

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 2. The Department of Human Services Act is amended
5 by adding Section 10-50 as follows:

6 (20 ILCS 1305/10-50 new)

7 Sec. 10-50. Illinois Steps for Attaining Higher Education
8 through Academic Development Program established. The Illinois
9 Steps for Attaining Higher Education through Academic
10 Development ("Illinois Steps AHEAD") program is established in
11 the Illinois Department of Human Services. Illinois Steps AHEAD
12 shall provide educational services and post-secondary
13 educational scholarships for low-income middle and high school
14 students. Program components shall include increased parent
15 involvement, creative and engaging academic support for
16 students, career exploration programs, college preparation,
17 and increased collaboration with local schools. The Illinois
18 Department of Human Services shall administer the program. The
19 Department shall implement the program only if federal funding
20 is made available for that purpose. All moneys received
21 pursuant to the federal Gaining Early Awareness and Readiness
22 for Undergraduate Programs shall be deposited into the Gaining
23 Early Awareness and Readiness for Undergraduate Programs Fund,
24 a special fund hereby created in the State treasury. Moneys in
25 this fund shall be appropriated to the Department of Human
26 Services and expended for the purposes and activities specified
27 by the federal agency making the grant. All interest earnings
28 on amounts in the Gaining Early Awareness and Readiness for
29 Undergraduate Programs Fund shall accrue to the Gaining
30 Awareness and Readiness for Undergraduate Programs Fund and be
31 used in accordance with 34 C.F.R. 75.703.

1 Section 3. The State Finance Act is amended by adding
2 Section 5.663 as follows:

3 (30 ILCS 105/5.663 new)

4 Sec. 5.663. The Gaining Early Awareness and Readiness for
5 Undergraduate Programs Fund.

6 Section 5. The Illinois Public Aid Code is amended by
7 changing Section 5-2 and adding Section 12-4.103a as follows:

8 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

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

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

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

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

1 Management and Budget and revised annually in
2 accordance with Section 673(2) of the Omnibus
3 Budget Reconciliation Act of 1981, applicable to
4 families of the same 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
11 than 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 to
32 the maximum extent possible under Title XIX of the Federal
33 Social Security Act.

34 (b) The Illinois Department and the Governor shall
35 provide a plan for coverage of the persons eligible under
36 paragraph 5(a) by April 1, 1990. Such plan shall provide

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

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

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

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

34 (a) the person requires a level of care provided by
35 a hospital, skilled nursing facility, or intermediate
36 care facility, as determined by a physician licensed to

1 practice medicine in all its branches;

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

5 (c) the estimated amount which would be expended
6 for care outside the institution is not greater than
7 the estimated amount which would be expended in an
8 institution.

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

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

20 (b) offer persons who have initially received 6
21 months of the coverage provided in paragraph (a) above,
22 the option of receiving an additional 6 months of
23 coverage, subject to the following:

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

26 (ii) such coverage shall include all services
27 covered while the person was eligible for basic
28 maintenance assistance;

29 (iii) no premium shall be charged for such
30 coverage; and

31 (iv) such coverage shall be suspended in the
32 event of a person's failure without good cause to
33 file in a timely fashion reports required for this
34 coverage under the Social Security Act and
35 coverage shall be reinstated upon the filing of
36 such reports if the person remains otherwise

1 eligible.

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

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

17 11. Persons with disabilities who are employed and
18 eligible for Medicaid, pursuant to Section
19 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
20 provided by the Illinois Department by rule.

21 12. Subject to federal approval, persons who are
22 eligible for medical assistance coverage under applicable
23 provisions of the federal Social Security Act and the
24 federal Breast and Cervical Cancer Prevention and
25 Treatment Act of 2000. Those eligible persons are defined
26 to include, but not be limited to, the following persons:

27 (1) persons who have been screened for breast or
28 cervical cancer under the U.S. Centers for Disease
29 Control and Prevention Breast and Cervical Cancer
30 Program established under Title XV of the federal
31 Public Health Services Act in accordance with the
32 requirements of Section 1504 of that Act as
33 administered by the Illinois Department of Public
34 Health; and

35 (2) persons whose screenings under the above
36 program were funded in whole or in part by funds

1 appropriated to the Illinois Department of Public
2 Health for breast or cervical cancer screening.

