

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. Persons who reside in Illinois who are not eligible
31 under any of the preceding paragraphs and who meet the
32 income guidelines of paragraph 2(a) of this Section and (i)
33 have a pending application for asylum with the federal
34 Department of Homeland Security and are represented by

1 counsel in regard to that application, or (ii) are
2 receiving services through a federally funded torture
3 treatment center, or (iii) can demonstrate, in accordance
4 with rules adopted by the Department of Healthcare and
5 Family Services, that they are seeking treatment for trauma
6 resulting from torture in their countries of origin or
7 previous countries of residence. Medical coverage under
8 this paragraph 14 shall be provided for up to 24 continuous
9 months from the initial eligibility date so long as an
10 individual continues to satisfy the criteria of this
11 paragraph 14.

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

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

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

33 The eligibility of any person for medical assistance under
34 this Article shall not be affected by the receipt by the person

1 of donations or benefits from fundraisers held for the person
2 in cases of serious illness, as long as neither the person nor
3 members of the person's family have actual control over the
4 donations or benefits or the disbursement of the donations or
5 benefits.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."