

1 AN ACT in relation to 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 5-2 as follows:

6 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

7 Sec. 5-2. Classes of Persons Eligible. Medical  
8 assistance under this Article shall be available to any of  
9 the following classes of persons in respect to whom a plan  
10 for coverage has been submitted to the Governor by the  
11 Illinois Department and approved by him:

12 1. Recipients of basic maintenance grants under Articles  
13 III and IV.

14 2. Persons otherwise eligible for basic maintenance  
15 under Articles III and IV but who fail to qualify thereunder  
16 on the basis of need, and who have insufficient income and  
17 resources to meet the costs of necessary medical care,  
18 including but not limited to the following:

19 (a) All persons otherwise eligible for basic  
20 maintenance under Article III but who fail to qualify  
21 under that Article on the basis of need and who meet  
22 either of the following requirements:

23 (i) their income, as determined by the  
24 Illinois Department in accordance with any federal  
25 requirements, is equal to or less than 70% in fiscal  
26 year 2001, equal to or less than 85% in fiscal year  
27 2002 and until a date to be determined by the  
28 Department by rule, and equal to or less than 100%  
29 beginning on the date determined by the Department  
30 by rule, of the nonfarm income official poverty  
31 line, as defined by the federal Office of Management

1 and Budget and revised annually in accordance with  
2 Section 673(2) of the Omnibus Budget Reconciliation  
3 Act of 1981, applicable to families of the same  
4 size; or

5 (ii) their income, after the deduction of  
6 costs incurred for medical care and for other types  
7 of remedial care, is equal to or less than 70% in  
8 fiscal year 2001, equal to or less than 85% in  
9 fiscal year 2002 and until a date to be determined  
10 by the Department by rule, and equal to or less than  
11 100% beginning on the date determined by the  
12 Department by rule, of the nonfarm income official  
13 poverty line, as defined in item (i) of this  
14 subparagraph (a).

15 (b) All persons who would be determined eligible  
16 for such basic maintenance under Article IV by  
17 disregarding the maximum earned income permitted by  
18 federal law.

19 3. Persons who would otherwise qualify for Aid to the  
20 Medically Indigent under Article VII.

21 4. Persons not eligible under any of the preceding  
22 paragraphs who fall sick, are injured, or die, not having  
23 sufficient money, property or other resources to meet the  
24 costs of necessary medical care or funeral and burial  
25 expenses.

26 5. (a) Women during pregnancy, after the fact of  
27 pregnancy has been determined by medical diagnosis, and  
28 during the 60-day period beginning on the last day of the  
29 pregnancy, together with their infants and children born  
30 after September 30, 1983, whose income and resources are  
31 insufficient to meet the costs of necessary medical care  
32 to the maximum extent possible under Title XIX of the  
33 Federal Social Security Act.

34 (b) The Illinois Department and the Governor shall

1 provide a plan for coverage of the persons eligible under  
2 paragraph 5(a) by April 1, 1990. Such plan shall provide  
3 ambulatory prenatal care to pregnant women during a  
4 presumptive eligibility period and establish an income  
5 eligibility standard that is equal to 133% of the nonfarm  
6 income official poverty line, as defined by the federal  
7 Office of Management and Budget and revised annually in  
8 accordance with Section 673(2) of the Omnibus Budget  
9 Reconciliation Act of 1981, applicable to families of the  
10 same size, provided that costs incurred for medical care  
11 are not taken into account in determining such income  
12 eligibility.

13 (c) The Illinois Department may conduct a  
14 demonstration in at least one county that will provide  
15 medical assistance to pregnant women, together with their  
16 infants and children up to one year of age, where the  
17 income eligibility standard is set up to 185% of the  
18 nonfarm income official poverty line, as defined by the  
19 federal Office of Management and Budget. The Illinois  
20 Department shall seek and obtain necessary authorization  
21 provided under federal law to implement such a  
22 demonstration. Such demonstration may establish resource  
23 standards that are not more restrictive than those  
24 established under Article IV of this Code.

25 6. Persons under the age of 18 who fail to qualify as  
26 dependent under Article IV and who have insufficient income  
27 and resources to meet the costs of necessary medical care to  
28 the maximum extent permitted under Title XIX of the Federal  
29 Social Security Act.

30 7. Persons who are 18 years of age or younger and would  
31 qualify as disabled as defined under the Federal Supplemental  
32 Security Income Program, provided medical service for such  
33 persons would be eligible for Federal Financial  
34 Participation, and provided the Illinois Department

1 determines that:

2 (a) the person requires a level of care provided by  
3 a hospital, skilled nursing facility, or intermediate  
4 care facility, as determined by a physician licensed to  
5 practice medicine in all its branches;

6 (b) it is appropriate to provide such care outside  
7 of an institution, as determined by a physician licensed  
8 to practice medicine in all its branches;

9 (c) the estimated amount which would be expended  
10 for care outside the institution is not greater than the  
11 estimated amount which would be expended in an  
12 institution.

