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LRB095 15983 HLH 53703 a

1 AMENDMENT TO SENATE BILL 2348

2 AMENDMENT NO. _____. Amend Senate Bill 2348, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Department of Public Health Powers and
6 Duties Law of the Civil Administrative Code of Illinois is
7 amended by changing Section 2310-315 as follows:

8 (20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

9 Sec. 2310-315. Prevention and treatment of AIDS. To perform
10 the following in relation to the prevention and treatment of
11 acquired immunodeficiency syndrome (AIDS):

12 (1) Establish a State AIDS Control Unit within the
13 Department as a separate administrative subdivision, to
14 coordinate all State programs and services relating to the
15 prevention, treatment, and amelioration of AIDS.

16 (2) Conduct a public information campaign for physicians,

1 hospitals, health facilities, public health departments, law
2 enforcement personnel, public employees, laboratories, and the
3 general public on acquired immunodeficiency syndrome (AIDS)
4 and promote necessary measures to reduce the incidence of AIDS
5 and the mortality from AIDS. This program shall include, but
6 not be limited to, the establishment of a statewide hotline and
7 a State AIDS information clearinghouse that will provide
8 periodic reports and releases to public officials, health
9 professionals, community service organizations, and the
10 general public regarding new developments or procedures
11 concerning prevention and treatment of AIDS.

12 (3) (Blank).

13 (4) Establish alternative blood test services that are not
14 operated by a blood bank, plasma center or hospital. The
15 Department shall prescribe by rule minimum criteria, standards
16 and procedures for the establishment and operation of such
17 services, which shall include, but not be limited to
18 requirements for the provision of information, counseling and
19 referral services that ensure appropriate counseling and
20 referral for persons whose blood is tested and shows evidence
21 of exposure to the human immunodeficiency virus (HIV) or other
22 identified causative agent of acquired immunodeficiency
23 syndrome (AIDS).

24 (5) Establish regional and community service networks of
25 public and private service providers or health care
26 professionals who may be involved in AIDS research, prevention

1 and treatment.

2 (6) Provide grants to individuals, organizations or
3 facilities to support the following:

4 (A) Information, referral, and treatment services.

5 (B) Interdisciplinary workshops for professionals
6 involved in research and treatment.

7 (C) Establishment and operation of a statewide
8 hotline.

9 (D) Establishment and operation of alternative testing
10 services.

11 (E) Research into detection, prevention, and
12 treatment.

13 (F) Supplementation of other public and private
14 resources.

15 (G) Implementation by long-term care facilities of
16 Department standards and procedures for the care and
17 treatment of persons with AIDS and the development of
18 adequate numbers and types of placements for those persons.

19 (7) (Blank).

20 (8) Accept any gift, donation, bequest, or grant of funds
21 from private or public agencies, including federal funds that
22 may be provided for AIDS control efforts.

23 (9) Develop and implement, in consultation with the
24 Long-Term Care Facility Advisory Board, standards and
25 procedures for long-term care facilities that provide care and
26 treatment of persons with AIDS, including appropriate

1 infection control procedures. The Department shall work
2 cooperatively with organizations representing those facilities
3 to develop adequate numbers and types of placements for persons
4 with AIDS and shall advise those facilities on proper
5 implementation of its standards and procedures.

6 (10) The Department shall create and administer a training
7 program for State employees who have a need for understanding
8 matters relating to AIDS in order to deal with or advise the
9 public. The training shall include information on the cause and
10 effects of AIDS, the means of detecting it and preventing its
11 transmission, the availability of related counseling and
12 referral, and other matters that may be appropriate. The
13 training may also be made available to employees of local
14 governments, public service agencies, and private agencies
15 that contract with the State; in those cases the Department may
16 charge a reasonable fee to recover the cost of the training.

17 (11) Approve tests or testing procedures used in
18 determining exposure to HIV or any other identified causative
19 agent of AIDS.

20 (12) Provide prescription drug benefits counseling for
21 persons with HIV or AIDS.

22 (13) Continue to administer the AIDS Drug Assistance
23 Program that provides drugs to prolong the lives of low income
24 Persons with Acquired Immunodeficiency Syndrome (AIDS) or
25 Human Immunodeficiency Virus (HIV) infection who are not
26 eligible under Article V of the Illinois Public Aid Code for

1 Medical Assistance, as provided under Title 77, Chapter 1,
2 Subchapter (k), Part 692, Section 692.10 of the Illinois
3 Administrative Code, effective August 1, 2000, except that the
4 financial qualification for that program shall be that the
5 anticipated gross monthly income shall be at or below ~~above~~
6 500% of the most recent Federal Poverty Guidelines published
7 annually by the United States Department of Health and Human
8 Services for the size of the household. Notwithstanding the
9 preceding sentence, the Department of Public Health may
10 determine the income eligibility standard for the AIDS Drug
11 Assistance Program each year and may set the standard at more
12 than 500% of the Federal Poverty Guidelines for the size of the
13 household, provided that moneys appropriated to the Department
14 for the program are sufficient to cover the increased cost of
15 implementing the higher income eligibility standard.
16 Rulemaking authority to implement this amendatory Act of the
17 95th General Assembly, if any, is conditioned on the rules
18 being adopted in accordance with all provisions of the Illinois
19 Administrative Procedure Act and all rules and procedures of
20 the Joint Committee on Administrative Rules; any purported rule
21 not so adopted, for whatever reason, is unauthorized.

22 (14) In order to implement the provisions of Public Act
23 95-7, the Department must expand HIV testing in health care
24 settings where undiagnosed individuals are likely to be
25 identified. The Department must purchase rapid HIV kits and
26 make grants for technical assistance, staff to conduct HIV

1 testing and counseling, and related purposes. The Department
2 must make grants to (i) facilities serving patients that are
3 uninsured at high rates, (ii) facilities located in areas with
4 a high prevalence of HIV or AIDS, (iii) facilities that have a
5 high likelihood of identifying individuals who are undiagnosed
6 with HIV or AIDS, or (iv) any combination of items (i), (ii),
7 and (iii).

8 (Source: P.A. 94-909, eff. 6-23-06; 95-744, eff. 7-18-08.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."