

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 Section 12-13.1 as follows:

6 (305 ILCS 5/12-13.1)

7 Sec. 12-13.1. Inspector General.

8 (a) The Governor shall appoint, and the Senate shall
9 confirm, an Inspector General who shall function within the
10 Illinois Department of Public Aid (now Healthcare and Family
11 Services) and report to the Governor. The term of the Inspector
12 General shall expire on the third Monday of January, 1997 and
13 every 4 years thereafter.

14 (b) In order to prevent, detect, and eliminate fraud,
15 waste, abuse, mismanagement, and misconduct, the Inspector
16 General shall oversee the Department of Healthcare and Family
17 Services' integrity functions, which include, but are not
18 limited to, the following:

19 (1) Investigation of misconduct by employees, vendors,
20 contractors and medical providers, except for allegations
21 of violations of the State Officials and Employees Ethics
22 Act which shall be referred to the Office of the Governor's
23 Executive Inspector General for investigation.

1 (2) Audits of medical providers related to ensuring
2 that appropriate payments are made for services rendered
3 and to the recovery of overpayments.

4 (3) Monitoring of quality assurance programs generally
5 related to the medical assistance program and specifically
6 related to any managed care program.

7 (4) Quality control measurements of the programs
8 administered by the Department of Healthcare and Family
9 Services.

10 (5) Investigations of fraud or intentional program
11 violations committed by clients of the Department of
12 Healthcare and Family Services.

13 (6) Actions initiated against contractors or medical
14 providers for any of the following reasons:

15 (A) Violations of the medical assistance program.

16 (B) Sanctions against providers brought in
17 conjunction with the Department of Public Health or the
18 Department of Human Services (as successor to the
19 Department of Mental Health and Developmental
20 Disabilities).

21 (C) Recoveries of assessments against hospitals
22 and long-term care facilities.

23 (D) Sanctions mandated by the United States
24 Department of Health and Human Services against
25 medical providers.

26 (E) Violations of contracts related to any managed

1 care programs.

2 (7) Representation of the Department of Healthcare and
3 Family Services at hearings with the Illinois Department of
4 Professional Regulation in actions taken against
5 professional licenses held by persons who are in violation
6 of orders for child support payments.

7 (b-5) At the request of the Secretary of Human Services,
8 the Inspector General shall, in relation to any function
9 performed by the Department of Human Services as successor to
10 the Department of Public Aid, exercise one or more of the
11 powers provided under this Section as if those powers related
12 to the Department of Human Services; in such matters, the
13 Inspector General shall report his or her findings to the
14 Secretary of Human Services.

15 (c) The Inspector General shall have access to all
16 information, personnel and facilities of the Department of
17 Healthcare and Family Services and the Department of Human
18 Services (as successor to the Department of Public Aid), their
19 employees, vendors, contractors and medical providers and any
20 federal, State or local governmental agency that are necessary
21 to perform the duties of the Office as directly related to
22 public assistance programs administered by those departments.
23 No medical provider shall be compelled, however, to provide
24 individual medical records of patients who are not clients of
25 the Medical Assistance Program. State and local governmental
26 agencies are authorized and directed to provide the requested

1 information, assistance or cooperation.

2 (d) The Inspector General shall serve as the Department of
3 Healthcare and Family Services' primary liaison with law
4 enforcement, investigatory and prosecutorial agencies,
5 including but not limited to the following:

6 (1) The Department of State Police.

7 (2) The Federal Bureau of Investigation and other
8 federal law enforcement agencies.

9 (3) The various Inspectors General of federal agencies
10 overseeing the programs administered by the Department of
11 Healthcare and Family Services.

12 (4) The various Inspectors General of any other State
13 agencies with responsibilities for portions of programs
14 primarily administered by the Department of Healthcare and
15 Family Services.

16 (5) The Offices of the several United States Attorneys
17 in Illinois.

18 (6) The several State's Attorneys.

19 The Inspector General shall meet on a regular basis with
20 these entities to share information regarding possible
21 misconduct by any persons or entities involved with the public
22 aid programs administered by the Department of Healthcare and
23 Family Services.

24 (e) All investigations conducted by the Inspector General
25 shall be conducted in a manner that ensures the preservation of
26 evidence for use in criminal prosecutions. If the Inspector

1 General determines that a possible criminal act relating to
2 fraud in the provision or administration of the medical
3 assistance program has been committed, the Inspector General
4 shall immediately notify the Medicaid Fraud Control Unit. If
5 the Inspector General determines that a possible criminal act
6 has been committed within the jurisdiction of the Office, the
7 Inspector General may request the special expertise of the
8 Department of State Police. The Inspector General may present
9 for prosecution the findings of any criminal investigation to
10 the Office of the Attorney General, the Offices of the several
11 United States Attorneys in Illinois or the several State's
12 Attorneys.

13 (f) To carry out his or her duties as described in this
14 Section, the Inspector General and his or her designees shall
15 have the power to compel by subpoena the attendance and
16 testimony of witnesses and the production of books, electronic
17 records and papers as directly related to public assistance
18 programs administered by the Department of Healthcare and
19 Family Services or the Department of Human Services (as
20 successor to the Department of Public Aid). No medical provider
21 shall be compelled, however, to provide individual medical
22 records of patients who are not clients of the Medical
23 Assistance Program.

24 (g) The Inspector General shall report all convictions,
25 terminations, and suspensions taken against vendors,
26 contractors and medical providers to the Department of

1 Healthcare and Family Services and to any agency responsible
2 for licensing or regulating those persons or entities.

3 (h) The Inspector General shall make annual reports,
4 findings, and recommendations regarding the Office's
5 investigations into reports of fraud, waste, abuse,
6 mismanagement, or misconduct relating to any public aid
7 programs administered by the Department of Healthcare and
8 Family Services or the Department of Human Services (as
9 successor to the Department of Public Aid) to the General
10 Assembly and the Governor. These reports shall include, but not
11 be limited to, the following information:

12 (1) Aggregate provider billing and payment
13 information, including the number of providers at various
14 Medicaid earning levels.

15 (2) The number of audits of the medical assistance
16 program and the dollar savings resulting from those audits.

17 (3) The number of prescriptions rejected annually
18 under the Department of Healthcare and Family Services'
19 Refill Too Soon program and the dollar savings resulting
20 from that program.

21 (4) Provider sanctions, in the aggregate, including
22 terminations and suspensions.

23 (5) A detailed summary of the investigations
24 undertaken in the previous fiscal year. These summaries
25 shall comply with all laws and rules regarding maintaining
26 confidentiality in the public aid programs.

1 (i) Nothing in this Section shall limit investigations by
2 the Department of Healthcare and Family Services or the
3 Department of Human Services that may otherwise be required by
4 law or that may be necessary in their capacity as the central
5 administrative authorities responsible for administration of
6 public aid programs in this State.

7 (j) The Inspector General may issue shields or other
8 distinctive identification to his or her employees not
9 exercising the powers of a peace officer if the Inspector
10 General determines that a shield or distinctive identification
11 is needed by an employee to carry out his or her
12 responsibilities.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-555, eff. 8-18-09.)