid recipients;

20 (b) actual statistics and trends in the provision of  
21 the various medical services by medical vendors;

22 (c) current rate structures and proposed changes in  
23 those rate structures for the various medical vendors; and

24 (d) efforts at utilization review and control by the  
25 Illinois Department.

26 The period covered by each report shall be the 3 years  
27 ending on the June 30 prior to the report. The report shall  
28 include suggested legislation for consideration by the General  
29 Assembly. The filing of one copy of the report with the  
30 Speaker, one copy with the Minority Leader and one copy with  
31 the Clerk of the House of Representatives, one copy with the  
32 President, one copy with the Minority Leader and one copy with  
33 the Secretary of the Senate, one copy with the Legislative  
34 Research Unit, and such additional copies with the State  
35 Government Report Distribution Center for the General Assembly  
36 as is required under paragraph (t) of Section 7 of the State

1 Library Act shall be deemed sufficient to comply with this  
2 Section.

3 (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02;  
4 92-789, eff. 8-6-02; 93-632, eff. 2-1-04.)

5 (305 ILCS 5/5-16.7a new)

6 Sec. 5-16.7a. Reimbursement for epidural anesthesia  
7 services. In addition to other procedures authorized by the  
8 Department under this Code, the Department shall provide  
9 reimbursement to medical providers for epidural anesthesia  
10 services when ordered by the attending practitioner at the time  
11 of delivery.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.