

# HB4838



## 97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

**HB4838**

Introduced 2/3/2012, by Rep. Tom Cross

### SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-4

from Ch. 23, par. 5-4

Amends the Illinois Public Aid Code. Makes a technical change in a Section concerning the amount and nature of medical assistance.

LRB097 17347 KTG 62548 b

A BILL FOR

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 5-4 as follows:

6 (305 ILCS 5/5-4) (from Ch. 23, par. 5-4)

7 Sec. 5-4. Amount and nature of medical assistance. ~~The~~ The  
8 amount and nature of medical assistance shall be determined by  
9 the County Departments in accordance with the standards, rules,  
10 and regulations of the Department of Healthcare and Family  
11 Services, with due regard to the requirements and conditions in  
12 each case, including contributions available from legally  
13 responsible relatives. However, the amount and nature of such  
14 medical assistance shall not be affected by the payment of any  
15 grant under the Senior Citizens and Disabled Persons Property  
16 Tax Relief and Pharmaceutical Assistance Act or any  
17 distributions or items of income described under subparagraph  
18 (X) of paragraph (2) of subsection (a) of Section 203 of the  
19 Illinois Income Tax Act. The amount and nature of medical  
20 assistance shall not be affected by the receipt of donations or  
21 benefits from fundraisers in cases of serious illness, as long  
22 as neither the person nor members of the person's family have  
23 actual control over the donations or benefits or the

1 disbursement of the donations or benefits.

2 In determining the income and assets available to the  
3 institutionalized spouse and to the community spouse, the  
4 Department of Healthcare and Family Services shall follow the  
5 procedures established by federal law. The community spouse  
6 resource allowance shall be established and maintained at the  
7 maximum level permitted pursuant to Section 1924(f)(2) of the  
8 Social Security Act, as now or hereafter amended, or an amount  
9 set after a fair hearing, whichever is greater. The monthly  
10 maintenance allowance for the community spouse shall be  
11 established and maintained at the maximum level permitted  
12 pursuant to Section 1924(d)(3)(C) of the Social Security Act,  
13 as now or hereafter amended. Subject to the approval of the  
14 Secretary of the United States Department of Health and Human  
15 Services, the provisions of this Section shall be extended to  
16 persons who but for the provision of home or community-based  
17 services under Section 4.02 of the Illinois Act on the Aging,  
18 would require the level of care provided in an institution, as  
19 is provided for in federal law.

20 The Department of Human Services shall notify in writing  
21 each institutionalized spouse who is a recipient of medical  
22 assistance under this Article, and each such person's community  
23 spouse, of the changes in treatment of income and resources,  
24 including provisions for protecting income for a community  
25 spouse and permitting the transfer of resources to a community  
26 spouse, required by enactment of the federal Medicare

1 Catastrophic Coverage Act of 1988 (Public Law 100-360). The  
2 notification shall be in language likely to be easily  
3 understood by those persons. The Department of Human Services  
4 also shall reassess the amount of medical assistance for which  
5 each such recipient is eligible as a result of the enactment of  
6 that federal Act, whether or not a recipient requests such a  
7 reassessment.

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