



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB1046

by Rep. Greg Harris

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/1-8.5

Amends the Illinois Public Aid Code. In a provision concerning eligibility for medical assistance for persons who are incarcerated in a public institution, provides that any such person who is not already enrolled for medical assistance may apply for medical assistance prior to the date of scheduled release or discharge from a penal institution or county jail or similar status (rather than may apply for medical assistance no more than 30 days prior to the date of scheduled release or discharge from a penal institution or county jail or similar status).

LRB098 07338 KTG 37401 b

FISCAL NOTE ACT  
MAY APPLY

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 1. The Illinois Public Aid Code is amended by  
5 changing Section 1-8.5 as follows:

6 (305 ILCS 5/1-8.5)

7 Sec. 1-8.5. Eligibility for medical assistance during  
8 periods of incarceration or detention.

9 (a) To the extent permitted by federal law and  
10 notwithstanding any other provision of this Code, the  
11 Department of Healthcare and Family Services shall not cancel a  
12 person's eligibility for medical assistance solely because  
13 that person has become an inmate of a public institution,  
14 including, but not limited to, a county jail, juvenile  
15 detention center, or State correctional facility. The person  
16 may remain enrolled for medical assistance as long as all other  
17 eligibility criteria are met.

18 (b) The Department may adopt rules to permit a person to  
19 apply for medical assistance while he or she is an inmate of a  
20 public institution as described in subsection (a). The rules  
21 may limit applications to persons who would be likely to  
22 qualify for medical assistance if they resided in the  
23 community. Any such person who is not already enrolled for

1 medical assistance may apply for medical assistance ~~no more~~  
2 ~~than 30 days~~ prior to the date of scheduled release or  
3 discharge from a penal institution or county jail or similar  
4 status.

5 (c) Except as provided under Section 17 of the County Jail  
6 Act, the Department shall not be responsible to provide medical  
7 assistance under this Code for any medical care, services, or  
8 supplies provided to a person while he or she is an inmate of a  
9 public institution as described in subsection (a). The  
10 responsibility for providing medical care shall remain as  
11 otherwise provided by law with the Department of Corrections,  
12 county, or other arresting authority. The Department may seek  
13 federal financial participation, to the extent that it is  
14 available and with the cooperation of the Department of  
15 Juvenile Justice, the Department of Corrections, or the  
16 relevant county, for the costs of those services.

17 (d) To the extent permitted under State and federal law,  
18 the Department shall develop procedures to expedite required  
19 periodic reviews of continued eligibility for persons  
20 described in subsection (a).

21 (e) Counties, the Department of Juvenile Justice, the  
22 Department of Human Services, and the Department of Corrections  
23 shall cooperate with the Department in administering this  
24 Section. That cooperation shall include managing eligibility  
25 processing and sharing information sufficient to inform the  
26 Department, in a manner established by the Department, that a

1 person enrolled in the medical assistance program has been  
2 detained or incarcerated.

3 (f) The Department shall resume responsibility for  
4 providing medical assistance upon release of the person to the  
5 community as long as all of the following apply:

6 (1) The person is enrolled for medical assistance at  
7 the time of release.

8 (2) Neither a county, the Department of Juvenile  
9 Justice, the Department of Corrections, nor any other  
10 criminal justice authority continues to bear  
11 responsibility for the person's medical care.

12 (3) The county, the Department of Juvenile Justice, or  
13 the Department of Corrections provides timely notice of the  
14 date of release in a manner established by the Department.

15 (g) This Section applies on and after December 31, 2011.

16 (Source: P.A. 96-872, eff. 6-1-10.)