

AN ACT concerning public aid.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

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

(305 ILCS 5/1-8.5)

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

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

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

medical assistance 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.

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

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

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

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

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

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

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

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

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

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