

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 4-2, 5-2, and 12-4.11 as follows:

6 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

7 Sec. 4-2. Amount of aid.

8 (a) The amount and nature of financial aid shall be
9 determined in accordance with the grant amounts, rules and
10 regulations of the Illinois Department. Due regard shall be
11 given to the self-sufficiency requirements of the family and to
12 the income, money contributions and other support and resources
13 available, from whatever source. However, the amount and nature
14 of any financial aid is not affected by the payment of any
15 grant under the "Senior Citizens and Disabled Persons Property
16 Tax Relief and Pharmaceutical Assistance Act" or any
17 distributions or items of income described under subparagraph
18 (X) of paragraph (2) of subsection (a) of Section 203 of the
19 Illinois Income Tax Act. The aid shall be sufficient, when
20 added to all other income, money contributions and support to
21 provide the family with a grant in the amount established by
22 Department regulation.

23 Subject to appropriation, beginning on July 1, 2008, the

1 Department of Human Services shall increase TANF grant amounts
2 in effect on June 30, 2008 by 15%. The Department is authorized
3 to administer this increase but may not otherwise adopt any
4 rule to implement this increase.

5 (b) The Illinois Department may conduct special projects,
6 which may be known as Grant Diversion Projects, under which
7 recipients of financial aid under this Article are placed in
8 jobs and their grants are diverted to the employer who in turn
9 makes payments to the recipients in the form of salary or other
10 employment benefits. The Illinois Department shall by rule
11 specify the terms and conditions of such Grant Diversion
12 Projects. Such projects shall take into consideration and be
13 coordinated with the programs administered under the Illinois
14 Emergency Employment Development Act.

15 (c) The amount and nature of the financial aid for a child
16 requiring care outside his own home shall be determined in
17 accordance with the rules and regulations of the Illinois
18 Department, with due regard to the needs and requirements of
19 the child in the foster home or institution in which he has
20 been placed.

21 (d) If the Department establishes grants for family units
22 consisting exclusively of a pregnant woman with no dependent
23 child or including her husband if living with her, the grant
24 amount for such a unit shall be equal to the grant amount for
25 an assistance unit consisting of one adult, or 2 persons if the
26 husband is included. Other than as herein described, an unborn

1 child shall not be counted in determining the size of an
2 assistance unit or for calculating grants.

3 Payments for basic maintenance requirements of a child or
4 children and the relative with whom the child or children are
5 living shall be prescribed, by rule, by the Illinois
6 Department.

7 Grants under this Article shall not be supplemented by
8 General Assistance provided under Article VI.

9 (e) Grants shall be paid to the parent or other person with
10 whom the child or children are living, except for such amount
11 as is paid in behalf of the child or his parent or other
12 relative to other persons or agencies pursuant to this Code or
13 the rules and regulations of the Illinois Department.

14 (f) Subject to subsection (f-5), an assistance unit,
15 receiving financial aid under this Article or temporarily
16 ineligible to receive aid under this Article under a penalty
17 imposed by the Illinois Department for failure to comply with
18 the eligibility requirements or that voluntarily requests
19 termination of financial assistance under this Article and
20 becomes subsequently eligible for assistance within 9 months,
21 shall not receive any increase in the amount of aid solely on
22 account of the birth of a child; except that an increase is not
23 prohibited when the birth is (i) of a child of a pregnant woman
24 who became eligible for aid under this Article during the
25 pregnancy, or (ii) of a child born within 10 months after the
26 date of implementation of this subsection, or (iii) of a child

1 conceived after a family became ineligible for assistance due
2 to income or marriage and at least 3 months of ineligibility
3 expired before any reapplication for assistance. This
4 subsection does not, however, prevent a unit from receiving a
5 general increase in the amount of aid that is provided to all
6 recipients of aid under this Article.

7 The Illinois Department is authorized to transfer funds,
8 and shall use any budgetary savings attributable to not
9 increasing the grants due to the births of additional children,
10 to supplement existing funding for employment and training
11 services for recipients of aid under this Article IV. The
12 Illinois Department shall target, to the extent the
13 supplemental funding allows, employment and training services
14 to the families who do not receive a grant increase after the
15 birth of a child. In addition, the Illinois Department shall
16 provide, to the extent the supplemental funding allows, such
17 families with up to 24 months of transitional child care
18 pursuant to Illinois Department rules. All remaining
19 supplemental funds shall be used for employment and training
20 services or transitional child care support.

21 In making the transfers authorized by this subsection, the
22 Illinois Department shall first determine, pursuant to
23 regulations adopted by the Illinois Department for this
24 purpose, the amount of savings attributable to not increasing
25 the grants due to the births of additional children. Transfers
26 may be made from General Revenue Fund appropriations for

1 distributive purposes authorized by Article IV of this Code
2 only to General Revenue Fund appropriations for employability
3 development services including operating and administrative
4 costs and related distributive purposes under Article IXA of
5 this Code. The Director, with the approval of the Governor,
6 shall certify the amount and affected line item appropriations
7 to the State Comptroller.

