

1 AN ACT in relation to human needs.

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

4 Section 5. The Department of Human Services Act is
5 amended by adding Section 10-35 as follows:

6 (20 ILCS 1305/10-35 new)

7 Sec. 10-35. Hispanic/Latino Teen Pregnancy Prevention and
8 Intervention Initiative.

9 (a) The Department is authorized to establish a
10 Hispanic/Latino Teen Pregnancy Prevention and Intervention
11 Initiative program.

12 (b) As a part of the program established under
13 subsection (a), the Department is authorized to award a grant
14 to a qualified entity for the purpose of conducting research,
15 education, and prevention activities to reduce pregnancy
16 among Hispanic teenagers.

17 Section 10. The Illinois Public Aid Code is amended by
18 changing Section 5-2 as follows:

19 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

20 Sec. 5-2. Classes of Persons Eligible. Medical
21 assistance under this Article shall be available to any of
22 the following classes of persons in respect to whom a plan
23 for coverage has been submitted to the Governor by the
24 Illinois Department and approved by him:

25 1. Recipients of basic maintenance grants under Articles
26 III and IV.

27 2. Persons otherwise eligible for basic maintenance
28 under Articles III and IV but who fail to qualify thereunder
29 on the basis of need, and who have insufficient income and

1 resources to meet the costs of necessary medical care,
2 including but not limited to the following:

3 (a) All persons otherwise eligible for basic
4 maintenance under Article III but who fail to qualify
5 under that Article on the basis of need and who meet
6 either of the following requirements:

7 (i) their income, as determined by the
8 Illinois Department in accordance with any federal
9 requirements, is equal to or less than 70% in fiscal
10 year 2001, equal to or less than 85% in fiscal year
11 2002 and until a date to be determined by the
12 Department by rule, and equal to or less than 100%
13 beginning on the date determined by the Department
14 by rule, of the nonfarm income official poverty
15 line, as defined by the federal Office of Management
16 and Budget and revised annually in accordance with
17 Section 673(2) of the Omnibus Budget Reconciliation
18 Act of 1981, applicable to families of the same
19 size; or

20 (ii) their income, after the deduction of
21 costs incurred for medical care and for other types
22 of remedial care, is equal to or less than 70% in
23 fiscal year 2001, equal to or less than 85% in
24 fiscal year 2002 and until a date to be determined
25 by the Department by rule, and equal to or less than
26 100% beginning on the date determined by the
27 Department by rule, of the nonfarm income official
28 poverty line, as defined in item (i) of this
29 subparagraph (a).

30 (b) All persons who would be determined eligible
31 for such basic maintenance under Article IV by
32 disregarding the maximum earned income permitted by
33 federal law.

34 3. Persons who would otherwise qualify for Aid to the

1 Medically Indigent under Article VII.

2 4. Persons not eligible under any of the preceding
3 paragraphs who fall sick, are injured, or die, not having
4 sufficient money, property or other resources to meet the
5 costs of necessary medical care or funeral and burial
6 expenses.

7 5. (a) Women during pregnancy, after the fact of
8 pregnancy has been determined by medical diagnosis, and
9 during the 60-day period beginning on the last day of the
10 pregnancy, together with their infants and children born
11 after September 30, 1983, whose income and resources are
12 insufficient to meet the costs of necessary medical care
13 to the maximum extent possible under Title XIX of the
14 Federal Social Security Act.

15 (b) The Illinois Department and the Governor shall
16 provide a plan for coverage of the persons eligible under
17 paragraph 5(a) by April 1, 1990. Such plan shall provide
18 ambulatory prenatal care to pregnant women during a
19 presumptive eligibility period and establish an income
20 eligibility standard that is equal to 133% of the nonfarm
21 income official poverty line, as defined by the federal
22 Office of Management and Budget and revised annually in
23 accordance with Section 673(2) of the Omnibus Budget
24 Reconciliation Act of 1981, applicable to families of the
25 same size, provided that costs incurred for medical care
26 are not taken into account in determining such income
27 eligibility.

28 (c) The Illinois Department may conduct a
29 demonstration in at least one county that will provide
30 medical assistance to pregnant women, together with their
31 infants and children up to one year of age, where the
32 income eligibility standard is set up to 185% of the
33 nonfarm income official poverty line, as defined by the
34 federal Office of Management and Budget. The Illinois

1 Department shall seek and obtain necessary authorization
2 provided under federal law to implement such a
3 demonstration. Such demonstration may establish resource
4 standards that are not more restrictive than those
5 established under Article IV of this Code.

6 6. Persons under the age of 18 who fail to qualify as
7 dependent under Article IV and who have insufficient income
8 and resources to meet the costs of necessary medical care to
9 the maximum extent permitted under Title XIX of the Federal
10 Social Security Act.

11 7. Persons who are 18 years of age or younger and would
12 qualify as disabled as defined under the Federal Supplemental
13 Security Income Program, provided medical service for such
14 persons would be eligible for Federal Financial
15 Participation, and provided the Illinois Department
16 determines that:

17 (a) the person requires a level of care provided by
18 a hospital, skilled nursing facility, or intermediate
19 care facility, as determined by a physician licensed to
20 practice medicine in all its branches;

21 (b) it is appropriate to provide such care outside
22 of an institution, as determined by a physician licensed
23 to practice medicine in all its branches;

24 (c) the estimated amount which would be expended
25 for care outside the institution is not greater than the
26 estimated amount which would be expended in an
27 institution.

