

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 State Finance Act is amended by changing
5 Sections 6z-52 and 6z-81 as follows:

6 (30 ILCS 105/6z-52)

7 Sec. 6z-52. Drug Rebate Fund.

8 (a) There is created in the State Treasury a special fund
9 to be known as the Drug Rebate Fund.

10 (b) The Fund is created for the purpose of receiving and
11 disbursing moneys in accordance with this Section.
12 Disbursements from the Fund shall be made, subject to
13 appropriation, only as follows:

14 (1) For payments ~~to pharmacies~~ for reimbursement or
15 coverage for prescription drugs and other pharmacy
16 products provided to a recipient of medical assistance
17 under aid under Article V of the Illinois Public Aid Code,
18 ~~or~~ the Children's Health Insurance Program Act, the
19 Covering ALL KIDS Health Insurance Act, the Veterans'
20 Health Insurance Program Act of 2008, and the Senior
21 Citizens and Disabled Persons Property Tax Relief and
22 Pharmaceutical Assistance Act.

23 (2) For reimbursement of moneys collected by the

1 Department of Healthcare and Family Services (formerly
2 Illinois Department of Public Aid) through error or
3 mistake.

4 (3) For payments of any amounts that are reimbursable
5 to the federal government resulting from a payment into
6 this Fund.

7 (c) The Fund shall consist of the following:

8 (1) Upon notification from the Director of Healthcare
9 and Family Services, the Comptroller shall direct and the
10 Treasurer shall transfer the net State share (disregarding
11 the reduction in net State share attributable to the
12 American Recovery and Reinvestment Act of 2009 or any other
13 federal economic stimulus program) of all moneys received
14 by the Department of Healthcare and Family Services
15 (formerly Illinois Department of Public Aid) from drug
16 rebate agreements with pharmaceutical manufacturers
17 pursuant to Title XIX of the federal Social Security Act,
18 including any portion of the balance in the Public Aid
19 Recoveries Trust Fund on July 1, 2001 that is attributable
20 to such receipts.

21 (2) All federal matching funds received by the Illinois
22 Department as a result of expenditures made by the
23 Department that are attributable to moneys deposited in the
24 Fund.

25 (3) Any premium collected by the Illinois Department
26 from participants under a waiver approved by the federal

1 government relating to provision of pharmaceutical
2 services.

3 (4) All other moneys received for the Fund from any
4 other source, including interest earned thereon.

5 (Source: P.A. 95-331, eff. 8-21-07; 96-8, eff. 4-28-09.)

6 (30 ILCS 105/6z-81)

7 Sec. 6z-81. Healthcare Provider Relief Fund.

8 (a) There is created in the State treasury a special fund
9 to be known as the Healthcare Provider Relief Fund.

10 (b) The Fund is created for the purpose of receiving and
11 disbursing moneys in accordance with this Section.
12 Disbursements from the Fund shall be made only as follows:

13 (1) Subject to appropriation, for payment by the
14 Department of Healthcare and Family Services or by the
15 Department of Human Services of medical bills and related
16 expenses, including administrative expenses, for which the
17 State is responsible under Titles XIX and XXI of the Social
18 Security Act, the Illinois Public Aid Code, the Children's
19 Health Insurance Program Act, the Covering ALL KIDS Health
20 Insurance Act, and the Senior Citizens and Disabled Persons
21 Property Tax Relief and Pharmaceutical Assistance Act.

22 (2) For repayment of funds borrowed from other State
23 funds or from outside sources, including interest thereon.

24 (c) The Fund shall consist of the following:

25 (1) Moneys received by the State from short-term

1 borrowing pursuant to the Short Term Borrowing Act on or
2 after the effective date of this amendatory Act of the 96th
3 General Assembly.

4 (2) All federal matching funds received by the Illinois
5 Department of Healthcare and Family Services as a result of
6 expenditures made by the Department that are attributable
7 to moneys deposited in the Fund.

8 (3) All federal matching funds received by the Illinois
9 Department of Healthcare and Family Services as a result of
10 federal approval of Title XIX State plan amendment
11 transmittal number 07-09.

12 (4) All other moneys received for the Fund from any
13 other source, including interest earned thereon.

14 (Source: P.A. 96-820, eff. 11-18-09.)

