

**HB2288**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**HB2288**

by Rep. Camille Y. Lilly

**SYNOPSIS AS INTRODUCED:**

305 ILCS 5/5-4.1

from Ch. 23, par. 5-4.1

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that the Department of Healthcare and Family Services shall not require any person committed to the custody of the Department of Corrections who is eligible for medical assistance to pay a fee as a co-payment for services.

LRB101 10560 KTG 55666 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 5. The Illinois Public Aid Code is amended by  
5 changing Section 5-4.1 as follows:

6 (305 ILCS 5/5-4.1) (from Ch. 23, par. 5-4.1)

7 Sec. 5-4.1. Co-payments. The Department may by rule provide  
8 that recipients under any Article of this Code shall pay a fee  
9 as a co-payment for services. Co-payments shall be maximized to  
10 the extent permitted by federal law, except that the Department  
11 shall impose a co-pay of \$2 on generic drugs. Provided,  
12 however, that any such rule must provide that no co-payment  
13 requirement can exist for renal dialysis, radiation therapy,  
14 cancer chemotherapy, or insulin, and other products necessary  
15 on a recurring basis, the absence of which would be life  
16 threatening, or where co-payment expenditures for required  
17 services and/or medications for chronic diseases that the  
18 Illinois Department shall by rule designate shall cause an  
19 extensive financial burden on the recipient, and provided no  
20 co-payment shall exist for emergency room encounters which are  
21 for medical emergencies. The Department shall seek approval of  
22 a State plan amendment that allows pharmacies to refuse to  
23 dispense drugs in circumstances where the recipient does not

1 pay the required co-payment. Co-payments may not exceed \$10 for  
2 emergency room use for a non-emergency situation as defined by  
3 the Department by rule and subject to federal approval.

4 Notwithstanding the other provisions of this Section or any  
5 other law, the Department shall not require any person  
6 committed to the custody of the Department of Corrections who  
7 is eligible for medical assistance under this Article to pay a  
8 fee as a co-payment for services.

9 (Source: P.A. 96-1501, eff. 1-25-11; 97-74, eff. 6-30-11;  
10 97-689, eff. 6-14-12.)