28 8. Persons who become ineligible for basic maintenance
29 assistance under Article IV of this Code in programs
30 administered by the Illinois Department due to employment
31 earnings and persons in assistance units comprised of adults
32 and children who become ineligible for basic maintenance
33 assistance under Article VI of this Code due to employment
34 earnings. The plan for coverage for this class of persons

1 shall:

2 (a) extend the medical assistance coverage for up
3 to 12 months following termination of basic maintenance
4 assistance; and

5 (b) offer persons who have initially received 6
6 months of the coverage provided in paragraph (a) above,
7 the option of receiving an additional 6 months of
8 coverage, subject to the following:

9 (i) such coverage shall be pursuant to
10 provisions of the federal Social Security Act;

11 (ii) such coverage shall include all services
12 covered while the person was eligible for basic
13 maintenance assistance;

14 (iii) no premium shall be charged for such
15 coverage; and

16 (iv) such coverage shall be suspended in the
17 event of a person's failure without good cause to
18 file in a timely fashion reports required for this
19 coverage under the Social Security Act and coverage
20 shall be reinstated upon the filing of such reports
21 if the person remains otherwise eligible.

22 9. Persons with acquired immunodeficiency syndrome
23 (AIDS) or with AIDS-related conditions with respect to whom
24 there has been a determination that but for home or
25 community-based services such individuals would require the
26 level of care provided in an inpatient hospital, skilled
27 nursing facility or intermediate care facility the cost of
28 which is reimbursed under this Article. Assistance shall be
29 provided to such persons to the maximum extent permitted
30 under Title XIX of the Federal Social Security Act.

31 10. Participants in the long-term care insurance
32 partnership program established under the Partnership for
33 Long-Term Care Act who meet the qualifications for protection
34 of resources described in Section 25 of that Act.

1 11. Persons with disabilities who are employed and
2 eligible for Medicaid, pursuant to Section
3 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
4 provided by the Illinois Department by rule.

5 12. Subject to federal approval, persons who are
6 eligible for medical assistance coverage under applicable
7 provisions of the federal Social Security Act and the federal
8 Breast and Cervical Cancer Prevention and Treatment Act of
9 2000. Those eligible persons are defined to include, but not
10 be limited to, the following persons:

11 (1) persons who have been screened for breast or
12 cervical cancer under the U.S. Centers for Disease
13 Control and Prevention Breast and Cervical Cancer Program
14 established under Title XV of the federal Public Health
15 Services Act in accordance with the requirements of
16 Section 1504 of that Act as administered by the Illinois
17 Department of Public Health; and

18 (2) persons whose screenings under the above
19 program were funded in whole or in part by funds
20 appropriated to the Illinois Department of Public Health
21 for breast or cervical cancer screening.

22 "Medical assistance" under this paragraph 12 shall be
23 identical to the benefits provided under the State's approved
24 plan under Title XIX of the Social Security Act. The
25 Department must request federal approval of the coverage
26 under this paragraph 12 within 30 days after the effective
27 date of this amendatory Act of the 92nd General Assembly.

28 13. Subject to federal approval, for the receipt of
29 family planning services, persons whose income is less than
30 200% of the poverty guidelines updated annually in the
31 Federal Register by the U.S. Department of Health and Human
32 Services under authority of 42 U.S.C. 9902(2). The
33 Department of Public Aid must request federal approval of
34 coverage under this paragraph 13 within 30 days after the

1 effective date of this amendatory Act of the 93rd General
2 Assembly.

3 The Illinois Department and the Governor shall provide a
4 plan for coverage of the persons eligible under paragraph 7
5 as soon as possible after July 1, 1984.

6 The eligibility of any such person for medical assistance
7 under this Article is not affected by the payment of any
8 grant under the Senior Citizens and Disabled Persons Property
9 Tax Relief and Pharmaceutical Assistance Act or any
10 distributions or items of income described under subparagraph
11 (X) of paragraph (2) of subsection (a) of Section 203 of the
12 Illinois Income Tax Act. The Department shall by rule
13 establish the amounts of assets to be disregarded in
14 determining eligibility for medical assistance, which shall
15 at a minimum equal the amounts to be disregarded under the
16 Federal Supplemental Security Income Program. The amount of
17 assets of a single person to be disregarded shall not be less
18 than \$2,000, and the amount of assets of a married couple to
19 be disregarded shall not be less than \$3,000.

20 To the extent permitted under federal law, any person
21 found guilty of a second violation of Article VIII A shall be
22 ineligible for medical assistance under this Article, as
23 provided in Section 8A-8.

24 The eligibility of any person for medical assistance
25 under this Article shall not be affected by the receipt by
26 the person of donations or benefits from fundraisers held for
27 the person in cases of serious illness, as long as neither
28 the person nor members of the person's family have actual
29 control over the donations or benefits or the disbursement of
30 the donations or benefits.

31 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
32 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff. 7-3-01;
33 92-597, eff. 6-28-02.)