



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0484

Introduced 2/16/2005, by Sen. Christine Radogno

SYNOPSIS AS INTRODUCED:

305 ILCS 5/3-1
305 ILCS 5/3-4

from Ch. 23, par. 3-1
from Ch. 23, par. 3-4

Amends the Illinois Public Aid Code. In provisions concerning the Aid to the Aged, Blind or Disabled (AABD) program, provides that "disabled person", for purposes of qualifying for aid under the program, means a person who satisfies the disability standard used by the Social Security Administration (instead of a person age 18 or over who has a physical or mental impairment, disease, or loss which is of a permanent nature and which substantially impairs his ability to perform labor or services or to engage in useful occupations for which he is qualified, as determined by rule and regulation of the Department of Human Services). Sets forth procedures that the Department of Human Services must follow when it makes its own determinations of disability instead of accepting a determination made by the Social Security Administration. Provides that any division of the Department that provides or funds medical services that would be reimbursable under Medicaid may make disability determinations for purposes of determining eligibility for Medicaid, so long as the determinations are made using the rules, regulations, and other regulatory guidance materials that are relied upon by the Illinois Bureau of Disability Determination Services in the Department's Division of Rehabilitation Services in determining disability. Effective immediately.

LRB094 08335 DRJ 38528 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 3-1 and 3-4 as follows:

6 (305 ILCS 5/3-1) (from Ch. 23, par. 3-1)

7 Sec. 3-1. Eligibility Requirements. Financial aid in
8 meeting basic maintenance requirements for a livelihood
9 compatible with health and well-being shall be given under this
10 Article to or in behalf of aged, blind, or disabled persons who
11 meet the eligibility conditions of Sections 3-1.1 through
12 3-1.7. Financial aid under this Article shall be available only
13 for persons who are receiving Supplemental Security Income
14 (SSI) or who have been found ineligible for SSI (i) on the
15 basis of income or (ii) due to expiration of the period of
16 eligibility for refugees and asylees pursuant to 8 U.S.C.
17 1612(a)(2). Financial aid based on item (ii) of this paragraph
18 shall be available until July 1, 2006.

19 "Aged person" means a person who has attained age 65, as
20 demonstrated by such evidence of age as the Illinois Department
21 may by rule prescribe.

22 "Blind person" means a person who has no vision or whose
23 vision with corrective glasses is so defective as to prevent
24 the performance of ordinary duties or tasks for which eyesight
25 is essential. The Illinois Department shall define blindness in
26 terms of ophthalmic measurements or ocular conditions. For
27 purposes of this Act, an Illinois Disabled Person
28 Identification Card issued pursuant to The Illinois
29 Identification Card Act, indicating that the person thereon
30 named has a Type 3 disability shall be evidence that such
31 person is a blind person within the meaning of this Section;
32 however, such a card shall not qualify such person for aid as a

1 blind person under this Act, and eligibility for aid as a blind
2 person shall be determined as provided in this Act.

3 "Disabled person", for purposes of qualifying for aid under
4 this Article III, means a person who satisfies the disability
5 standard used by the Social Security Administration, as set
6 forth in 20 CFR 416, Subpart I ~~age 18 or over who has a physical~~
7 ~~or mental impairment, disease, or loss which is of a permanent~~
8 ~~nature and which substantially impairs his ability to perform~~
9 ~~labor or services or to engage in useful occupations for which~~
10 ~~he is qualified, as determined by rule and regulation of the~~
11 Illinois Department. For purposes of this Act, an Illinois
12 Disabled Person Identification Card issued pursuant to The
13 Illinois Identification Card Act, indicating that the person
14 thereon named has a Type 1 or 2, Class 2 disability shall be
15 evidence that such person is a disabled person under this
16 Section; however, such a card shall not qualify such person for
17 aid as a disabled person under this Act, and eligibility for
18 aid as a disabled person shall be determined as provided in
19 this Act. If federal law or regulation permit or require the
20 inclusion of blind or disabled persons whose blindness or
21 disability is not of the degree specified in the foregoing
22 definitions, or permit or require the inclusion of disabled
23 persons under age 18 or aged persons under age 65, the Illinois
24 Department, upon written approval of the Governor, may provide
25 by rule that all aged, blind or disabled persons toward whose
26 aid federal funds are available be eligible for assistance
27 under this Article as is given to those who meet the foregoing
28 definitions of blind person and disabled person or aged person.
29 (Source: P.A. 93-741, eff. 7-15-04.)

30 (305 ILCS 5/3-4) (from Ch. 23, par. 3-4)

31 Sec. 3-4. Examination as to disability.

32 (a) For all purposes, the Illinois Department may accept
33 determinations as to disability performed under the auspices of
34 the Federal Social Security Administration and properly
35 certified to the Department.

1 (b) When the Department of Human Services makes its own
2 determinations as to disability, it shall do the following:

3 (1) Rely on all rules, regulations, and other
4 regulatory guidance materials that are relied upon by the
5 Illinois Bureau of Disability Determination Services in
6 the Division of Rehabilitation Services in determining
7 disability.

8 (2) Determine whether an applicant has an application
9 for benefits based on disability pending with the Social
10 Security Administration for a period of time covered by the
11 application for benefits under this Article. If an
12 applicant has such an application pending, the Department
13 shall request copies of all medical and other records held
14 by the Social Security Administration or the Bureau of
15 Disability Determination Services for use in determining
16 disability for purposes of benefits under this Article.

17 (3) Determine whether an applicant for benefits under
18 this Article is receiving services that are provided by or
19 paid for by the Department, including, but not limited to,
20 the Department's Division of Mental Health, Division of
21 Rehabilitation Services, or Division of Developmental
22 Disabilities, or by the Community Care Program of the
23 Department on Aging. If the applicant is receiving such
24 services, the Department shall:

25 (A) request that all medical records concerning
26 the applicant be submitted from other divisions of the
27 Department and from the Department on Aging to the
28 Department of Human Services staff charged with making
29 disability determinations; and

30 (B) record the results of disability
31 determinations for applicants for benefits under this
32 Article who are receiving services from other
33 divisions of the Department or from the Department on
34 Aging, categorized by agency.

35 (4) Obtain releases of information signed by
36 applicants for benefits under this Article for the purpose

1 of allowing the Department to obtain medical and other
2 records, including, but not limited to, records from the
3 Social Security Administration, the Department's Division
4 of Rehabilitation Services, the Department's Division of
5 Mental Health, county health departments, and community
6 mental health agencies.

7 (c) Any division of the Department of Human Services that
8 provides or funds medical services that would be reimbursable
9 under the program of medical assistance under Article V may
10 make disability determinations for purposes of determining
11 eligibility for medical assistance, so long as the
12 determinations are made using the rules, regulations, and other
13 regulatory guidance materials that are relied upon by the
14 Illinois Bureau of Disability Determination Services in the
15 Department's Division of Rehabilitation Services in
16 determining disability.

17 (Source: P.A. 89-21, eff. 7-1-95.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.