8 Nothing in this subsection shall be construed to prohibit
9 the Illinois Department from using funds under this Article IV
10 to provide assistance in the form of vouchers that may be used
11 to pay for goods and services deemed by the Illinois
12 Department, by rule, as suitable for the care of the child such
13 as diapers, clothing, school supplies, and cribs.

14 (f-5) Subsection (f) shall not apply to affect the monthly
15 assistance amount of any family as a result of the birth of a
16 child on or after January 1, 2004. As resources permit after
17 January 1, 2004, the Department may cease applying subsection
18 (f) to limit assistance to families receiving assistance under
19 this Article on January 1, 2004, with respect to children born
20 prior to that date. In any event, subsection (f) shall be
21 completely inoperative on and after July 1, 2007.

22 (g) (Blank).

23 (h) Notwithstanding any other provision of this Code, the
24 Illinois Department is authorized to reduce payment levels used
25 to determine cash grants under this Article after December 31
26 of any fiscal year if the Illinois Department determines that

1 the caseload upon which the appropriations for the current
2 fiscal year are based have increased by more than 5% and the
3 appropriation is not sufficient to ensure that cash benefits
4 under this Article do not exceed the amounts appropriated for
5 those cash benefits. Reductions in payment levels may be
6 accomplished by emergency rule under Section 5-45 of the
7 Illinois Administrative Procedure Act, except that the
8 limitation on the number of emergency rules that may be adopted
9 in a 24-month period shall not apply and the provisions of
10 Sections 5-115 and 5-125 of the Illinois Administrative
11 Procedure Act shall not apply. Increases in payment levels
12 shall be accomplished only in accordance with Section 5-40 of
13 the Illinois Administrative Procedure Act. Before any rule to
14 increase payment levels promulgated under this Section shall
15 become effective, a joint resolution approving the rule must be
16 adopted by a roll call vote by a majority of the members
17 elected to each chamber of the General Assembly.

18 (Source: P.A. 92-111, eff. 1-1-02; 93-598, eff. 8-26-03.)

19 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

25 1. Recipients of basic maintenance grants under

1 Articles III and IV.

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

7 (a) All persons otherwise eligible for basic
8 maintenance under Article III but who fail to qualify
9 under that Article on the basis of need and who meet
10 either of the following requirements:

11 (i) their income, as determined by the
12 Illinois Department in accordance with any federal
13 requirements, is equal to or less than 70% in
14 fiscal year 2001, equal to or less than 85% in
15 fiscal year 2002 and until a date to be determined
16 by the Department by rule, and equal to or less
17 than 100% beginning on the date determined by the
18 Department by rule, of the nonfarm income official
19 poverty line, as defined by the federal Office of
20 Management and Budget and revised annually in
21 accordance with Section 673(2) of the Omnibus
22 Budget Reconciliation Act of 1981, applicable to
23 families of the same size; or

24 (ii) their income, after the deduction of
25 costs incurred for medical care and for other types
26 of remedial care, is equal to or less than 70% in

1 fiscal year 2001, equal to or less than 85% in
2 fiscal year 2002 and until a date to be determined
3 by the Department by rule, and equal to or less
4 than 100% beginning on the date determined by the
5 Department by rule, of the nonfarm income official
6 poverty line, as defined in item (i) of this
7 subparagraph (a).

8 (b) All persons who would be determined eligible
9 for such basic maintenance under Article IV by
10 disregarding the maximum earned income permitted by
11 federal law.

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

14 4. Persons not eligible under any of the preceding
15 paragraphs who fall sick, are injured, or die, not having
16 sufficient money, property or other resources to meet the
17 costs of necessary medical care or funeral and burial
18 expenses.

19 5.(a) Women during pregnancy, after the fact of
20 pregnancy has been determined by medical diagnosis, and
21 during the 60-day period beginning on the last day of the
22 pregnancy, together with their infants and children born
23 after September 30, 1983, whose income and resources are
24 insufficient to meet the costs of necessary medical care to
25 the maximum extent possible under Title XIX of the Federal
26 Social Security Act.

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

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

26 6. Persons under the age of 18 who fail to qualify as

1 dependent under Article IV and who have insufficient income
2 and resources to meet the costs of necessary medical care
3 to the maximum extent permitted under Title XIX of the
4 Federal Social Security Act.