15 Section 10. The Illinois Public Aid Code is amended by
16 changing Sections 12-5, 12-9, and 12-10.4 as follows:

17 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

18 Sec. 12-5. Appropriations; uses; federal grants; report to
19 General Assembly. From the sums appropriated by the General
20 Assembly, the Illinois Department shall order for payment by
21 warrant from the State Treasury grants for public aid under
22 Articles III, IV, and V, including grants for funeral and
23 burial expenses, and all costs of administration of the
24 Illinois Department and the County Departments relating

1 thereto. Moneys appropriated to the Illinois Department for
2 public aid under Article VI may be used, with the consent of
3 the Governor, to co-operate with federal, State, and local
4 agencies in the development of work projects designed to
5 provide suitable employment for persons receiving public aid
6 under Article VI. The Illinois Department, with the consent of
7 the Governor, may be the agent of the State for the receipt and
8 disbursement of federal funds or commodities for public aid
9 purposes under Article VI and for related purposes in which the
10 co-operation of the Illinois Department is sought by the
11 federal government, and, in connection therewith, may make
12 necessary expenditures from moneys appropriated for public aid
13 under any Article of this Code and for administration. The
14 Illinois Department, with the consent of the Governor, may be
15 the agent of the State for the receipt and disbursement of
16 federal funds pursuant to the Immigration Reform and Control
17 Act of 1986 and may make necessary expenditures from monies
18 appropriated to it for operations, administration, and grants,
19 including payment to the Health Insurance Reserve Fund for
20 group insurance costs at the rate certified by the Department
21 of Central Management Services. All amounts received by the
22 Illinois Department pursuant to the Immigration Reform and
23 Control Act of 1986 shall be deposited in the Immigration
24 Reform and Control Fund. All amounts received into the
25 Immigration Reform and Control Fund as reimbursement for
26 expenditures from the General Revenue Fund shall be transferred

1 to the General Revenue Fund.

2 All grants received by the Illinois Department for programs
3 funded by the Federal Social Services Block Grant shall be
4 deposited in the Social Services Block Grant Fund. All funds
5 received into the Social Services Block Grant Fund as
6 reimbursement for expenditures from the General Revenue Fund
7 shall be transferred to the General Revenue Fund. All funds
8 received into the Social Services Block Grant fund for
9 reimbursement for expenditure out of the Local Initiative Fund
10 shall be transferred into the Local Initiative Fund. Any other
11 federal funds received into the Social Services Block Grant
12 Fund shall be transferred to the Special Purposes Trust Fund.
13 All federal funds received by the Illinois Department as
14 reimbursement for Employment and Training Programs for
15 expenditures made by the Illinois Department from grants,
16 gifts, or legacies as provided in Section 12-4.18 or made by an
17 entity other than the Illinois Department shall be deposited
18 into the Employment and Training Fund, except that federal
19 funds received as reimbursement as a result of the
20 appropriation made for the costs of providing adult education
21 to public assistance recipients under the "Adult Education,
22 Public Assistance Fund" shall be deposited into the General
23 Revenue Fund; provided, however, that all funds, except those
24 that are specified in an interagency agreement between the
25 Illinois Community College Board and the Illinois Department,
26 that are received by the Illinois Department as reimbursement

1 under Title IV-A of the Social Security Act for expenditures
2 that are made by the Illinois Community College Board or any
3 public community college of this State shall be credited to a
4 special account that the State Treasurer shall establish and
5 maintain within the Employment and Training Fund for the
6 purpose of segregating the reimbursements received for
7 expenditures made by those entities. As reimbursements are
8 deposited into the Employment and Training Fund, the Illinois
9 Department shall certify to the State Comptroller and State
10 Treasurer the amount that is to be credited to the special
11 account established within that Fund as a reimbursement for
12 expenditures under Title IV-A of the Social Security Act made
13 by the Illinois Community College Board or any of the public
14 community colleges. All amounts credited to the special account
15 established and maintained within the Employment and Training
16 Fund as provided in this Section shall be held for transfer to
17 the TANF Opportunities Fund as provided in subsection (d) of
18 Section 12-10.3, and shall not be transferred to any other fund
19 or used for any other purpose.

20 Eighty percent of the federal financial participation
21 funds received by the Illinois Department under the Title IV-A
22 Emergency Assistance program as reimbursement for expenditures
23 made from the Illinois Department of Children and Family
24 Services appropriations for the costs of providing services in
25 behalf of Department of Children and Family Services clients
26 shall be deposited into the DCFS Children's Services Fund.

1 All federal funds, except those covered by the foregoing 3
2 paragraphs, received as reimbursement for expenditures from
3 the General Revenue Fund shall be deposited in the General
4 Revenue Fund for administrative and distributive expenditures
5 properly chargeable by federal law or regulation to aid
6 programs established under Articles III through XII and Titles
7 IV, XVI, XIX and XX of the Federal Social Security Act. Any
8 other federal funds received by the Illinois Department under
9 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by
10 Section 12-10 of this Code to be paid into the Special Purposes
11 Trust Fund shall be deposited into the Special Purposes Trust
12 Fund. Any other federal funds received by the Illinois
13 Department pursuant to the Child Support Enforcement Program
14 established by Title IV-D of the Social Security Act shall be
15 deposited in the Child Support Enforcement Trust Fund as
16 required under Section 12-10.2 or in the Child Support
17 Administrative Fund as required under Section 12-10.2a of this
18 Code. Any other federal funds received by the Illinois
19 Department for medical assistance program expenditures made
20 under Title XIX of the Social Security Act and Article V of
21 this Code that are required by Section 5-4.21 of this Code to
22 be paid into the Medicaid Developmentally Disabled Provider
23 Participation Fee Trust Fund shall be deposited into the
24 Medicaid Developmentally Disabled Provider Participation Fee
25 Trust Fund. Any other federal funds received by the Illinois
26 Department for medical assistance program expenditures made

