

1 AN ACT concerning the children's health insurance
2 program.

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

5 Section 5. The Children's Health Insurance Program Act
6 is amended by changing Sections 20 and 40 as follows:

7 (215 ILCS 106/20)

8 (Section scheduled to be repealed on July 1, 2003)

9 Sec. 20. Eligibility.

10 (a) To be eligible for this Program, a person must be a
11 person who has a child eligible under this Act and who is
12 eligible under a waiver of federal requirements pursuant to
13 an application made pursuant to subdivision (a)(1) of Section
14 40 of this Act or who is a child who:

15 (1) is a child who is not eligible for medical
16 assistance;

17 (2) is a child whose annual household income, as
18 determined by the Department, is above 133% of the
19 federal poverty level and at or below 200% ~~185%~~ of the
20 federal poverty level;

21 (3) is a resident of the State of Illinois; and

22 (4) is a child who is either a United States
23 citizen or included in one of the following categories of
24 non-citizens:

25 (A) unmarried dependent children of either a
26 United States Veteran honorably discharged or a
27 person on active military duty;

28 (B) refugees under Section 207 of the
29 Immigration and Nationality Act;

30 (C) asylees under Section 208 of the
31 Immigration and Nationality Act;

1 (D) persons for whom deportation has been
2 withheld under Section 243(h) of the Immigration
3 and Nationality Act;

4 (E) persons granted conditional entry under
5 Section 203(a)(7) of the Immigration and Nationality
6 Act as in effect prior to April 1, 1980;

7 (F) persons lawfully admitted for permanent
8 residence under the Immigration and Nationality Act;
9 and

10 (G) parolees, for at least one year, under
11 Section 212(d)(5) of the Immigration and Nationality
12 Act.

13 Those children who are in the categories set forth in
14 subdivisions (4)(F) and (4)(G) of this subsection, who enter
15 the United States on or after August 22, 1996, shall not be
16 eligible for 5 years beginning on the date the child entered
17 the United States.

18 (b) A child who is determined to be eligible for
19 assistance may remain eligible for 12 months, provided the
20 child maintains his or her residence in the State, has not
21 yet attained 19 years of age, and is not excluded pursuant to
22 subsection (c). A child who has been determined to be
23 eligible for assistance must reapply or otherwise establish
24 eligibility at least annually. An eligible child shall be
25 required, as determined by the Department by rule, to report
26 promptly those changes in income and other circumstances that
27 affect eligibility. The eligibility of a child may be
28 redetermined based on the information reported or may be
29 terminated based on the failure to report or failure to
30 report accurately. A child's responsible relative or
31 caretaker may also be held liable to the Department for any
32 payments made by the Department on such child's behalf that
33 were inappropriate. An applicant shall be provided with
34 notice of these obligations.

1 (c) A child shall not be eligible for coverage under
2 this Program if:

3 (1) the premium required pursuant to Section 30 of
4 this Act has not been paid. If the required premiums are
5 not paid the liability of the Program shall be limited to
6 benefits incurred under the Program for the time period
7 for which premiums had been paid. If the required
8 monthly premium is not paid, the child shall be
9 ineligible for re-enrollment for a minimum period of 3
10 months. Re-enrollment shall be completed prior to the
11 next covered medical visit and the first month's required
12 premium shall be paid in advance of the next covered
13 medical visit. The Department shall promulgate rules
14 regarding grace periods, notice requirements, and hearing
15 procedures pursuant to this subsection;

16 (2) the child is an inmate of a public institution
17 or a patient in an institution for mental diseases; or

18 (3) the child is a member of a family that is
19 eligible for health benefits covered under the State of
20 Illinois health benefits plan on the basis of a member's
21 employment with a public agency.

22 (Source: P.A. 92-597, eff. 6-28-02.)

23 (215 ILCS 106/40)

24 (Section scheduled to be repealed on July 1, 2003)

25 Sec. 40. Waivers.

26 (a) The Department shall request any necessary waivers
27 of federal requirements in order to allow receipt of federal
28 funding for:

29 (1) the coverage of families with eligible children
30 under this Act; and

31 (2) for the coverage of children who would
32 otherwise be eligible under this Act, but who have health
33 insurance.

1 (b) The failure of the responsible federal agency to
2 approve a waiver for children who would otherwise be eligible
3 under this Act but who have health insurance shall not
4 prevent the implementation of any Section of this Act
5 provided that there are sufficient appropriated funds.

6 (c) Eligibility of a person under an approved waiver due
7 to the relationship with a child pursuant to Article V of the
8 Illinois Public Aid Code or this Act shall be limited to such
9 a person whose countable income is determined by the
10 Department to be at or below such income eligibility standard
11 as the Department by rule shall establish. The income level
12 established by the Department shall not be below 90% 65% of
13 the federal poverty level. Such persons who are determined
14 to be eligible must reapply, or otherwise establish
15 eligibility, at least annually. An eligible person shall be
16 required, as determined by the Department by rule, to report
17 promptly those changes in income and other circumstances that
18 affect eligibility. The eligibility of a person may be
19 redetermined based on the information reported or may be
20 terminated based on the failure to report or failure to
21 report accurately. A person may also be held liable to the
22 Department for any payments made by the Department on such
23 person's behalf that were inappropriate. An applicant shall
24 be provided with notice of these obligations.

25 (Source: P.A. 92-597, eff. 6-28-02.)

26 (215 ILCS 106/97 rep.)

27 Section 10. The Children's Health Insurance Program Act
28 is amended by repealing Section 97.

29 Section 99. Effective date. This Act takes effect upon

1 becoming law.