

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 5. The Illinois Public Aid Code is amended by
5 changing Sections 5-8 and 12-13 as follows:

6 (305 ILCS 5/5-8) (from Ch. 23, par. 5-8)

7 Sec. 5-8. Practitioners. In supplying medical assistance,
8 the Illinois Department may provide for the legally authorized
9 services of (i) persons licensed under the Medical Practice Act
10 of 1987, as amended, except as hereafter in this Section
11 stated, whether under a general or limited license, (ii)
12 persons licensed or registered under other laws of this State
13 to provide dental, medical, pharmaceutical, optometric,
14 podiatric, or nursing services, or other remedial care
15 recognized under State law, and (iii) persons licensed under
16 other laws of this State as a clinical social worker, clinical
17 psychologist, or clinical professional counselor. The
18 Department may not provide for legally authorized services of
19 any physician who has been convicted of having performed an
20 abortion procedure in a wilful and wanton manner on a woman who
21 was not pregnant at the time such abortion procedure was
22 performed. The utilization of the services of persons engaged
23 in the treatment or care of the sick, which persons are not

1 required to be licensed or registered under the laws of this
2 State, is not prohibited by this Section.

3 Notwithstanding any other rulemaking authority that may
4 exist, neither the Governor nor any agency or agency head under
5 the jurisdiction of the Governor has any authority to make or
6 promulgate rules to implement or enforce the provisions of this
7 amendatory Act of the 95th General Assembly. If, however, the
8 Governor believes that rules are necessary to implement or
9 enforce the provisions of this amendatory Act of the 95th
10 General Assembly, the Governor may suggest rules to the General
11 Assembly by filing them with the Clerk of the House and
12 Secretary of the Senate and by requesting that the General
13 Assembly authorize such rulemaking by law, enact those
14 suggested rules into law, or take any other appropriate action
15 in the General Assembly's discretion. Nothing contained in this
16 amendatory Act of the 95th General Assembly shall be
17 interpreted to grant rulemaking authority under any other
18 Illinois statute where such authority is not otherwise
19 explicitly given. For the purposes of this amendatory Act of
20 the 95th General Assembly, "rules" is given the meaning
21 contained in Section 1-70 of the Illinois Administrative
22 Procedure Act, and "agency" and "agency head" are given the
23 meanings contained in Sections 1-20 and 1-25 of the Illinois
24 Administrative Procedure Act to the extent that such
25 definitions apply to agencies or agency heads under the
26 jurisdiction of the Governor.

1 (Source: P.A. 95-518, eff. 8-28-07.)

2 (305 ILCS 5/12-13) (from Ch. 23, par. 12-13)

3 Sec. 12-13. Rules and regulations. The Department shall
4 make all rules and regulations and take such action as may be
5 necessary or desirable for carrying out the provisions of this
6 Code, to the end that its spirit and purpose may be achieved
7 and the public aid programs administered efficiently
8 throughout the State. However, the rules and regulations shall
9 not provide that payment for services rendered to a specific
10 recipient by (i) a person licensed under the Medical Practice
11 Act of 1987, whether under a general or limited license, (ii) a
12 person licensed or registered under other laws of this State to
13 provide dental, optometric, or pediatric care, or (iii) a
14 licensed clinical social worker, clinical psychologist, or
15 clinical professional counselor may be authorized only when
16 services are recommended for that recipient by a person
17 licensed to practice medicine in all its branches.

18 Whenever a rule of the Department requires that an
19 applicant or recipient verify information submitted to the
20 Department, the rule, in order to make the public fully aware
21 of what information is required for verification, shall specify
22 the acceptable means of verification or shall list examples of
23 acceptable means of verification.

24 The provisions of the Illinois Administrative Procedure
25 Act are hereby expressly adopted and incorporated herein, and

1 shall apply to all administrative rules and procedures of the
2 Illinois Department under this Act, except that Section 5-35 of
3 the Illinois Administrative Procedure Act relating to
4 procedures for rule-making does not apply to the adoption of
5 any rule required by federal law in connection with which the
6 Illinois Department is precluded by law from exercising any
7 discretion, and the requirements of the Administrative
8 Procedure Act with respect to contested cases are not
9 applicable to (1) hearings involving eligibility of applicants
10 or recipients of public aid or (2) support hearings involving
11 responsible relatives.

12 Notwithstanding any other rulemaking authority that may
13 exist, neither the Governor nor any agency or agency head under
14 the jurisdiction of the Governor has any authority to make or
15 promulgate rules to implement or enforce the provisions of this
16 amendatory Act of the 95th General Assembly. If, however, the
17 Governor believes that rules are necessary to implement or
18 enforce the provisions of this amendatory Act of the 95th
19 General Assembly, the Governor may suggest rules to the General
20 Assembly by filing them with the Clerk of the House and
21 Secretary of the Senate and by requesting that the General
22 Assembly authorize such rulemaking by law, enact those
23 suggested rules into law, or take any other appropriate action
24 in the General Assembly's discretion. Nothing contained in this
25 amendatory Act of the 95th General Assembly shall be
26 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise
2 explicitly given. For the purposes of this amendatory Act of
3 the 95th General Assembly, "rules" is given the meaning
4 contained in Section 1-70 of the Illinois Administrative
5 Procedure Act, and "agency" and "agency head" are given the
6 meanings contained in Sections 1-20 and 1-25 of the Illinois
7 Administrative Procedure Act to the extent that such
8 definitions apply to agencies or agency heads under the
9 jurisdiction of the Governor.

10 (Source: P.A. 95-518, eff. 8-28-07.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.