13 8. Persons who become ineligible for basic maintenance  
14 assistance under Article IV of this Code in programs  
15 administered by the Illinois Department due to employment  
16 earnings and persons in assistance units comprised of adults  
17 and children who become ineligible for basic maintenance  
18 assistance under Article VI of this Code due to employment  
19 earnings. The plan for coverage for this class of persons  
20 shall:

21 (a) extend the medical assistance coverage for up  
22 to 12 months following termination of basic maintenance  
23 assistance; and

24 (b) offer persons who have initially received 6  
25 months of the coverage provided in paragraph (a) above,  
26 the option of receiving an additional 6 months of  
27 coverage, subject to the following:

28 (i) such coverage shall be pursuant to  
29 provisions of the federal Social Security Act;

30 (ii) such coverage shall include all services  
31 covered while the person was eligible for basic  
32 maintenance assistance;

33 (iii) no premium shall be charged for such  
34 coverage; and

1 (iv) such coverage shall be suspended in the  
2 event of a person's failure without good cause to  
3 file in a timely fashion reports required for this  
4 coverage under the Social Security Act and coverage  
5 shall be reinstated upon the filing of such reports  
6 if the person remains otherwise eligible.

7 9. Persons with acquired immunodeficiency syndrome  
8 (AIDS) or with AIDS-related conditions with respect to whom  
9 there has been a determination that but for home or  
10 community-based services such individuals would require the  
11 level of care provided in an inpatient hospital, skilled  
12 nursing facility or intermediate care facility the cost of  
13 which is reimbursed under this Article. Assistance shall be  
14 provided to such persons to the maximum extent permitted  
15 under Title XIX of the Federal Social Security Act.

16 10. Participants in the long-term care insurance  
17 partnership program established under the Partnership for  
18 Long-Term Care Act who meet the qualifications for protection  
19 of resources described in Section 25 of that Act.

20 11. Persons with disabilities who are employed and  
21 eligible for Medicaid, pursuant to Section  
22 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as  
23 provided by the Illinois Department by rule. The Department  
24 of Public Aid's rules must authorize eligibility for medical  
25 assistance under this paragraph 11 for persons whose income  
26 is less than or equal to 400% of the poverty guidelines  
27 updated annually in the Federal Register by the United States  
28 Department of Health and Human Services under authority of  
29 section 673(2) of the Omnibus Budget Reconciliation Act of  
30 1981. The Department may authorize eligibility for persons  
31 whose income is greater than 400% of those poverty  
32 guidelines.

33 12. Subject to federal approval, persons who are  
34 eligible for medical assistance coverage under applicable

1 provisions of the federal Social Security Act and the federal  
2 Breast and Cervical Cancer Prevention and Treatment Act of  
3 2000. Those eligible persons are defined to include, but not  
4 be limited to, the following persons:

5 (1) persons who have been screened for breast or  
6 cervical cancer under the U.S. Centers for Disease  
7 Control and Prevention Breast and Cervical Cancer Program  
8 established under Title XV of the federal Public Health  
9 Services Act in accordance with the requirements of  
10 Section 1504 of that Act as administered by the Illinois  
11 Department of Public Health; and

12 (2) persons whose screenings under the above  
13 program were funded in whole or in part by funds  
14 appropriated to the Illinois Department of Public Health  
15 for breast or cervical cancer screening.

16 "Medical assistance" under this paragraph 12 shall be  
17 identical to the benefits provided under the State's approved  
18 plan under Title XIX of the Social Security Act. The  
19 Department must request federal approval of the coverage  
20 under this paragraph 12 within 30 days after the effective  
21 date of this amendatory Act of the 92nd General Assembly.

22 The Illinois Department and the Governor shall provide a  
23 plan for coverage of the persons eligible under paragraph 7  
24 as soon as possible after July 1, 1984.

25 The eligibility of any such person for medical assistance  
26 under this Article is not affected by the payment of any  
27 grant under the Senior Citizens and Disabled Persons Property  
28 Tax Relief and Pharmaceutical Assistance Act or any  
29 distributions or items of income described under subparagraph  
30 (X) of paragraph (2) of subsection (a) of Section 203 of the  
31 Illinois Income Tax Act. The Department shall by rule  
32 establish the amounts of assets to be disregarded in  
33 determining eligibility for medical assistance, which shall  
34 at a minimum equal the amounts to be disregarded under the

1 Federal Supplemental Security Income Program. The amount of  
2 assets of a single person to be disregarded shall not be less  
3 than \$2,000, and the amount of assets of a married couple to  
4 be disregarded shall not be less than \$3,000.

5 To the extent permitted under federal law, any person  
6 found guilty of a second violation of Article VIII A shall be  
7 ineligible for medical assistance under this Article, as  
8 provided in Section 8A-8.

9 The eligibility of any person for medical assistance  
10 under this Article shall not be affected by the receipt by  
11 the person of donations or benefits from fundraisers held for  
12 the person in cases of serious illness, as long as neither  
13 the person nor members of the person's family have actual  
14 control over the donations or benefits or the disbursement of  
15 the donations or benefits.

16 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;  
17 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff. 7-3-01;  
18 92-597, eff. 6-28-02.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.