

# HB3637



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3637

Introduced 2/17/2023, by Rep. Joyce Mason

### SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5

from Ch. 23, par. 5-5

Amends the Medical Assistance Article of the Illinois Public Aid Code. Requires the Department of Healthcare and Family Services to provide medical assistance coverage for lung transplantation, including double lung transplantation, to any person otherwise eligible for medical assistance who receives a diagnosis of COVID-19-associated acute respiratory distress syndrome from a physician licensed under the Medical Practice Act of 1987 and who meets all other requirements for transplantation.

LRB103 30270 KTG 56698 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 5-5 as follows:

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

7 Sec. 5-5. Medical services. The Illinois Department, by  
8 rule, shall determine the quantity and quality of and the rate  
9 of reimbursement for the medical assistance for which payment  
10 will be authorized, and the medical services to be provided,  
11 which may include all or part of the following: (1) inpatient  
12 hospital services; (2) outpatient hospital services; (3) other  
13 laboratory and X-ray services; (4) skilled nursing home  
14 services; (5) physicians' services whether furnished in the  
15 office, the patient's home, a hospital, a skilled nursing  
16 home, or elsewhere; (6) medical care, or any other type of  
17 remedial care furnished by licensed practitioners; (7) home  
18 health care services; (8) private duty nursing service; (9)  
19 clinic services; (10) dental services, including prevention  
20 and treatment of periodontal disease and dental caries disease  
21 for pregnant individuals, provided by an individual licensed  
22 to practice dentistry or dental surgery; for purposes of this  
23 item (10), "dental services" means diagnostic, preventive, or

1 corrective procedures provided by or under the supervision of  
2 a dentist in the practice of his or her profession; (11)  
3 physical therapy and related services; (12) prescribed drugs,  
4 dentures, and prosthetic devices; and eyeglasses prescribed by  
5 a physician skilled in the diseases of the eye, or by an  
6 optometrist, whichever the person may select; (13) other  
7 diagnostic, screening, preventive, and rehabilitative  
8 services, including to ensure that the individual's need for  
9 intervention or treatment of mental disorders or substance use  
10 disorders or co-occurring mental health and substance use  
11 disorders is determined using a uniform screening, assessment,  
12 and evaluation process inclusive of criteria, for children and  
13 adults; for purposes of this item (13), a uniform screening,  
14 assessment, and evaluation process refers to a process that  
15 includes an appropriate evaluation and, as warranted, a  
16 referral; "uniform" does not mean the use of a singular  
17 instrument, tool, or process that all must utilize; (14)  
18 transportation and such other expenses as may be necessary;  
19 (15) medical treatment of sexual assault survivors, as defined  
20 in Section 1a of the Sexual Assault Survivors Emergency  
21 Treatment Act, for injuries sustained as a result of the  
22 sexual assault, including examinations and laboratory tests to  
23 discover evidence which may be used in criminal proceedings  
24 arising from the sexual assault; (16) the diagnosis and  
25 treatment of sickle cell anemia; (16.5) services performed by  
26 a chiropractic physician licensed under the Medical Practice

1 Act of 1987 and acting within the scope of his or her license,  
2 including, but not limited to, chiropractic manipulative  
3 treatment; and (17) any other medical care, and any other type  
4 of remedial care recognized under the laws of this State. The  
5 term "any other type of remedial care" shall include nursing  
6 care and nursing home service for persons who rely on  
7 treatment by spiritual means alone through prayer for healing.

8 Notwithstanding any other provision of this Section, a  
9 comprehensive tobacco use cessation program that includes  
10 purchasing prescription drugs or prescription medical devices  
11 approved by the Food and Drug Administration shall be covered  
12 under the medical assistance program under this Article for  
13 persons who are otherwise eligible for assistance under this  
14 Article.

15 Notwithstanding any other provision of this Code,  
16 reproductive health care that is otherwise legal in Illinois  
17 shall be covered under the medical assistance program for  
18 persons who are otherwise eligible for medical assistance  
19 under this Article.

20 Notwithstanding any other provision of this Section, all  
21 tobacco cessation medications approved by the United States  
22 Food and Drug Administration and all individual and group  
23 tobacco cessation counseling services and telephone-based  
24 counseling services and tobacco cessation medications provided  
25 through the Illinois Tobacco Quitline shall be covered under  
26 the medical assistance program for persons who are otherwise

1 eligible for assistance under this Article. The Department  
2 shall comply with all federal requirements necessary to obtain  
3 federal financial participation, as specified in 42 CFR  
4 433.15(b)(7), for telephone-based counseling services provided  
5 through the Illinois Tobacco Quitline, including, but not  
6 limited to: (i) entering into a memorandum of understanding or  
7 interagency agreement with the Department of Public Health, as  
8 administrator of the Illinois Tobacco Quitline; and (ii)  
9 developing a cost allocation plan for Medicaid-allowable  
10 Illinois Tobacco Quitline services in accordance with 45 CFR  
11 95.507. The Department shall submit the memorandum of  
12 understanding or interagency agreement, the cost allocation  
13 plan, and all other necessary documentation to the Centers for  
14 Medicare and Medicaid Services for review and approval.  
15 Coverage under this paragraph shall be contingent upon federal  
16 approval.

17 Notwithstanding any other provision of this Code, the  
18 Illinois Department may not require, as a condition of payment  
19 for any laboratory test authorized under this Article, that a  
20 physician's handwritten signature appear on the laboratory  
21 test order form. The Illinois Department may, however, impose  
22 other appropriate requirements regarding laboratory test order  
23 documentation.

