



Sen. Ira I. Silverstein

Filed: 5/6/2013

09800HB1516sam001

LRB098 04000 KTG 45360 a

1 AMENDMENT TO HOUSE BILL 1516

2 AMENDMENT NO. _____. Amend House Bill 1516 by replacing
3 everything after the enacting clause with the following:

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.

8 (a) The amount and nature of medical assistance shall be
9 determined in accordance with the standards, rules, and
10 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 Act or any distributions or items of income

1 described under subparagraph (X) of paragraph (2) of subsection
2 (a) of Section 203 of the Illinois Income Tax Act. The amount
3 and nature of medical assistance shall not be affected by the
4 receipt of donations or benefits from fundraisers in cases of
5 serious illness, as long as neither the person nor members of
6 the person's family have actual control over the donations or
7 benefits or the disbursement of the donations or benefits.

8 In determining the income and resources available to the
9 institutionalized spouse and to the community spouse, the
10 Department of Healthcare and Family Services shall follow the
11 procedures established by federal law. If an institutionalized
12 spouse or community spouse refuses to comply with the
13 requirements of Title XIX of the federal Social Security Act
14 and the regulations duly promulgated thereunder by failing to
15 provide the total value of assets, including income and
16 resources, to the extent either the institutionalized spouse or
17 community spouse has an ownership interest in them pursuant to
18 42 U.S.C. 1396r-5, after being advised of the consequences of
19 refusal, such refusal may result in the institutionalized
20 spouse being denied eligibility and continuing to remain
21 ineligible for the medical assistance program based on failure
22 to cooperate, so long as the Department of Healthcare and
23 Family Services provides written notice of the consequences of
24 refusal to the institutionalized spouse or community spouse, to
25 his or her agent under power of attorney, if any, or to his or
26 her guardian, if any.

1 Subject to federal approval, the community spouse resource
2 allowance shall be established and maintained at the higher of
3 \$109,560 or the minimum level permitted pursuant to Section
4 1924(f)(2) of the Social Security Act, as now or hereafter
5 amended, or an amount set after a fair hearing, whichever is
6 greater. The monthly maintenance allowance for the community
7 spouse shall be established and maintained at the higher of
8 \$2,739 per month or the minimum level permitted pursuant to
9 Section 1924(d)(3)(C) of the Social Security Act, as now or
10 hereafter amended, or an amount set after a fair hearing,
11 whichever is greater. Subject to the approval of the Secretary
12 of the United States Department of Health and Human Services,
13 the provisions of this Section shall be extended to persons who
14 but for the provision of home or community-based services under
15 Section 4.02 of the Illinois Act on the Aging, would require
16 the level of care provided in an institution, as is provided
17 for in federal law.

18 (b) Spousal support for institutionalized spouses
19 receiving medical assistance.

20 (i) The Department may seek support for an
21 institutionalized spouse, who has assigned his or her right
22 of support from his or her spouse to the State, from the
23 resources and income available to the community spouse.

24 (ii) The Department may bring an action in the circuit
25 court to establish support orders or itself establish
26 administrative support orders by any means and procedures

1 authorized in this Code, as applicable, except that the
2 standard and regulations for determining ability to
3 support in Section 10-3 shall not limit the amount of
4 support that may be ordered.

5 (iii) Proceedings may be initiated to obtain support,
6 or for the recovery of aid granted during the period such
7 support was not provided, or both, for the obtainment of
8 support and the recovery of the aid provided. Proceedings
9 for the recovery of aid may be taken separately or they may
10 be consolidated with actions to obtain support. Such
11 proceedings may be brought in the name of the person or
12 persons requiring support or may be brought in the name of
13 the Department, as the case requires.

14 (iv) The orders for the payment of moneys for the
15 support of the person shall be just and equitable and may
16 direct payment thereof for such period or periods of time
17 as the circumstances require, including support for a
18 period before the date the order for support is entered. In
19 no event shall the orders reduce the community spouse
20 resource allowance below the level established in
21 subsection (a) of this Section or an amount set after a
22 fair hearing, whichever is greater, or reduce the monthly
23 maintenance allowance for the community spouse below the
24 level permitted pursuant to subsection (a) of this Section.

25 (Source: P.A. 97-689, eff. 6-14-12.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".