

1 AN ACT in relation to persons with disabilities.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental  
5 Disabilities Administrative Act is amended by changing Section  
6 57 as follows:

7 (20 ILCS 1705/57) (from Ch. 91 1/2, par. 100-57)

8 Sec. 57. In order to identify the service needs of persons  
9 with autism, the Department shall study the needs of the  
10 population. The Department shall submit service needs reports  
11 to the General Assembly annually which shall supplement the  
12 report submitted in accordance with Public Act 84-1291. The  
13 reports shall include an analysis of progress made since the  
14 submission of that report in the areas outlined in that report,  
15 with emphasis on the following areas:

16 a. Early intervention services for children with autism and  
17 their parents;

18 b. Enhancement of family support mechanisms to enable  
19 persons with autism to remain in a family home environment. The  
20 Department shall include in the report a plan to provide family  
21 support mechanisms to enable persons with autism to remain in a  
22 family home environment;

23 c. Services for adequate transition for people with autism  
24 from public school programs to adult work and day programs; and

25 d. Facilitation of placement of persons with autism in the  
26 least restrictive community setting.

27 For the purpose of this service needs review, autism means  
28 a severely incapacitating life-long developmental disability  
29 which:

30 a. may be manifested before a person is 30 months of age,

31 b. may be caused by physical disorders of the brain, and

32 c. is characterized by uneven intellectual development and

1 a combination of disturbances in the rates and sequences of  
2 cognitive, affective, psychomotor, language and speech  
3 development. This syndrome is further evidenced by abnormal  
4 responses to sensory stimuli, problems in developing social  
5 relationships, and ritualistic and compulsive behavior.

6 (Source: P.A. 85-971.)

7 Section 10. The Illinois Public Aid Code is amended by  
8 changing Section 5-2 as follows:

9 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

15 1. Recipients of basic maintenance grants under Articles  
16 III and IV.

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

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

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

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

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

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

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

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

22 5. (a) Women during pregnancy, after the fact of pregnancy  
23 has been determined by medical diagnosis, and during the  
24 60-day period beginning on the last day of the pregnancy,  
25 together with their infants and children born after  
26 September 30, 1983, whose income and resources are  
27 insufficient to meet the costs of necessary medical care to  
28 the maximum extent possible under Title XIX of the Federal  
29 Social Security Act.

30 (b) The Illinois Department and the Governor shall  
31 provide a plan for coverage of the persons eligible under  
32 paragraph 5(a) by April 1, 1990. Such plan shall provide  
33 ambulatory prenatal care to pregnant women during a  
34 presumptive eligibility period and establish an income  
35 eligibility standard that is equal to 133% of the nonfarm  
36 income official poverty line, as defined by the federal

1 Office of Management and Budget and revised annually in  
2 accordance with Section 673(2) of the Omnibus Budget  
3 Reconciliation Act of 1981, applicable to families of the  
4 same size, provided that costs incurred for medical care  
5 are not taken into account in determining such income  
6 eligibility.

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

19 6. Persons under the age of 18 who fail to qualify as  
20 dependent under Article IV and who have insufficient income and  
21 resources to meet the costs of necessary medical care to the  
22 maximum extent permitted under Title XIX of the Federal Social  
23 Security Act.

24 7. Persons who are under 21 years of age and would qualify  
25 as disabled as defined under the Federal Supplemental Security  
26 Income Program, provided medical service for such persons would  
27 be eligible for Federal Financial Participation, and provided  
28 the Illinois Department determines that:

29 (a) the person requires a level of care provided by a  
30 hospital, skilled nursing facility, or intermediate care  
31 facility, as determined by a physician licensed to practice  
32 medicine in all its branches;

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

36 (c) the estimated amount which would be expended for

1 care outside the institution is not greater than the  
2 estimated amount which would be expended in an institution.

3 8. Persons who become ineligible for basic maintenance  
4 assistance under Article IV of this Code in programs  
5 administered by the Illinois Department due to employment  
6 earnings and persons in assistance units comprised of adults  
7 and children who become ineligible for basic maintenance  
8 assistance under Article VI of this Code due to employment  
9 earnings. The plan for coverage for this class of persons  
10 shall:

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

14 (b) offer persons who have initially received 6 months  
15 of the coverage provided in paragraph (a) above, the option  
16 of receiving an additional 6 months of coverage, subject to  
17 the following:

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

20 (ii) such coverage shall include all services  
21 covered while the person was eligible for basic  
22 maintenance assistance;

23 (iii) no premium shall be charged for such  
24 coverage; and

25 (iv) such coverage shall be suspended in the event  
26 of a person's failure without good cause to file in a  
27 timely fashion reports required for this coverage  
28 under the Social Security Act and coverage shall be  
29 reinstated upon the filing of such reports if the  
30 person remains otherwise eligible.