24 Upon receipt of federal approval of an amendment to the  
25 Illinois Title XIX State Plan for this purpose, the Department  
26 shall authorize the Chicago Public Schools (CPS) to procure a

1 vendor or vendors to manufacture eyeglasses for individuals  
2 enrolled in a school within the CPS system. CPS shall ensure  
3 that its vendor or vendors are enrolled as providers in the  
4 medical assistance program and in any capitated Medicaid  
5 managed care entity (MCE) serving individuals enrolled in a  
6 school within the CPS system. Under any contract procured  
7 under this provision, the vendor or vendors must serve only  
8 individuals enrolled in a school within the CPS system. Claims  
9 for services provided by CPS's vendor or vendors to recipients  
10 of benefits in the medical assistance program under this Code,  
11 the Children's Health Insurance Program, or the Covering ALL  
12 KIDS Health Insurance Program shall be submitted to the  
13 Department or the MCE in which the individual is enrolled for  
14 payment and shall be reimbursed at the Department's or the  
15 MCE's established rates or rate methodologies for eyeglasses.

16 On and after July 1, 2012, the Department of Healthcare  
17 and Family Services may provide the following services to  
18 persons eligible for assistance under this Article who are  
19 participating in education, training or employment programs  
20 operated by the Department of Human Services as successor to  
21 the Department of Public Aid:

22 (1) dental services provided by or under the  
23 supervision of a dentist; and

24 (2) eyeglasses prescribed by a physician skilled in  
25 the diseases of the eye, or by an optometrist, whichever  
26 the person may select.

1           On and after July 1, 2018, the Department of Healthcare  
2 and Family Services shall provide dental services to any adult  
3 who is otherwise eligible for assistance under the medical  
4 assistance program. As used in this paragraph, "dental  
5 services" means diagnostic, preventative, restorative, or  
6 corrective procedures, including procedures and services for  
7 the prevention and treatment of periodontal disease and dental  
8 caries disease, provided by an individual who is licensed to  
9 practice dentistry or dental surgery or who is under the  
10 supervision of a dentist in the practice of his or her  
11 profession.

12           On and after July 1, 2018, targeted dental services, as  
13 set forth in Exhibit D of the Consent Decree entered by the  
14 United States District Court for the Northern District of  
15 Illinois, Eastern Division, in the matter of Memisovski v.  
16 Maram, Case No. 92 C 1982, that are provided to adults under  
17 the medical assistance program shall be established at no less  
18 than the rates set forth in the "New Rate" column in Exhibit D  
19 of the Consent Decree for targeted dental services that are  
20 provided to persons under the age of 18 under the medical  
21 assistance program.

22           Notwithstanding any other provision of this Code and  
23 subject to federal approval, the Department may adopt rules to  
24 allow a dentist who is volunteering his or her service at no  
25 cost to render dental services through an enrolled  
26 not-for-profit health clinic without the dentist personally

1 enrolling as a participating provider in the medical  
2 assistance program. A not-for-profit health clinic shall  
3 include a public health clinic or Federally Qualified Health  
4 Center or other enrolled provider, as determined by the  
5 Department, through which dental services covered under this  
6 Section are performed. The Department shall establish a  
7 process for payment of claims for reimbursement for covered  
8 dental services rendered under this provision.

9 On and after January 1, 2022, the Department of Healthcare  
10 and Family Services shall administer and regulate a  
11 school-based dental program that allows for the out-of-office  
12 delivery of preventative dental services in a school setting  
13 to children under 19 years of age. The Department shall  
14 establish, by rule, guidelines for participation by providers  
15 and set requirements for follow-up referral care based on the  
16 requirements established in the Dental Office Reference Manual  
17 published by the Department that establishes the requirements  
18 for dentists participating in the All Kids Dental School  
19 Program. Every effort shall be made by the Department when  
20 developing the program requirements to consider the different  
21 geographic differences of both urban and rural areas of the  
22 State for initial treatment and necessary follow-up care. No  
23 provider shall be charged a fee by any unit of local government  
24 to participate in the school-based dental program administered  
25 by the Department. Nothing in this paragraph shall be  
26 construed to limit or preempt a home rule unit's or school



1 district's authority to establish, change, or administer a  
2 school-based dental program in addition to, or independent of,  
3 the school-based dental program administered by the  
4 Department.

5 The Illinois Department, by rule, may distinguish and  
6 classify the medical services to be provided only in  
7 accordance with the classes of persons designated in Section  
8 5-2.

9 The Department of Healthcare and Family Services must  
10 provide coverage and reimbursement for amino acid-based  
11 elemental formulas, regardless of delivery method, for the  
12 diagnosis and treatment of (i) eosinophilic disorders and (ii)  
13 short bowel syndrome when the prescribing physician has issued  
14 a written order stating that the amino acid-based elemental  
15 formula is medically necessary.

16 The Illinois Department shall authorize the provision of,  
17 and shall authorize payment for, screening by low-dose  
18 mammography for the presence of occult breast cancer for  
19 individuals 35 years of age or older who are eligible for  
20 medical assistance under this Article, as follows:

21 (A) A baseline mammogram for individuals 35 to 39  
22 years of age.

23 (B) An annual mammogram for individuals 40 years of  
24 age or older.

25 (C) A mammogram at the age and intervals considered  
26 medically necessary by the individual's health care

1 provider for individuals under 40 years of age and having  
2 a family history of breast cancer, prior personal history  
3 of breast cancer, positive genetic testing, or other risk  
4 factors.

5 (D) A comprehensive ultrasound screening and MRI of an  
6 entire breast or breasts if a mammogram demonstrates  
7 heterogeneous or dense breast tissue or when medically  
8 necessary as determined by a physician licensed to  
9 practice medicine in all of its branches.

10 (E) A screening MRI when medically necessary, as  
11 determined by a physician licensed to practice medicine in  
12 all of its branches.