1 under Title XIX of the Social Security Act and Article V of
2 this Code that are required by Section 5-4.31 of this Code to
3 be paid into the Medicaid Long Term Care Provider Participation
4 Fee Trust Fund shall be deposited into the Medicaid Long Term
5 Care Provider Participation Fee Trust Fund. Any other federal
6 funds received by the Illinois Department for hospital
7 inpatient, hospital ambulatory care, and disproportionate
8 share hospital expenditures made under Title XIX of the Social
9 Security Act and Article V of this Code that are required by
10 Section 14-2 of this Code to be paid into the Hospital Services
11 Trust Fund shall be deposited into the Hospital Services Trust
12 Fund. Any other federal funds received by the Illinois
13 Department for expenditures made under Title XIX of the Social
14 Security Act and Articles V and VI of this Code that are
15 required by Section 15-2 of this Code to be paid into the
16 County Provider Trust Fund shall be deposited into the County
17 Provider Trust Fund. Any other federal funds received by the
18 Illinois Department for hospital inpatient, hospital
19 ambulatory care, and disproportionate share hospital
20 expenditures made under Title XIX of the Social Security Act
21 and Article V of this Code that are required by Section 5A-8 of
22 this Code to be paid into the Hospital Provider Fund shall be
23 deposited into the Hospital Provider Fund. Any other federal
24 funds received by the Illinois Department for medical
25 assistance program expenditures made under Title XIX of the
26 Social Security Act and Article V of this Code that are

1 required by Section 5B-8 of this Code to be paid into the
2 Long-Term Care Provider Fund shall be deposited into the
3 Long-Term Care Provider Fund. Any other federal funds received
4 by the Illinois Department for medical assistance program
5 expenditures made under Title XIX of the Social Security Act
6 and Article V of this Code that are required by Section 5C-7 of
7 this Code to be paid into the Developmentally Disabled Care
8 Provider Fund shall be deposited into the Developmentally
9 Disabled Care Provider Fund. Any other federal funds received
10 by the Illinois Department for trauma center adjustment
11 payments that are required by Section 5-5.03 of this Code and
12 made under Title XIX of the Social Security Act and Article V
13 of this Code shall be deposited into the Trauma Center Fund.
14 Any other federal funds received by the Illinois Department as
15 reimbursement for expenses for early intervention services
16 paid from the Early Intervention Services Revolving Fund shall
17 be deposited into that Fund.

18 The Illinois Department shall report to the General
19 Assembly at the end of each fiscal quarter the amount of all
20 funds received and paid into the Social Service Block Grant
21 Fund and the Local Initiative Fund and the expenditures and
22 transfers of such funds for services, programs and other
23 purposes authorized by law. Such report shall be filed with the
24 Speaker, Minority Leader and Clerk of the House, with the
25 President, Minority Leader and Secretary of the Senate, with
26 the Chairmen of the House and Senate Appropriations Committees,

1 the House Human Resources Committee and the Senate Public
2 Health, Welfare and Corrections Committee, or the successor
3 standing Committees of each as provided by the rules of the
4 House and Senate, respectively, with the Legislative Research
5 Unit and with the State Government Report Distribution Center
6 for the General Assembly as is required under paragraph (t) of
7 Section 7 of the State Library Act shall be deemed sufficient
8 to comply with this Section.

9 (Source: P.A. 93-632, eff. 2-1-04; 94-91, eff. 7-1-05.)

10 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

11 Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The
12 Public Aid Recoveries Trust Fund shall consist of (1)
13 recoveries by the Department of Healthcare and Family Services
14 (formerly Illinois Department of Public Aid) authorized by this
15 Code in respect to applicants or recipients under Articles III,
16 IV, V, and VI, including recoveries made by the Department of
17 Healthcare and Family Services (formerly Illinois Department
18 of Public Aid) from the estates of deceased recipients, (2)
19 recoveries made by the Department of Healthcare and Family
20 Services (formerly Illinois Department of Public Aid) in
21 respect to applicants and recipients under the Children's
22 Health Insurance Program Act, the Covering ALL KIDS Health
23 Insurance Act, and the Senior Citizens and Disabled Persons
24 Property Tax Relief and Pharmaceutical Assistance Act, and (3)
25 federal funds received on behalf of and earned by State

1 universities and local governmental entities for services
2 provided to applicants or recipients covered under this Code,
3 the Children's Health Insurance Program Act, the Covering ALL
4 KIDS Health Insurance Act, and the Senior Citizens and Disabled
5 Persons Property Tax Relief and Pharmaceutical Assistance Act,
6 and (4) all other moneys received to the Fund, including
7 interest thereon. The Fund shall be held as a special fund in
8 the State Treasury.

