

HB2880



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2880

Introduced 2/16/2023, by Rep. Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-4

from Ch. 23, par. 5-4

Amends the Illinois Public Aid Code. Makes a technical change in a Section concerning the amount and nature of medical assistance.

LRB103 27376 AMC 53748 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 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
17 income described under subparagraph (X) of paragraph (2) of
18 subsection (a) of Section 203 of the Illinois Income Tax Act.
19 The amount and nature of medical assistance shall not be
20 affected by the receipt of donations or benefits from
21 fundraisers in cases of serious illness, as long as neither
22 the person nor members of the person's family have actual
23 control over the donations or benefits or the disbursement of

1 the donations or benefits.

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

16 Subject to federal approval, beginning January 1, 2023,
17 the community spouse resource allowance shall be established
18 and maintained as follows: a base amount of \$109,560 plus an
19 additional amount of \$2,784 added to the base amount each year
20 for a period of 10 years commencing with calendar year 2024
21 through calendar year 2034. In addition to the base amount and
22 the additional amount shall be any increase each year from the
23 prior year to the maximum resource allowance permitted under
24 Section 1924(f)(2)(A)(ii)(II) of the Social Security Act.
25 Subject to federal approval, beginning January 1, 2034 the
26 community spouse resource allowance shall be established and

1 maintained at the maximum amount permitted under Section
2 1924(f)(2)(A)(ii)(II) of the Social Security Act, as now or
3 hereafter amended, or an amount set after a fair hearing.
4 Subject to federal approval, beginning January 1, 2023 the
5 monthly maintenance allowance for the community spouse shall
6 be established and maintained at the maximum amount permitted
7 pursuant to Section 1924(d)(3)(C) of the Social Security Act,
8 as now or hereafter amended, or an amount set after a fair
9 hearing, whichever is greater. Subject to the approval of the
10 Secretary of the United States Department of Health and Human
11 Services, the provisions of this Section shall be extended to
12 persons who but for the provision of home or community-based
13 services under Section 4.02 of the Illinois Act on the Aging,
14 would require the level of care provided in an institution, as
15 is provided for in federal law.

16 (b) Spousal support for institutionalized spouses
17 receiving medical assistance.

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

23 (ii) The Department may bring an action in the circuit
24 court to establish support orders or itself establish
25 administrative support orders by any means and procedures
26 authorized in this Code, as applicable, except that the

1 standard and regulations for determining ability to
2 support in Section 10-3 shall not limit the amount of
3 support that may be ordered.

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

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

25 (Source: P.A. 102-1037, eff. 6-2-22.)