13 (F) A diagnostic mammogram when medically necessary,  
14 as determined by a physician licensed to practice medicine  
15 in all its branches, advanced practice registered nurse,  
16 or physician assistant.

17 The Department shall not impose a deductible, coinsurance,  
18 copayment, or any other cost-sharing requirement on the  
19 coverage provided under this paragraph; except that this  
20 sentence does not apply to coverage of diagnostic mammograms  
21 to the extent such coverage would disqualify a high-deductible  
22 health plan from eligibility for a health savings account  
23 pursuant to Section 223 of the Internal Revenue Code (26  
24 U.S.C. 223).

25 All screenings shall include a physical breast exam,  
26 instruction on self-examination and information regarding the

1 frequency of self-examination and its value as a preventative  
2 tool.

3 For purposes of this Section:

4 "Diagnostic mammogram" means a mammogram obtained using  
5 diagnostic mammography.

6 "Diagnostic mammography" means a method of screening that  
7 is designed to evaluate an abnormality in a breast, including  
8 an abnormality seen or suspected on a screening mammogram or a  
9 subjective or objective abnormality otherwise detected in the  
10 breast.

11 "Low-dose mammography" means the x-ray examination of the  
12 breast using equipment dedicated specifically for mammography,  
13 including the x-ray tube, filter, compression device, and  
14 image receptor, with an average radiation exposure delivery of  
15 less than one rad per breast for 2 views of an average size  
16 breast. The term also includes digital mammography and  
17 includes breast tomosynthesis.

18 "Breast tomosynthesis" means a radiologic procedure that  
19 involves the acquisition of projection images over the  
20 stationary breast to produce cross-sectional digital  
21 three-dimensional images of the breast.

22 If, at any time, the Secretary of the United States  
23 Department of Health and Human Services, or its successor  
24 agency, promulgates rules or regulations to be published in  
25 the Federal Register or publishes a comment in the Federal  
26 Register or issues an opinion, guidance, or other action that

1 would require the State, pursuant to any provision of the  
2 Patient Protection and Affordable Care Act (Public Law  
3 111-148), including, but not limited to, 42 U.S.C.  
4 18031(d)(3)(B) or any successor provision, to defray the cost  
5 of any coverage for breast tomosynthesis outlined in this  
6 paragraph, then the requirement that an insurer cover breast  
7 tomosynthesis is inoperative other than any such coverage  
8 authorized under Section 1902 of the Social Security Act, 42  
9 U.S.C. 1396a, and the State shall not assume any obligation  
10 for the cost of coverage for breast tomosynthesis set forth in  
11 this paragraph.

12 On and after January 1, 2016, the Department shall ensure  
13 that all networks of care for adult clients of the Department  
14 include access to at least one breast imaging Center of  
15 Imaging Excellence as certified by the American College of  
16 Radiology.

17 On and after January 1, 2012, providers participating in a  
18 quality improvement program approved by the Department shall  
19 be reimbursed for screening and diagnostic mammography at the  
20 same rate as the Medicare program's rates, including the  
21 increased reimbursement for digital mammography and, after  
22 January 1, 2023 (the effective date of Public Act 102-1018)  
23 ~~this amendatory Act of the 102nd General Assembly~~, breast  
24 tomosynthesis.

25 The Department shall convene an expert panel including  
26 representatives of hospitals, free-standing mammography

1 facilities, and doctors, including radiologists, to establish  
2 quality standards for mammography.

3 On and after January 1, 2017, providers participating in a  
4 breast cancer treatment quality improvement program approved  
5 by the Department shall be reimbursed for breast cancer  
6 treatment at a rate that is no lower than 95% of the Medicare  
7 program's rates for the data elements included in the breast  
8 cancer treatment quality program.

9 The Department shall convene an expert panel, including  
10 representatives of hospitals, free-standing breast cancer  
11 treatment centers, breast cancer quality organizations, and  
12 doctors, including breast surgeons, reconstructive breast  
13 surgeons, oncologists, and primary care providers to establish  
14 quality standards for breast cancer treatment.

15 Subject to federal approval, the Department shall  
16 establish a rate methodology for mammography at federally  
17 qualified health centers and other encounter-rate clinics.  
18 These clinics or centers may also collaborate with other  
19 hospital-based mammography facilities. By January 1, 2016, the  
20 Department shall report to the General Assembly on the status  
21 of the provision set forth in this paragraph.

22 The Department shall establish a methodology to remind  
23 individuals who are age-appropriate for screening mammography,  
24 but who have not received a mammogram within the previous 18  
25 months, of the importance and benefit of screening  
26 mammography. The Department shall work with experts in breast

1 cancer outreach and patient navigation to optimize these  
2 reminders and shall establish a methodology for evaluating  
3 their effectiveness and modifying the methodology based on the  
4 evaluation.

5 The Department shall establish a performance goal for  
6 primary care providers with respect to their female patients  
7 over age 40 receiving an annual mammogram. This performance  
8 goal shall be used to provide additional reimbursement in the  
9 form of a quality performance bonus to primary care providers  
10 who meet that goal.

11 The Department shall devise a means of case-managing or  
12 patient navigation for beneficiaries diagnosed with breast  
13 cancer. This program shall initially operate as a pilot  
14 program in areas of the State with the highest incidence of  
15 mortality related to breast cancer. At least one pilot program  
16 site shall be in the metropolitan Chicago area and at least one  
17 site shall be outside the metropolitan Chicago area. On or  
18 after July 1, 2016, the pilot program shall be expanded to  
19 include one site in western Illinois, one site in southern  
20 Illinois, one site in central Illinois, and 4 sites within  
21 metropolitan Chicago. An evaluation of the pilot program shall  
22 be carried out measuring health outcomes and cost of care for  
23 those served by the pilot program compared to similarly  
24 situated patients who are not served by the pilot program.