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

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

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

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

22 8. Persons who become ineligible for basic maintenance
23 assistance under Article IV of this Code in programs
24 administered by the Illinois Department due to employment
25 earnings and persons in assistance units comprised of
26 adults and children who become ineligible for basic

1 maintenance assistance under Article VI of this Code due to
2 employment earnings. The plan for coverage for this class
3 of persons shall:

4 (a) extend the medical assistance coverage for up
5 to 12 months following termination of basic
6 maintenance assistance; and

7 (b) offer persons who have initially received 6
8 months of the coverage provided in paragraph (a) above,
9 the option of receiving an additional 6 months of
10 coverage, subject to the following:

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

13 (ii) such coverage shall include all services
14 covered while the person was eligible for basic
15 maintenance assistance;

16 (iii) no premium shall be charged for such
17 coverage; and

18 (iv) such coverage shall be suspended in the
19 event of a person's failure without good cause to
20 file in a timely fashion reports required for this
21 coverage under the Social Security Act and
22 coverage shall be reinstated upon the filing of
23 such reports if the person remains otherwise
24 eligible.

25 9. Persons with acquired immunodeficiency syndrome
26 (AIDS) or with AIDS-related conditions with respect to whom

1 there has been a determination that but for home or
2 community-based services such individuals would require
3 the level of care provided in an inpatient hospital,
4 skilled nursing facility or intermediate care facility the
5 cost of which is reimbursed under this Article. Assistance
6 shall be provided to such persons to the maximum extent
7 permitted under Title XIX of the Federal Social Security
8 Act.

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

15 11. Persons with disabilities who are employed and
16 eligible for Medicaid, pursuant to Section
17 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
18 provided by the Illinois Department by rule. In
19 establishing eligibility standards under this paragraph
20 11, the Department shall, subject to federal approval:

21 (a) set the income eligibility standard at not
22 lower than 350% of the federal poverty level;

23 (b) exempt retirement accounts that the person
24 cannot access without penalty before the age of 59 1/2,
25 and medical savings accounts established pursuant to
26 26 U.S.C. 220;

1 (c) allow non-exempt assets up to \$25,000 as to
2 those assets accumulated during periods of eligibility
3 under this paragraph 11; and

4 (d) continue to apply subparagraphs (b) and (c) in
5 determining the eligibility of the person under this
6 Article even if the person loses eligibility under this
7 paragraph 11.

8 12. Subject to federal approval, persons who are
9 eligible for medical assistance coverage under applicable
10 provisions of the federal Social Security Act and the
11 federal Breast and Cervical Cancer Prevention and
12 Treatment Act of 2000. Those eligible persons are defined
13 to include, but not be limited to, the following persons:

14 (1) persons who have been screened for breast or
15 cervical cancer under the U.S. Centers for Disease
16 Control and Prevention Breast and Cervical Cancer
17 Program established under Title XV of the federal
18 Public Health Services Act in accordance with the
19 requirements of Section 1504 of that Act as
20 administered by the Illinois Department of Public
21 Health; and

22 (2) persons whose screenings under the above
23 program were funded in whole or in part by funds
24 appropriated to the Illinois Department of Public
25 Health for breast or cervical cancer screening.

26 "Medical assistance" under this paragraph 12 shall be

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

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

12 14. Subject to the availability of funds for this
13 purpose, the Department may provide coverage under this
14 Article to persons who reside in Illinois who are not
15 eligible under any of the preceding paragraphs and who meet
16 the income guidelines of paragraph 2(a) of this Section and
17 (i) have an application for asylum pending before the
18 federal Department of Homeland Security or on appeal before
19 a court of competent jurisdiction and are represented
20 either by counsel or by an advocate accredited by the
21 federal Department of Homeland Security and employed by a
22 not-for-profit organization in regard to that application
23 or appeal, or (ii) are receiving services through a
24 federally funded torture treatment center. Medical
25 coverage under this paragraph 14 may be provided for up to
26 24 continuous months from the initial eligibility date so

1 long as an individual continues to satisfy the criteria of
2 this paragraph 14. If an individual has an appeal pending
3 regarding an application for asylum before the Department
4 of Homeland Security, eligibility under this paragraph 14
5 may be extended until a final decision is rendered on the
6 appeal. The Department may adopt rules governing the
7 implementation of this paragraph 14.

8 15. Family Care Eligibility.

9 (a) A caretaker relative who is 19 years of age or
10 older when countable income is at or below 185% of the
11 Federal Poverty Level Guidelines, as published
12 annually in the Federal Register, for the appropriate
13 family size. A person may not spend down to become
14 eligible under this paragraph 15.

15 (b) Eligibility shall be reviewed annually.

16 (c) Caretaker relatives enrolled under this
17 paragraph 15 in families with countable income above
18 150% and at or below 185% of the Federal Poverty Level
19 Guidelines shall be counted as family members and pay
20 premiums as established under the Children's Health
21 Insurance Program Act.

