



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3042

by Rep. Michael D. Unes

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/11-4

from Ch. 23, par. 11-4

Amends the Illinois Public Aid Code. Provides that the Department of Human Services shall have the power to subpoena witnesses and compel the production of documents relating to applications for public assistance, which shall include the power to subpoena any and all evidence necessary to process applications for medical assistance under this Code. Provides that any person who otherwise fails to respond to a subpoena or who knowingly provides false information to the Department during an investigation is guilty of a Class A misdemeanor. Provides that an attorney representing an applicant or authorized representative admitted to practice in the State of Illinois may issue subpoenas on behalf of the Department for witnesses and documents relevant to the application. Provides that the authorization of the Department is not required to obtain the issuance by an attorney of a subpoena. Requires the Department to adopt rules necessary to allow the issuance of subpoenas including, but not limited to, the creation of a form subpoena for use by attorneys.

LRB101 06842 KTG 56083 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 11-4 as follows:

6 (305 ILCS 5/11-4) (from Ch. 23, par. 11-4)

7 Sec. 11-4. Applications; assistance in making  
8 applications. An application for public assistance shall be  
9 deemed an application for all such benefits to which any person  
10 may be entitled except to the extent that the applicant  
11 expressly declines in writing to apply for particular benefits.  
12 The Illinois Department shall provide information in writing  
13 about all benefits provided under this Code to any person  
14 seeking public assistance. The Illinois Department shall also  
15 provide information in writing and orally to all applicants  
16 about an election to have financial aid deposited directly in a  
17 recipient's savings account or checking account or in any  
18 electronic benefits account or accounts as provided in Section  
19 11-3.1, to the extent that those elections are actually  
20 available, including information on any programs administered  
21 by the State Treasurer to facilitate or encourage the  
22 distribution of financial aid by direct deposit or electronic  
23 benefits transfer. The Illinois Department shall determine the

1 applicant's eligibility for cash assistance, medical  
2 assistance and food stamps unless the applicant expressly  
3 declines in writing to apply for particular benefits. The  
4 Illinois Department shall adopt policies and procedures to  
5 facilitate timely changes between programs that result from  
6 changes in categorical eligibility factors.

7 The County departments, local governmental units and the  
8 Illinois Department shall assist applicants for public  
9 assistance to properly complete their applications. Such  
10 assistance shall include, but not be limited to, assistance in  
11 securing evidence in support of their eligibility.

12 The Department shall have the power to subpoena witnesses  
13 and compel the production of documents relating to applications  
14 for public assistance. This shall include the power to subpoena  
15 any and all evidence necessary to process applications for  
16 medical assistance under this Code. Any person who otherwise  
17 fails to respond to a subpoena or who knowingly provides false  
18 information to the Department during an investigation is guilty  
19 of a Class A misdemeanor. An attorney representing an applicant  
20 or authorized representative admitted to practice in the State  
21 of Illinois may issue subpoenas on behalf of the Department for  
22 witnesses and documents relevant to the application. The  
23 authorization of the Department is not required to obtain the  
24 issuance by an attorney of a subpoena. The Department shall  
25 adopt rules necessary to allow the issuance of subpoenas  
26 including, but not limited to, the creation of a form subpoena

1 for use by attorneys.

2 (Source: P.A. 88-232.)