25 The Department shall require all networks of care to  
26 develop a means either internally or by contract with experts

1 in navigation and community outreach to navigate cancer  
2 patients to comprehensive care in a timely fashion. The  
3 Department shall require all networks of care to include  
4 access for patients diagnosed with cancer to at least one  
5 academic commission on cancer-accredited cancer program as an  
6 in-network covered benefit.

7 The Department shall provide coverage and reimbursement  
8 for a human papillomavirus (HPV) vaccine that is approved for  
9 marketing by the federal Food and Drug Administration for all  
10 persons between the ages of 9 and 45 and persons of the age of  
11 46 and above who have been diagnosed with cervical dysplasia  
12 with a high risk of recurrence or progression. The Department  
13 shall disallow any preauthorization requirements for the  
14 administration of the human papillomavirus (HPV) vaccine.

15 On or after July 1, 2022, individuals who are otherwise  
16 eligible for medical assistance under this Article shall  
17 receive coverage for perinatal depression screenings for the  
18 12-month period beginning on the last day of their pregnancy.  
19 Medical assistance coverage under this paragraph shall be  
20 conditioned on the use of a screening instrument approved by  
21 the Department.

22 Any medical or health care provider shall immediately  
23 recommend, to any pregnant individual who is being provided  
24 prenatal services and is suspected of having a substance use  
25 disorder as defined in the Substance Use Disorder Act,  
26 referral to a local substance use disorder treatment program

1 licensed by the Department of Human Services or to a licensed  
2 hospital which provides substance abuse treatment services.  
3 The Department of Healthcare and Family Services shall assure  
4 coverage for the cost of treatment of the drug abuse or  
5 addiction for pregnant recipients in accordance with the  
6 Illinois Medicaid Program in conjunction with the Department  
7 of Human Services.

8 All medical providers providing medical assistance to  
9 pregnant individuals under this Code shall receive information  
10 from the Department on the availability of services under any  
11 program providing case management services for addicted  
12 individuals, including information on appropriate referrals  
13 for other social services that may be needed by addicted  
14 individuals in addition to treatment for addiction.

15 The Illinois Department, in cooperation with the  
16 Departments of Human Services (as successor to the Department  
17 of Alcoholism and Substance Abuse) and Public Health, through  
18 a public awareness campaign, may provide information  
19 concerning treatment for alcoholism and drug abuse and  
20 addiction, prenatal health care, and other pertinent programs  
21 directed at reducing the number of drug-affected infants born  
22 to recipients of medical assistance.

23 Neither the Department of Healthcare and Family Services  
24 nor the Department of Human Services shall sanction the  
25 recipient solely on the basis of the recipient's substance  
26 abuse.



1           The Illinois Department shall establish such regulations  
2 governing the dispensing of health services under this Article  
3 as it shall deem appropriate. The Department should seek the  
4 advice of formal professional advisory committees appointed by  
5 the Director of the Illinois Department for the purpose of  
6 providing regular advice on policy and administrative matters,  
7 information dissemination and educational activities for  
8 medical and health care providers, and consistency in  
9 procedures to the Illinois Department.

10           The Illinois Department may develop and contract with  
11 Partnerships of medical providers to arrange medical services  
12 for persons eligible under Section 5-2 of this Code.  
13 Implementation of this Section may be by demonstration  
14 projects in certain geographic areas. The Partnership shall be  
15 represented by a sponsor organization. The Department, by  
16 rule, shall develop qualifications for sponsors of  
17 Partnerships. Nothing in this Section shall be construed to  
18 require that the sponsor organization be a medical  
19 organization.

20           The sponsor must negotiate formal written contracts with  
21 medical providers for physician services, inpatient and  
22 outpatient hospital care, home health services, treatment for  
23 alcoholism and substance abuse, and other services determined  
24 necessary by the Illinois Department by rule for delivery by  
25 Partnerships. Physician services must include prenatal and  
26 obstetrical care. The Illinois Department shall reimburse

1 medical services delivered by Partnership providers to clients  
2 in target areas according to provisions of this Article and  
3 the Illinois Health Finance Reform Act, except that:

4 (1) Physicians participating in a Partnership and  
5 providing certain services, which shall be determined by  
6 the Illinois Department, to persons in areas covered by  
7 the Partnership may receive an additional surcharge for  
8 such services.

9 (2) The Department may elect to consider and negotiate  
10 financial incentives to encourage the development of  
11 Partnerships and the efficient delivery of medical care.

12 (3) Persons receiving medical services through  
13 Partnerships may receive medical and case management  
14 services above the level usually offered through the  
15 medical assistance program.

16 Medical providers shall be required to meet certain  
17 qualifications to participate in Partnerships to ensure the  
18 delivery of high quality medical services. These  
19 qualifications shall be determined by rule of the Illinois  
20 Department and may be higher than qualifications for  
21 participation in the medical assistance program. Partnership  
22 sponsors may prescribe reasonable additional qualifications  
23 for participation by medical providers, only with the prior  
24 written approval of the Illinois Department.

25 Nothing in this Section shall limit the free choice of  
26 practitioners, hospitals, and other providers of medical

1 services by clients. In order to ensure patient freedom of  
2 choice, the Illinois Department shall immediately promulgate  
3 all rules and take all other necessary actions so that  
4 provided services may be accessed from therapeutically  
5 certified optometrists to the full extent of the Illinois  
6 Optometric Practice Act of 1987 without discriminating between  
7 service providers.

8 The Department shall apply for a waiver from the United  
9 States Health Care Financing Administration to allow for the  
10 implementation of Partnerships under this Section.