9 Disbursements from this Fund shall be only (1) for the
10 reimbursement of claims collected by the Department of
11 Healthcare and Family Services (formerly Illinois Department
12 of Public Aid) through error or mistake, (2) for payment to
13 persons or agencies designated as payees or co-payees on any
14 instrument, whether or not negotiable, delivered to the
15 Department of Healthcare and Family Services (formerly
16 Illinois Department of Public Aid) as a recovery under this
17 Section, such payment to be in proportion to the respective
18 interests of the payees in the amount so collected, (3) for
19 payments to the Department of Human Services for collections
20 made by the Department of Healthcare and Family Services
21 (formerly Illinois Department of Public Aid) on behalf of the
22 Department of Human Services under this Code, the Children's
23 Health Insurance Program Act, and the Covering ALL KIDS Health
24 Insurance Act, (4) for payment of administrative expenses
25 incurred in performing the activities authorized under this
26 Code, the Children's Health Insurance Program Act, the Covering

1 ALL KIDS Health Insurance Act, and the Senior Citizens and
2 Disabled Persons Property Tax Relief and Pharmaceutical
3 Assistance Act, (5) for payment of fees to persons or agencies
4 in the performance of activities pursuant to the collection of
5 monies owed the State that are collected under this Code, the
6 Children's Health Insurance Program Act, the Covering ALL KIDS
7 Health Insurance Act, and the Senior Citizens and Disabled
8 Persons Property Tax Relief and Pharmaceutical Assistance Act,
9 (6) for payments of any amounts which are reimbursable to the
10 federal government which are required to be paid by State
11 warrant by either the State or federal government, and (7) for
12 payments to State universities and local governmental entities
13 of federal funds for services provided to applicants or
14 recipients covered under this Code, the Children's Health
15 Insurance Program Act, the Covering ALL KIDS Health Insurance
16 Act, and the Senior Citizens and Disabled Persons Property Tax
17 Relief and Pharmaceutical Assistance Act. Disbursements from
18 this Fund for purposes of items (4) and (5) of this paragraph
19 shall be subject to appropriations from the Fund to the
20 Department of Healthcare and Family Services (formerly
21 Illinois Department of Public Aid).

22 The balance in this Fund on the first day of each calendar
23 quarter, after payment therefrom of any amounts reimbursable to
24 the federal government, and minus the amount reasonably
25 anticipated to be needed to make the disbursements during that
26 quarter authorized by this Section, shall be certified by the

1 Director of Healthcare and Family Services and transferred by
2 the State Comptroller to the Drug Rebate Fund or the Healthcare
3 Provider Relief ~~General Revenue~~ Fund in the State Treasury, as
4 appropriate, within 30 days of the first day of each calendar
5 quarter. The Director of Healthcare and Family Services may
6 certify and the State Comptroller shall transfer to the Drug
7 Rebate Fund amounts on a more frequent basis.

8 On July 1, 1999, the State Comptroller shall transfer the
9 sum of \$5,000,000 from the Public Aid Recoveries Trust Fund
10 (formerly the Public Assistance Recoveries Trust Fund) into the
11 DHS Recoveries Trust Fund.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 (305 ILCS 5/12-10.4)

14 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid
15 Matching Fund. There is created in the State Treasury the
16 Juvenile Rehabilitation Services Medicaid Matching Fund.
17 Deposits to this Fund shall consist of all moneys received from
18 the federal government for behavioral health services secured
19 by counties ~~under the Medicaid Rehabilitation Option~~ pursuant
20 to an agreement with the Department of Healthcare and Family
21 Services with respect to Title XIX of the Social Security Act
22 or under the Children's Health Insurance Program pursuant to
23 the Children's Health Insurance Program Act and Title XXI of
24 the Social Security Act for minors who are committed to mental
25 health facilities by the Illinois court system and for

1 residential placements secured by the Department of Juvenile
2 Justice for minors as a condition of their parole.

3 Disbursements from the Fund shall be made, subject to
4 appropriation, by the Department of Healthcare and Family
5 Services for grants to the Department of Juvenile Justice and
6 those counties which secure behavioral health services ordered
7 by the courts and which have an interagency agreement with the
8 Department and submit detailed bills according to standards
9 determined by the Department.

10 (Source: P.A. 94-696, eff. 6-1-06; 95-331, eff. 8-21-07.)