3 "Medical assistance" under this paragraph 12 shall be
4 identical to the benefits provided under the State's
5 approved plan under Title XIX of the Social Security Act.
6 The Department must request federal approval of the
7 coverage under this paragraph 12 within 30 days after the
8 effective date of this amendatory Act of the 92nd General
9 Assembly.

10 13. Subject to appropriation and to federal approval,
11 persons living with HIV/AIDS who are not otherwise eligible
12 under this Article and who qualify for services covered
13 under Section 5-5.04 as provided by the Illinois Department
14 by rule.

15 14. Subject to the availability of funds for this
16 purpose, the Department may provide coverage under this
17 Article to persons who reside in Illinois who are not
18 eligible under any of the preceding paragraphs and who meet
19 the income guidelines of paragraph 2(a) of this Section and
20 (i) have an application for asylum pending before the
21 federal Department of Homeland Security or on appeal before
22 a court of competent jurisdiction and are represented
23 either by counsel or by an advocate accredited by the
24 federal Department of Homeland Security and employed by a
25 not-for-profit organization in regard to that application
26 or appeal, or (ii) are receiving services through a
27 federally funded torture treatment center. Medical
28 coverage under this paragraph 14 may be provided for up to
29 24 continuous months from the initial eligibility date so
30 long as an individual continues to satisfy the criteria of
31 this paragraph 14. If an individual has an appeal pending
32 regarding an application for asylum before the Department
33 of Homeland Security, eligibility under this paragraph 14
34 may be extended until a final decision is rendered on the
35 appeal. The Department may adopt rules governing the
36 implementation of this paragraph 14.

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

4 The eligibility of any such person for medical assistance
5 under this Article is not affected by the payment of any grant
6 under the Senior Citizens and Disabled Persons Property Tax
7 Relief and Pharmaceutical Assistance Act or any distributions
8 or items of income described under subparagraph (X) of
9 paragraph (2) of subsection (a) of Section 203 of the Illinois
10 Income Tax Act. The Department shall by rule establish the
11 amounts of assets to be disregarded in determining eligibility
12 for medical assistance, which shall at a minimum equal the
13 amounts to be disregarded under the Federal Supplemental
14 Security Income Program. The amount of assets of a single
15 person to be disregarded shall not be less than \$2,000, and the
16 amount of assets of a married couple to be disregarded shall
17 not be less than \$3,000.

18 To the extent permitted under federal law, any person found
19 guilty of a second violation of Article VIIIA shall be
20 ineligible for medical assistance under this Article, as
21 provided in Section 8A-8.

22 The eligibility of any person for medical assistance under
23 this Article shall not be affected by the receipt by the person
24 of donations or benefits from fundraisers held for the person
25 in cases of serious illness, as long as neither the person nor
26 members of the person's family have actual control over the
27 donations or benefits or the disbursement of the donations or
28 benefits.

29 (Source: P.A. 93-20, eff. 6-20-03; 94-629, eff. 1-1-06.)

30 (305 ILCS 5/12-4.103a new)

31 Sec. 12-4.103a. Assets for Independence Program.

32 (a) Program established. Subject to available funding and
33 receipt of a federal Assets for Independence grant award, the
34 Department of Human Services shall establish and administer an
35 Assets for Independence Program (Program). The Program shall be

1 established in accordance with the terms of the Assets for
2 Independence Act (AFIA) as now and hereafter amended (Title IV
3 Community Opportunities, Accountability, and Training and
4 Educational Services Act as amended, Public Law 105-285, 42
5 U.S.C. 604 note).

6 (b) Assets for Independence Fund. The Assets for
7 Independence Fund is established. The Fund shall be held by the
8 Secretary or his or her designee as ex-officio custodian
9 thereof separate and apart from all other State funds. The
10 Assets for Independence Fund is authorized to receive grants
11 under AFIA, State moneys appropriated for the Program, and
12 moneys from voluntary donations from individuals, foundations,
13 corporations, and other sources. Moneys in the Assets for
14 Independence Fund shall not be commingled with other State
15 funds, but they shall be deposited as required by law and
16 maintained in a separate account on the books of a savings and
17 loan association, bank, or other qualified financial
18 institution. All interest earnings on amounts within the Assets
19 for Independence Fund shall accrue to the Assets for
20 Independence Fund and shall be used in accordance with the
21 terms of the AFIA. Administrative expenses related to the
22 Program, including the provision of financial education to
23 Program participants, shall be paid from the Assets for
24 Independence Fund in accordance with the terms of AFIA Section
25 707(c)(3).

