



**Adopted in House Comm. on Apr 19, 2006**

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LRB094 17610 DRJ 58137 a

1 AMENDMENT TO SENATE BILL 2328

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2328 by replacing  
3 everything after the enacting clause with the following:

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 assistance  
8 under this Article shall be available to any of the following  
9 classes of persons in respect to whom a plan for coverage has  
10 been submitted to the Governor by the Illinois Department and  
11 approved by him:

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

14 2. Persons otherwise eligible for basic maintenance  
15 under Articles III and IV but who fail to qualify  
16 thereunder on the basis of need, and who have insufficient  
17 income and resources to meet the costs of necessary medical  
18 care, 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

1 requirements, is equal to or less than 70% in  
2 fiscal year 2001, equal to or less than 85% in  
3 fiscal year 2002 and until a date to be determined  
4 by the Department by rule, and equal to or less  
5 than 100% beginning on the date determined by the  
6 Department by rule, of the nonfarm income official  
7 poverty line, as defined by the federal Office of  
8 Management and Budget and revised annually in  
9 accordance with Section 673(2) of the Omnibus  
10 Budget Reconciliation Act of 1981, applicable to  
11 families of the same size; or

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

22 (b) All persons who would be determined eligible  
23 for such basic maintenance under Article IV by  
24 disregarding the maximum earned income permitted by  
25 federal law.

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

28 4. Persons not eligible under any of the preceding  
29 paragraphs who fall sick, are injured, or die, not having  
30 sufficient money, property or other resources to meet the  
31 costs of necessary medical care or funeral and burial  
32 expenses.

33 5.(a) Women during pregnancy, after the fact of  
34 pregnancy has been determined by medical diagnosis, and

1 during the 60-day period beginning on the last day of the  
2 pregnancy, together with their infants and children born  
3 after September 30, 1983, whose income and resources are  
4 insufficient to meet the costs of necessary medical care to  
5 the maximum extent possible under Title XIX of the Federal  
6 Social Security Act.

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

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

32 6. Persons under the age of 18 who fail to qualify as  
33 dependent under Article IV and who have insufficient income  
34 and resources to meet the costs of necessary medical care

1 to the maximum extent permitted under Title XIX of the  
2 Federal Social Security Act.

3 7. Persons who are under 21 years of age and would  
4 qualify as disabled as defined under the Federal  
5 Supplemental Security Income Program, provided medical  
6 service for such persons would be eligible for Federal  
7 Financial Participation, and provided the Illinois  
8 Department determines that:

9 (a) the person requires a level of care provided by  
10 a hospital, skilled nursing facility, or intermediate  
11 care facility, as determined by a physician licensed to  
12 practice medicine in all its branches;

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

16 (c) the estimated amount which would be expended  
17 for care outside the institution is not greater than  
18 the estimated amount which would be expended in an  
19 institution.

20 8. Persons who become ineligible for basic maintenance  
21 assistance under Article IV of this Code in programs  
22 administered by the Illinois Department due to employment  
23 earnings and persons in assistance units comprised of  
24 adults and children who become ineligible for basic  
25 maintenance assistance under Article VI of this Code due to  
26 employment earnings. The plan for coverage for this class  
27 of persons shall:

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

31 (b) offer persons who have initially received 6  
32 months of the coverage provided in paragraph (a) above,  
33 the option of receiving an additional 6 months of  
34 coverage, subject to the following:

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

3 (ii) such coverage shall include all services  
4 covered while the person was eligible for basic  
5 maintenance assistance;

6 (iii) no premium shall be charged for such  
7 coverage; and

8 (iv) such coverage shall be suspended in the  
9 event of a person's failure without good cause to  
10 file in a timely fashion reports required for this  
11 coverage under the Social Security Act and  
12 coverage shall be reinstated upon the filing of  
13 such reports if the person remains otherwise  
14 eligible.

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

25 10. Participants in the long-term care insurance  
26 partnership program established under the Partnership for  
27 Long-Term Care Act who meet the qualifications for  
28 protection of resources described in Section 25 of that  
29 Act.

30 11. Persons with disabilities who are employed and  
31 eligible for Medicaid, pursuant to Section  
32 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as  
33 provided by the Illinois Department by rule.

34 12. Subject to federal approval, persons who are

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

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

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

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

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

30 14. Subject to the availability of funds for this  
31 purpose, the Department may provide coverage under this  
32 Article to persons who reside in Illinois who are not  
33 eligible under any of the preceding paragraphs and who meet  
34 the income guidelines of paragraph 2(a) of this Section and

1       (i) have an application for asylum pending before the  
2       federal Department of Homeland Security or on appeal before  
3       a court of competent jurisdiction and are represented  
4       either by counsel or by an advocate accredited by the  
5       federal Department of Homeland Security and employed by a  
6       not-for-profit organization in regard to that application  
7       or appeal, or (ii) are receiving services through a  
8       federally funded torture treatment center. Medical  
9       coverage under this paragraph 14 may be provided for up to  
10       24 continuous months from the initial eligibility date so  
11       long as an individual continues to satisfy the criteria of  
12       this paragraph 14. If an individual has an appeal pending  
13       regarding an application for asylum before the Department  
14       of Homeland Security, eligibility under this paragraph 14  
15       may be extended until a final decision is rendered on the  
16       appeal. The Department may adopt rules governing the  
17       implementation of this paragraph 14.

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

21       The eligibility of any such person for medical assistance  
22       under this Article is not affected by the payment of any grant  
23       under the Senior Citizens and Disabled Persons Property Tax  
24       Relief and Pharmaceutical Assistance Act or any distributions  
25       or items of income described under subparagraph (X) of  
26       paragraph (2) of subsection (a) of Section 203 of the Illinois  
27       Income Tax Act. The Department shall by rule establish the  
28       amounts of assets to be disregarded in determining eligibility  
29       for medical assistance, which shall at a minimum equal the  
30       amounts to be disregarded under the Federal Supplemental  
31       Security Income Program. The amount of assets of a single  
32       person to be disregarded shall not be less than \$2,000, and the  
33       amount of assets of a married couple to be disregarded shall  
34       not be less than \$3,000.

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

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

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

13           Section 99. Effective date. This Act takes effect upon  
14 becoming law."