22 (d) Premiums shall be billed by and payable to the
23 Department or its authorized agent, on a monthly basis.

24 (e) The premium due date is the last day of the
25 month preceding the month of coverage.

26 (f) Individuals shall have a grace period through

1 the month of coverage to pay the premium.

2 (g) Failure to pay the full monthly premium by the
3 last day of the grace period shall result in
4 termination of coverage.

5 (h) Partial premium payments shall not be
6 refunded.

7 (i) Following termination of an individual's
8 coverage under this paragraph 15, the following action
9 is required before the individual can be re-enrolled:

10 (1) A new application must be completed and the
11 individual must be determined otherwise eligible.

12 (2) There must be full payment of premiums due
13 under this Code, the Children's Health Insurance
14 Program Act, the Covering ALL KIDS Health
15 Insurance Act, or any other healthcare program
16 administered by the Department for periods in
17 which a premium was owed and not paid for the
18 individual.

19 (3) The first month's premium must be paid if
20 there was an unpaid premium on the date the
21 individual's previous coverage was canceled.

22 The Department is authorized to implement the
23 provisions of this amendatory Act of the 95th General
24 Assembly by adopting the medical assistance rules in effect
25 as of October 1, 2007, at 89 Ill. Admin. Code 125, along
26 with only those changes necessary to conform to federal

1 Medicaid requirements. The Department may not otherwise
2 adopt any rule to implement this increase except as
3 authorized by law, to meet the eligibility standards
4 authorized by the federal government in the Medicaid State
5 Plan or the Title XXI Plan, or to meet an order from the
6 federal government or any court.

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

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

24 To the extent permitted under federal law, any person found
25 guilty of a second violation of Article VIIIA shall be
26 ineligible for medical assistance under this Article, as

1 provided in Section 8A-8.

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

9 (Source: P.A. 94-629, eff. 1-1-06; 94-1043, eff. 7-24-06;
10 95-546, eff. 8-29-07; revised 1-22-08.)

11 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

12 Sec. 12-4.11. Grant amounts. The Department, with due
13 regard for and subject to budgetary limitations, shall
14 establish grant amounts for each of the programs, by
15 regulation. The grant amounts may vary by program, size of
16 assistance unit and geographic area.

17 Aid payments shall not be reduced except: (1) for changes
18 in the cost of items included in the grant amounts, or (2) for
19 changes in the expenses of the recipient, or (3) for changes in
20 the income or resources available to the recipient, or (4) for
21 changes in grants resulting from adoption of a consolidated
22 grant amount.

23 Subject to appropriation, beginning on July 1, 2008, the
24 Department of Human Services shall increase TANF grant amounts
25 in effect on June 30, 2008 by 15%. The Department is authorized

1 to administer this increase but may not otherwise adopt any
2 rule to implement this increase.

3 In fixing standards to govern payments or reimbursements
4 for funeral and burial expenses, the Department shall establish
5 a minimum allowable amount of not less than \$1,000 for
6 Department payment of funeral services and not less than \$500
7 for Department payment of burial or cremation services. On
8 January 1, 2006, July 1, 2006, and July 1, 2007, the Department
9 shall increase the minimum reimbursement amount for funeral and
10 burial expenses under this Section by a percentage equal to the
11 percentage increase in the Consumer Price Index for All Urban
12 Consumers, if any, during the 12 months immediately preceding
13 that January 1 or July 1. In establishing the minimum allowable
14 amount, the Department shall take into account the services
15 essential to a dignified, low-cost (i) funeral and (ii) burial
16 or cremation, including reasonable amounts that may be
17 necessary for burial space and cemetery charges, and any
18 applicable taxes or other required governmental fees or
19 charges. If no person has agreed to pay the total cost of the
20 (i) funeral and (ii) burial or cremation charges, the
21 Department shall pay the vendor the actual costs of the (i)
22 funeral and (ii) burial or cremation, or the minimum allowable
23 amount for each service as established by the Department,
24 whichever is less, provided that the Department reduces its
25 payments by the amount available from the following sources:
26 the decedent's assets and available resources and the

1 anticipated amounts of any death benefits available to the
2 decedent's estate, and amounts paid and arranged to be paid by
3 the decedent's legally responsible relatives. A legally
4 responsible relative is expected to pay (i) funeral and (ii)
5 burial or cremation expenses unless financially unable to do
6 so.

7 Nothing contained in this Section or in any other Section
8 of this Code shall be construed to prohibit the Illinois
9 Department (1) from consolidating existing standards on the
10 basis of any standards which are or were in effect on, or
11 subsequent to July 1, 1969, or (2) from employing any
12 consolidated standards in determining need for public aid and
13 the amount of money payment or grant for individual recipients
14 or recipient families.

15 (Source: P.A. 94-669, eff. 8-23-05.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.