26 (c) Program purpose. The purpose of the Program is to allow
27 eligible low-income Illinois citizens, subject to the
28 availability of State and federal funds and authorization from
29 the Department, to open and maintain an Individual Development
30 Account (IDA) at a federally insured financial institution.
31 Deposits into an IDA that are used for subsequent qualified
32 purchases shall be matched dollar-for-dollar by moneys from the
33 Assets for Independence Fund. Not more than \$2,000 of moneys
34 from the Assets for Independence Fund shall be provided to any
35 one individual. Not more than \$4,000 of moneys from the Assets
36 for Independence Fund shall be provided to any one household.

1 Assets for Independence Fund moneys not being used to
2 administer the Program shall be used only for qualified
3 purchases, shall be distributed only directly to the vendor of
4 a qualified purchase, and shall require the authorization by
5 signature of the Department's chief financial officer.

6 (d) Contributions to IDA and use of moneys. An individual
7 may make contributions to his or her IDA only from earned
8 income as defined in Section 911(d)(2) of the Internal Revenue
9 Code of 1986. The moneys deposited into an IDA shall not be
10 commingled with any Assets for Independence Fund moneys. An IDA
11 holder shall have a 36-month period, beginning on the date the
12 Department authorizes the holder to open the IDA, within which
13 to make a qualified purchase. If a qualified purchase is not
14 made within that 36-month period, Assets for Independence Fund
15 moneys earmarked for that individual shall be released, and the
16 Department shall authorize another eligible person to open an
17 IDA. Under no circumstances, and at no time, shall an IDA
18 holder lose the ability to withdraw moneys from his or her IDA.

19 (e) Qualified purchases. A qualified asset purchase using
20 moneys from an IDA shall be defined in accordance with AFIA
21 Section 404(8) and shall be one or more of the following:

22 (1) Payment of post-secondary education expenses, if
23 the expenses are paid directly to an eligible educational
24 institution.

25 (2) Acquisition of a principal residence, if the
26 individual is buying a home for the first time and if the
27 funds are paid directly to the person to whom the amounts
28 required for the purchase are due.

29 (3) Financing of business capitalization expenses, if
30 the funds are paid directly into a business capitalization
31 account at a federally insured financial institution and
32 are restricted to use solely for qualified business
33 capitalization expenses.

34 (f) Program eligibility. Program eligibility shall be
35 established by the Department in accordance with AFIA Section
36 408. Persons eligible to open an IDA and to receive Assets for

1 Independence Fund moneys are Illinois citizens currently
2 residing in Illinois who are (i) able to demonstrate that they
3 are currently eligible for assistance under the State's
4 Temporary Assistance for Needy Families program or (ii) able to
5 demonstrate that the adjusted gross income of their household
6 in the calendar year preceding the determination of eligibility
7 was equal to or less than 200% of the poverty line, as
8 determined by the Federal Office of Management and Budget. An
9 individual must further demonstrate that the net worth of his
10 or her household, as of the end of the calendar year preceding
11 the determination of eligibility, does not exceed \$10,000, as
12 determined by AFIA Section 408(2)(B). Notwithstanding any
13 other provision of State law, moneys in an Individual
14 Development Account, including accrued interest and matching
15 deposits, shall be disregarded for the purpose of determining
16 the eligibility and benefit levels under this Code in the case
17 of the individual establishing the IDA with respect to any
18 period during which the individual maintains or makes
19 contributions into the IDA. The Department shall approve an
20 individual to open an IDA at a federally insured financial
21 institution upon determining, based on the individual's
22 application, that all eligibility criteria are met and subject
23 to the availability of \$2,000 in Assets for Independence Fund
24 moneys.

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