11 The Illinois Department shall require health care  
12 providers to maintain records that document the medical care  
13 and services provided to recipients of Medical Assistance  
14 under this Article. Such records must be retained for a period  
15 of not less than 6 years from the date of service or as  
16 provided by applicable State law, whichever period is longer,  
17 except that if an audit is initiated within the required  
18 retention period then the records must be retained until the  
19 audit is completed and every exception is resolved. The  
20 Illinois Department shall require health care providers to  
21 make available, when authorized by the patient, in writing,  
22 the medical records in a timely fashion to other health care  
23 providers who are treating or serving persons eligible for  
24 Medical Assistance under this Article. All dispensers of  
25 medical services shall be required to maintain and retain  
26 business and professional records sufficient to fully and

1 accurately document the nature, scope, details and receipt of  
2 the health care provided to persons eligible for medical  
3 assistance under this Code, in accordance with regulations  
4 promulgated by the Illinois Department. The rules and  
5 regulations shall require that proof of the receipt of  
6 prescription drugs, dentures, prosthetic devices and  
7 eyeglasses by eligible persons under this Section accompany  
8 each claim for reimbursement submitted by the dispenser of  
9 such medical services. No such claims for reimbursement shall  
10 be approved for payment by the Illinois Department without  
11 such proof of receipt, unless the Illinois Department shall  
12 have put into effect and shall be operating a system of  
13 post-payment audit and review which shall, on a sampling  
14 basis, be deemed adequate by the Illinois Department to assure  
15 that such drugs, dentures, prosthetic devices and eyeglasses  
16 for which payment is being made are actually being received by  
17 eligible recipients. Within 90 days after September 16, 1984  
18 (the effective date of Public Act 83-1439), the Illinois  
19 Department shall establish a current list of acquisition costs  
20 for all prosthetic devices and any other items recognized as  
21 medical equipment and supplies reimbursable under this Article  
22 and shall update such list on a quarterly basis, except that  
23 the acquisition costs of all prescription drugs shall be  
24 updated no less frequently than every 30 days as required by  
25 Section 5-5.12.

26 Notwithstanding any other law to the contrary, the

1 Illinois Department shall, within 365 days after July 22, 2013  
2 (the effective date of Public Act 98-104), establish  
3 procedures to permit skilled care facilities licensed under  
4 the Nursing Home Care Act to submit monthly billing claims for  
5 reimbursement purposes. Following development of these  
6 procedures, the Department shall, by July 1, 2016, test the  
7 viability of the new system and implement any necessary  
8 operational or structural changes to its information  
9 technology platforms in order to allow for the direct  
10 acceptance and payment of nursing home claims.

11 Notwithstanding any other law to the contrary, the  
12 Illinois Department shall, within 365 days after August 15,  
13 2014 (the effective date of Public Act 98-963), establish  
14 procedures to permit ID/DD facilities licensed under the ID/DD  
15 Community Care Act and MC/DD facilities licensed under the  
16 MC/DD Act to submit monthly billing claims for reimbursement  
17 purposes. Following development of these procedures, the  
18 Department shall have an additional 365 days to test the  
19 viability of the new system and to ensure that any necessary  
20 operational or structural changes to its information  
21 technology platforms are implemented.

22 The Illinois Department shall require all dispensers of  
23 medical services, other than an individual practitioner or  
24 group of practitioners, desiring to participate in the Medical  
25 Assistance program established under this Article to disclose  
26 all financial, beneficial, ownership, equity, surety or other

1 interests in any and all firms, corporations, partnerships,  
2 associations, business enterprises, joint ventures, agencies,  
3 institutions or other legal entities providing any form of  
4 health care services in this State under this Article.

5 The Illinois Department may require that all dispensers of  
6 medical services desiring to participate in the medical  
7 assistance program established under this Article disclose,  
8 under such terms and conditions as the Illinois Department may  
9 by rule establish, all inquiries from clients and attorneys  
10 regarding medical bills paid by the Illinois Department, which  
11 inquiries could indicate potential existence of claims or  
12 liens for the Illinois Department.

13 Enrollment of a vendor shall be subject to a provisional  
14 period and shall be conditional for one year. During the  
15 period of conditional enrollment, the Department may terminate  
16 the vendor's eligibility to participate in, or may disenroll  
17 the vendor from, the medical assistance program without cause.  
18 Unless otherwise specified, such termination of eligibility or  
19 disenrollment is not subject to the Department's hearing  
20 process. However, a disenrolled vendor may reapply without  
21 penalty.

22 The Department has the discretion to limit the conditional  
23 enrollment period for vendors based upon the category of risk  
24 of the vendor.

25 Prior to enrollment and during the conditional enrollment  
26 period in the medical assistance program, all vendors shall be

1 subject to enhanced oversight, screening, and review based on  
2 the risk of fraud, waste, and abuse that is posed by the  
3 category of risk of the vendor. The Illinois Department shall  
4 establish the procedures for oversight, screening, and review,  
5 which may include, but need not be limited to: criminal and  
6 financial background checks; fingerprinting; license,  
7 certification, and authorization verifications; unscheduled or  
8 unannounced site visits; database checks; prepayment audit  
9 reviews; audits; payment caps; payment suspensions; and other  
10 screening as required by federal or State law.

11 The Department shall define or specify the following: (i)  
12 by provider notice, the "category of risk of the vendor" for  
13 each type of vendor, which shall take into account the level of  
14 screening applicable to a particular category of vendor under  
15 federal law and regulations; (ii) by rule or provider notice,  
16 the maximum length of the conditional enrollment period for  
17 each category of risk of the vendor; and (iii) by rule, the  
18 hearing rights, if any, afforded to a vendor in each category  
19 of risk of the vendor that is terminated or disenrolled during  
20 the conditional enrollment period.

