



Rep. Elizabeth Hernandez

Filed: 10/18/2021

10200SB0251ham001

LRB102 13374 KTG 29881 a

1 AMENDMENT TO SENATE BILL 251

2 AMENDMENT NO. _____. Amend Senate Bill 251 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 ~~The~~ amount and nature of medical assistance shall
9 be 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
12 in 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 Persons with Disabilities
16 Property Tax Relief Act or any distributions or items of

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

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

23 Subject to federal approval, the community spouse resource
24 allowance shall be established and maintained at the higher of
25 \$109,560 or the minimum level permitted pursuant to Section
26 1924(f)(2) of the Social Security Act, as now or hereafter

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

14 (b) Spousal support for institutionalized spouses
15 receiving medical assistance.

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

21 (ii) The Department may bring an action in the circuit
22 court to establish support orders or itself establish
23 administrative support orders by any means and procedures
24 authorized in this Code, as applicable, except that the
25 standard and regulations for determining ability to
26 support in Section 10-3 shall not limit the amount of

1 support that may be ordered.

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

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

23 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15.)".