31 9. Persons with acquired immunodeficiency syndrome (AIDS)  
32 or with AIDS-related conditions with respect to whom there has  
33 been a determination that but for home or community-based  
34 services such individuals would require the level of care  
35 provided in an inpatient hospital, skilled nursing facility or  
36 intermediate care facility the cost of which is reimbursed

1 under this Article. Assistance shall be provided to such  
2 persons to the maximum extent permitted under Title XIX of the  
3 Federal Social Security Act.

4 10. Participants in the long-term care insurance  
5 partnership program established under the Partnership for  
6 Long-Term Care Act who meet the qualifications for protection  
7 of resources described in Section 25 of that Act.

8 11. Persons with disabilities who are employed and eligible  
9 for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of  
10 the Social Security Act, as provided by the Illinois Department  
11 by rule.

12 12. Subject to federal approval, persons who are eligible  
13 for medical assistance coverage under applicable provisions of  
14 the federal Social Security Act and the federal Breast and  
15 Cervical Cancer Prevention and Treatment Act of 2000. Those  
16 eligible persons are defined to include, but not be limited to,  
17 the following persons:

18 (1) persons who have been screened for breast or  
19 cervical cancer under the U.S. Centers for Disease Control  
20 and Prevention Breast and Cervical Cancer Program  
21 established under Title XV of the federal Public Health  
22 Services Act in accordance with the requirements of Section  
23 1504 of that Act as administered by the Illinois Department  
24 of Public Health; and

25 (2) persons whose screenings under the above program  
26 were funded in whole or in part by funds appropriated to  
27 the Illinois Department of Public Health for breast or  
28 cervical cancer screening.

29 "Medical assistance" under this paragraph 12 shall be identical  
30 to the benefits provided under the State's approved plan under  
31 Title XIX of the Social Security Act. The Department must  
32 request federal approval of the coverage under this paragraph  
33 12 within 30 days after the effective date of this amendatory  
34 Act of the 92nd General Assembly.

35 13. Persons who are 21 years of age or older and have  
36 received benefits under paragraph 7 of this Section shall

1 remain eligible for continued benefits, outside an  
2 institution, at the same level of care, provided that a  
3 physician, licensed to practice medicine in all its branches,  
4 annually determines that the person requires the level of care  
5 provided by a hospital, skilled nursing facility, or  
6 intermediate care facility. Continued benefits shall not be  
7 dependent on the person meeting eligibility requirements for  
8 federal financial participation. The Department of Human  
9 Services must make an annual report to the Governor and the  
10 General Assembly with respect to the class of persons eligible  
11 for medical assistance under this paragraph 13. The report is  
12 due on January 1 of each year and must cover the State fiscal  
13 year ending on June 30 of the preceding year. The first report  
14 is due on January 1, 2006. The report must include the  
15 following information for the fiscal year covered by the  
16 report:

17 (a) The number of persons eligible for medical  
18 assistance under this paragraph 13.

19 (b) The number of persons who applied for medical  
20 assistance under this paragraph 13.

21 (c) The number of persons who received medical  
22 assistance under this paragraph 13.

23 (d) The number of persons who were denied medical  
24 assistance under this paragraph 13, together with the  
25 reasons for the denial of assistance.

26 (e) The nature, scope, and cost of services provided  
27 under this paragraph 13.

28 (f) The comparative cost of providing those services in  
29 a hospital, skilled nursing facility, or intermediate care  
30 facility.

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

34 The eligibility of any such person for medical assistance  
35 under this Article is not affected by the payment of any grant  
36 under the Senior Citizens and Disabled Persons Property Tax

1 Relief and Pharmaceutical Assistance Act or any distributions  
2 or items of income described under subparagraph (X) of  
3 paragraph (2) of subsection (a) of Section 203 of the Illinois  
4 Income Tax Act. The Department shall by rule establish the  
5 amounts of assets to be disregarded in determining eligibility  
6 for medical assistance, which shall at a minimum equal the  
7 amounts to be disregarded under the Federal Supplemental  
8 Security Income Program. The amount of assets of a single  
9 person to be disregarded shall not be less than \$2,000, and the  
10 amount of assets of a married couple to be disregarded shall  
11 not be less than \$3,000.

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

16 The eligibility of any person for medical assistance under  
17 this Article shall not be affected by the receipt by the person  
18 of donations or benefits from fundraisers held for the person  
19 in cases of serious illness, as long as neither the person nor  
20 members of the person's family have actual control over the  
21 donations or benefits or the disbursement of the donations or  
22 benefits.

23 (Source: P.A. 92-16, eff. 6-28-01; 92-47, eff. 7-3-01; 92-597,  
24 eff. 6-28-02; 93-20, eff. 6-20-03.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.