21 To be eligible for payment consideration, a vendor's  
22 payment claim or bill, either as an initial claim or as a  
23 resubmitted claim following prior rejection, must be received  
24 by the Illinois Department, or its fiscal intermediary, no  
25 later than 180 days after the latest date on the claim on which  
26 medical goods or services were provided, with the following

1 exceptions:

2 (1) In the case of a provider whose enrollment is in  
3 process by the Illinois Department, the 180-day period  
4 shall not begin until the date on the written notice from  
5 the Illinois Department that the provider enrollment is  
6 complete.

7 (2) In the case of errors attributable to the Illinois  
8 Department or any of its claims processing intermediaries  
9 which result in an inability to receive, process, or  
10 adjudicate a claim, the 180-day period shall not begin  
11 until the provider has been notified of the error.

12 (3) In the case of a provider for whom the Illinois  
13 Department initiates the monthly billing process.

14 (4) In the case of a provider operated by a unit of  
15 local government with a population exceeding 3,000,000  
16 when local government funds finance federal participation  
17 for claims payments.

18 For claims for services rendered during a period for which  
19 a recipient received retroactive eligibility, claims must be  
20 filed within 180 days after the Department determines the  
21 applicant is eligible. For claims for which the Illinois  
22 Department is not the primary payer, claims must be submitted  
23 to the Illinois Department within 180 days after the final  
24 adjudication by the primary payer.

25 In the case of long term care facilities, within 120  
26 calendar days of receipt by the facility of required



1 prescreening information, new admissions with associated  
2 admission documents shall be submitted through the Medical  
3 Electronic Data Interchange (MEDI) or the Recipient  
4 Eligibility Verification (REV) System or shall be submitted  
5 directly to the Department of Human Services using required  
6 admission forms. Effective September 1, 2014, admission  
7 documents, including all prescreening information, must be  
8 submitted through MEDI or REV. Confirmation numbers assigned  
9 to an accepted transaction shall be retained by a facility to  
10 verify timely submittal. Once an admission transaction has  
11 been completed, all resubmitted claims following prior  
12 rejection are subject to receipt no later than 180 days after  
13 the admission transaction has been completed.

14 Claims that are not submitted and received in compliance  
15 with the foregoing requirements shall not be eligible for  
16 payment under the medical assistance program, and the State  
17 shall have no liability for payment of those claims.

18 To the extent consistent with applicable information and  
19 privacy, security, and disclosure laws, State and federal  
20 agencies and departments shall provide the Illinois Department  
21 access to confidential and other information and data  
22 necessary to perform eligibility and payment verifications and  
23 other Illinois Department functions. This includes, but is not  
24 limited to: information pertaining to licensure;  
25 certification; earnings; immigration status; citizenship; wage  
26 reporting; unearned and earned income; pension income;

1 employment; supplemental security income; social security  
2 numbers; National Provider Identifier (NPI) numbers; the  
3 National Practitioner Data Bank (NPDB); program and agency  
4 exclusions; taxpayer identification numbers; tax delinquency;  
5 corporate information; and death records.

6 The Illinois Department shall enter into agreements with  
7 State agencies and departments, and is authorized to enter  
8 into agreements with federal agencies and departments, under  
9 which such agencies and departments shall share data necessary  
10 for medical assistance program integrity functions and  
11 oversight. The Illinois Department shall develop, in  
12 cooperation with other State departments and agencies, and in  
13 compliance with applicable federal laws and regulations,  
14 appropriate and effective methods to share such data. At a  
15 minimum, and to the extent necessary to provide data sharing,  
16 the Illinois Department shall enter into agreements with State  
17 agencies and departments, and is authorized to enter into  
18 agreements with federal agencies and departments, including,  
19 but not limited to: the Secretary of State; the Department of  
20 Revenue; the Department of Public Health; the Department of  
21 Human Services; and the Department of Financial and  
22 Professional Regulation.

23 Beginning in fiscal year 2013, the Illinois Department  
24 shall set forth a request for information to identify the  
25 benefits of a pre-payment, post-adjudication, and post-edit  
26 claims system with the goals of streamlining claims processing

1 and provider reimbursement, reducing the number of pending or  
2 rejected claims, and helping to ensure a more transparent  
3 adjudication process through the utilization of: (i) provider  
4 data verification and provider screening technology; and (ii)  
5 clinical code editing; and (iii) pre-pay, pre-adjudicated ~~pre-~~  
6 or post-adjudicated predictive modeling with an integrated  
7 case management system with link analysis. Such a request for  
8 information shall not be considered as a request for proposal  
9 or as an obligation on the part of the Illinois Department to  
10 take any action or acquire any products or services.

11 The Illinois Department shall establish policies,  
12 procedures, standards and criteria by rule for the  
13 acquisition, repair and replacement of orthotic and prosthetic  
14 devices and durable medical equipment. Such rules shall  
15 provide, but not be limited to, the following services: (1)  
16 immediate repair or replacement of such devices by recipients;  
17 and (2) rental, lease, purchase or lease-purchase of durable  
18 medical equipment in a cost-effective manner, taking into  
19 consideration the recipient's medical prognosis, the extent of  
20 the recipient's needs, and the requirements and costs for  
21 maintaining such equipment. Subject to prior approval, such  
22 rules shall enable a recipient to temporarily acquire and use  
23 alternative or substitute devices or equipment pending repairs  
24 or replacements of any device or equipment previously  
25 authorized for such recipient by the Department.  
26 Notwithstanding any provision of Section 5-5f to the contrary,

1 the Department may, by rule, exempt certain replacement  
2 wheelchair parts from prior approval and, for wheelchairs,  
3 wheelchair parts, wheelchair accessories, and related seating  
4 and positioning items, determine the wholesale price by  
5 methods other than actual acquisition costs.

