

# SB3450



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3450

Introduced 1/18/2022, by Sen. Karina Villa

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-4.35

Amends the Administration Article of the Illinois Public Aid Code. Provides that the Department of Healthcare and Family Services may provide medical services to noncitizens with chronic disabilities who (i) are not eligible for medical assistance under the Medical Assistance Article of the Code due to their not meeting the otherwise applicable provisions under the Code concerning citizenship and (ii) have income at or below 133% of the federal poverty level plus 5% for the applicable family size as determined under applicable federal law and regulations. Provides that persons eligible for medical services under the amendatory Act shall receive benefits identical to the benefits provided under the Health Benefits Service Package as that term is defined in the Code.

LRB102 24264 KTG 33495 b

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 12-4.35 as follows:

6 (305 ILCS 5/12-4.35)

7 Sec. 12-4.35. Medical services for certain noncitizens.

8 (a) Notwithstanding Section 1-11 of this Code or Section  
9 20(a) of the Children's Health Insurance Program Act, the  
10 Department of Healthcare and Family Services may provide  
11 medical services to noncitizens who have not yet attained 19  
12 years of age and who are not eligible for medical assistance  
13 under Article V of this Code or under the Children's Health  
14 Insurance Program created by the Children's Health Insurance  
15 Program Act due to their not meeting the otherwise applicable  
16 provisions of Section 1-11 of this Code or Section 20(a) of the  
17 Children's Health Insurance Program Act. The medical services  
18 available, standards for eligibility, and other conditions of  
19 participation under this Section shall be established by rule  
20 by the Department; however, any such rule shall be at least as  
21 restrictive as the rules for medical assistance under Article  
22 V of this Code or the Children's Health Insurance Program  
23 created by the Children's Health Insurance Program Act.

1 (a-5) Notwithstanding Section 1-11 of this Code, the  
2 Department of Healthcare and Family Services may provide  
3 medical assistance in accordance with Article V of this Code  
4 to noncitizens over the age of 65 years of age who are not  
5 eligible for medical assistance under Article V of this Code  
6 due to their not meeting the otherwise applicable provisions  
7 of Section 1-11 of this Code, whose income is at or below 100%  
8 of the federal poverty level after deducting the costs of  
9 medical or other remedial care, and who would otherwise meet  
10 the eligibility requirements in Section 5-2 of this Code. The  
11 medical services available, standards for eligibility, and  
12 other conditions of participation under this Section shall be  
13 established by rule by the Department; however, any such rule  
14 shall be at least as restrictive as the rules for medical  
15 assistance under Article V of this Code.

16 (a-6) By May 30, 2022, notwithstanding Section 1-11 of  
17 this Code, the Department of Healthcare and Family Services  
18 may provide medical services to noncitizens 55 years of age  
19 through 64 years of age who (i) are not eligible for medical  
20 assistance under Article V of this Code due to their not  
21 meeting the otherwise applicable provisions of Section 1-11 of  
22 this Code and (ii) have income at or below 133% of the federal  
23 poverty level plus 5% for the applicable family size as  
24 determined under applicable federal law and regulations.  
25 Persons eligible for medical services under Public Act 102-16  
26 ~~this amendatory Act of the 102nd General Assembly~~ shall

1 receive benefits identical to the benefits provided under the  
2 Health Benefits Service Package as that term is defined in  
3 subsection (m) of Section 5-1.1 of this Code.

4 (a-7) Notwithstanding Section 1-11 of this Code, the  
5 Department of Healthcare and Family Services may provide  
6 medical services to noncitizens with chronic disabilities who  
7 (i) are not eligible for medical assistance under Article V of  
8 this Code due to their not meeting the otherwise applicable  
9 provisions of Section 1-11 of this Code and (ii) have income at  
10 or below 133% of the federal poverty level plus 5% for the  
11 applicable family size as determined under applicable federal  
12 law and regulations. Persons eligible for medical services  
13 under this amendatory Act of the 102nd General Assembly shall  
14 receive benefits identical to the benefits provided under the  
15 Health Benefits Service Package as that term is defined in  
16 subsection (m) of Section 5-1.1 of this Code.

17 (a-10) Notwithstanding the provisions of Section 1-11, the  
18 Department shall cover immunosuppressive drugs and related  
19 services associated with post-kidney transplant management,  
20 excluding long-term care costs, for noncitizens who: (i) are  
21 not eligible for comprehensive medical benefits; (ii) meet the  
22 residency requirements of Section 5-3; and (iii) would meet  
23 the financial eligibility requirements of Section 5-2.

24 (b) The Department is authorized to take any action that  
25 would not otherwise be prohibited by applicable law,  
26 including, without limitation, cessation or limitation of

1 enrollment, reduction of available medical services, and  
2 changing standards for eligibility, that is deemed necessary  
3 by the Department during a State fiscal year to assure that  
4 payments under this Section do not exceed available funds.

5 (c) (Blank).

6 (d) (Blank).

7 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;  
8 102-43, Article 25, Section 25-15, eff. 7-6-21; 102-43,  
9 Article 45, Section 45-5, eff. 7-6-21; revised 7-15-21.)