6 The Department shall require, by rule, all providers of  
7 durable medical equipment to be accredited by an accreditation  
8 organization approved by the federal Centers for Medicare and  
9 Medicaid Services and recognized by the Department in order to  
10 bill the Department for providing durable medical equipment to  
11 recipients. No later than 15 months after the effective date  
12 of the rule adopted pursuant to this paragraph, all providers  
13 must meet the accreditation requirement.

14 In order to promote environmental responsibility, meet the  
15 needs of recipients and enrollees, and achieve significant  
16 cost savings, the Department, or a managed care organization  
17 under contract with the Department, may provide recipients or  
18 managed care enrollees who have a prescription or Certificate  
19 of Medical Necessity access to refurbished durable medical  
20 equipment under this Section (excluding prosthetic and  
21 orthotic devices as defined in the Orthotics, Prosthetics, and  
22 Pedorthics Practice Act and complex rehabilitation technology  
23 products and associated services) through the State's  
24 assistive technology program's reutilization program, using  
25 staff with the Assistive Technology Professional (ATP)  
26 Certification if the refurbished durable medical equipment:

1 (i) is available; (ii) is less expensive, including shipping  
2 costs, than new durable medical equipment of the same type;  
3 (iii) is able to withstand at least 3 years of use; (iv) is  
4 cleaned, disinfected, sterilized, and safe in accordance with  
5 federal Food and Drug Administration regulations and guidance  
6 governing the reprocessing of medical devices in health care  
7 settings; and (v) equally meets the needs of the recipient or  
8 enrollee. The reutilization program shall confirm that the  
9 recipient or enrollee is not already in receipt of the same or  
10 similar equipment from another service provider, and that the  
11 refurbished durable medical equipment equally meets the needs  
12 of the recipient or enrollee. Nothing in this paragraph shall  
13 be construed to limit recipient or enrollee choice to obtain  
14 new durable medical equipment or place any additional prior  
15 authorization conditions on enrollees of managed care  
16 organizations.

17 The Department shall execute, relative to the nursing home  
18 prescreening project, written inter-agency agreements with the  
19 Department of Human Services and the Department on Aging, to  
20 effect the following: (i) intake procedures and common  
21 eligibility criteria for those persons who are receiving  
22 non-institutional services; and (ii) the establishment and  
23 development of non-institutional services in areas of the  
24 State where they are not currently available or are  
25 undeveloped; and (iii) notwithstanding any other provision of  
26 law, subject to federal approval, on and after July 1, 2012, an

1 increase in the determination of need (DON) scores from 29 to  
2 37 for applicants for institutional and home and  
3 community-based long term care; if and only if federal  
4 approval is not granted, the Department may, in conjunction  
5 with other affected agencies, implement utilization controls  
6 or changes in benefit packages to effectuate a similar savings  
7 amount for this population; and (iv) no later than July 1,  
8 2013, minimum level of care eligibility criteria for  
9 institutional and home and community-based long term care; and  
10 (v) no later than October 1, 2013, establish procedures to  
11 permit long term care providers access to eligibility scores  
12 for individuals with an admission date who are seeking or  
13 receiving services from the long term care provider. In order  
14 to select the minimum level of care eligibility criteria, the  
15 Governor shall establish a workgroup that includes affected  
16 agency representatives and stakeholders representing the  
17 institutional and home and community-based long term care  
18 interests. This Section shall not restrict the Department from  
19 implementing lower level of care eligibility criteria for  
20 community-based services in circumstances where federal  
21 approval has been granted.

22 The Illinois Department shall develop and operate, in  
23 cooperation with other State Departments and agencies and in  
24 compliance with applicable federal laws and regulations,  
25 appropriate and effective systems of health care evaluation  
26 and programs for monitoring of utilization of health care

1 services and facilities, as it affects persons eligible for  
2 medical assistance under this Code.

3 The Illinois Department shall report annually to the  
4 General Assembly, no later than the second Friday in April of  
5 1979 and each year thereafter, in regard to:

6 (a) actual statistics and trends in utilization of  
7 medical services by public aid recipients;

8 (b) actual statistics and trends in the provision of  
9 the various medical services by medical vendors;

10 (c) current rate structures and proposed changes in  
11 those rate structures for the various medical vendors; and

12 (d) efforts at utilization review and control by the  
13 Illinois Department.

14 The period covered by each report shall be the 3 years  
15 ending on the June 30 prior to the report. The report shall  
16 include suggested legislation for consideration by the General  
17 Assembly. The requirement for reporting to the General  
18 Assembly shall be satisfied by filing copies of the report as  
19 required by Section 3.1 of the General Assembly Organization  
20 Act, and filing such additional copies with the State  
21 Government Report Distribution Center for the General Assembly  
22 as is required under paragraph (t) of Section 7 of the State  
23 Library Act.

24 Rulemaking authority to implement Public Act 95-1045, if  
25 any, is conditioned on the rules being adopted in accordance  
26 with all provisions of the Illinois Administrative Procedure

1 Act and all rules and procedures of the Joint Committee on  
2 Administrative Rules; any purported rule not so adopted, for  
3 whatever reason, is unauthorized.

4 On and after July 1, 2012, the Department shall reduce any  
5 rate of reimbursement for services or other payments or alter  
6 any methodologies authorized by this Code to reduce any rate  
7 of reimbursement for services or other payments in accordance  
8 with Section 5-5e.

9 Because kidney transplantation can be an appropriate,  
10 cost-effective alternative to renal dialysis when medically  
11 necessary and notwithstanding the provisions of Section 1-11  
12 of this Code, beginning October 1, 2014, the Department shall  
13 cover kidney transplantation for noncitizens with end-stage  
14 renal disease who are not eligible for comprehensive medical  
15 benefits, who meet the residency requirements of Section 5-3  
16 of this Code, and who would otherwise meet the financial  
17 requirements of the appropriate class of eligible persons  
18 under Section 5-2 of this Code. To qualify for coverage of  
19 kidney transplantation, such person must be receiving  
20 emergency renal dialysis services covered by the Department.  
21 Providers under this Section shall be prior approved and  
22 certified by the Department to perform kidney transplantation  
23 and the services under this Section shall be limited to  
24 services associated with kidney transplantation.

25 Notwithstanding any other provision of this Code to the  
26 contrary, on or after July 1, 2015, all FDA approved forms of



1 medication assisted treatment prescribed for the treatment of  
2 alcohol dependence or treatment of opioid dependence shall be  
3 covered under both fee for service and managed care medical  
4 assistance programs for persons who are otherwise eligible for  
5 medical assistance under this Article and shall not be subject  
6 to any (1) utilization control, other than those established  
7 under the American Society of Addiction Medicine patient  
8 placement criteria, (2) prior authorization mandate, or (3)  
9 lifetime restriction limit mandate.

10 On or after July 1, 2015, opioid antagonists prescribed  
11 for the treatment of an opioid overdose, including the  
12 medication product, administration devices, and any pharmacy  
13 fees or hospital fees related to the dispensing, distribution,  
14 and administration of the opioid antagonist, shall be covered  
15 under the medical assistance program for persons who are  
16 otherwise eligible for medical assistance under this Article.  
17 As used in this Section, "opioid antagonist" means a drug that  
18 binds to opioid receptors and blocks or inhibits the effect of  
19 opioids acting on those receptors, including, but not limited  
20 to, naloxone hydrochloride or any other similarly acting drug  
21 approved by the U.S. Food and Drug Administration. The  
22 Department shall not impose a copayment on the coverage  
23 provided for naloxone hydrochloride under the medical  
24 assistance program.

25 Upon federal approval, the Department shall provide  
26 coverage and reimbursement for all drugs that are approved for

1 marketing by the federal Food and Drug Administration and that  
2 are recommended by the federal Public Health Service or the  
3 United States Centers for Disease Control and Prevention for  
4 pre-exposure prophylaxis and related pre-exposure prophylaxis  
5 services, including, but not limited to, HIV and sexually  
6 transmitted infection screening, treatment for sexually  
7 transmitted infections, medical monitoring, assorted labs, and  
8 counseling to reduce the likelihood of HIV infection among  
9 individuals who are not infected with HIV but who are at high  
10 risk of HIV infection.

11 A federally qualified health center, as defined in Section  
12 1905(1)(2)(B) of the federal Social Security Act, shall be  
13 reimbursed by the Department in accordance with the federally  
14 qualified health center's encounter rate for services provided  
15 to medical assistance recipients that are performed by a  
16 dental hygienist, as defined under the Illinois Dental  
17 Practice Act, working under the general supervision of a  
18 dentist and employed by a federally qualified health center.

19 Within 90 days after October 8, 2021 (the effective date  
20 of Public Act 102-665), the Department shall seek federal  
21 approval of a State Plan amendment to expand coverage for  
22 family planning services that includes presumptive eligibility  
23 to individuals whose income is at or below 208% of the federal  
24 poverty level. Coverage under this Section shall be effective  
25 beginning no later than December 1, 2022.

26 Subject to approval by the federal Centers for Medicare

1 and Medicaid Services of a Title XIX State Plan amendment  
2 electing the Program of All-Inclusive Care for the Elderly  
3 (PACE) as a State Medicaid option, as provided for by Subtitle  
4 I (commencing with Section 4801) of Title IV of the Balanced  
5 Budget Act of 1997 (Public Law 105-33) and Part 460  
6 (commencing with Section 460.2) of Subchapter E of Title 42 of  
7 the Code of Federal Regulations, PACE program services shall  
8 become a covered benefit of the medical assistance program,  
9 subject to criteria established in accordance with all  
10 applicable laws.

11 Notwithstanding any other provision of this Code,  
12 community-based pediatric palliative care from a trained  
13 interdisciplinary team shall be covered under the medical  
14 assistance program as provided in Section 15 of the Pediatric  
15 Palliative Care Act.

16 Notwithstanding any other provision of this Code, within  
17 12 months after June 2, 2022 (the effective date of Public Act  
18 102-1037) ~~this amendatory Act of the 102nd General Assembly~~  
19 and subject to federal approval, acupuncture services  
20 performed by an acupuncturist licensed under the Acupuncture  
21 Practice Act who is acting within the scope of his or her  
22 license shall be covered under the medical assistance program.  
23 The Department shall apply for any federal waiver or State  
24 Plan amendment, if required, to implement this paragraph. The  
25 Department may adopt any rules, including standards and  
26 criteria, necessary to implement this paragraph.

1       Notwithstanding any other provision of this Code, the  
2       Department shall provide coverage for lung transplantation,  
3       including double lung transplantation, to any person otherwise  
4       eligible for medical assistance under this Article who  
5       receives a diagnosis of COVID-19-associated acute respiratory  
6       distress syndrome from a physician licensed under the Medical  
7       Practice Act of 1987 and who meets all other requirements for  
8       transplantation.

9       (Source: P.A. 101-209, eff. 8-5-19; 101-580, eff. 1-1-20;  
10      102-43, Article 30, Section 30-5, eff. 7-6-21; 102-43, Article  
11      35, Section 35-5, eff. 7-6-21; 102-43, Article 55, Section  
12      55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123, eff. 1-1-22;  
13      102-558, eff. 8-20-21; 102-598, eff. 1-1-22; 102-655, eff.  
14      1-1-22; 102-665, eff. 10-8-21; 102-813, eff. 5-13-22;  
15      102-1018, eff. 1-1-23; 102-1037, eff. 6-2-22; 102-1038 eff.  
16      1-1-23; revised 2-5-23.)