



Rep. Gary Hannig

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LRB095 11023 DRJ 51761 a

1 AMENDMENT TO SENATE BILL 1415

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1415 by replacing  
3 everything after the enacting clause with the following:

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

1 distributions or items of income described under subparagraph  
2 (X) of paragraph (2) of subsection (a) of Section 203 of the  
3 Illinois Income Tax Act. The aid shall be sufficient, when  
4 added to all other income, money contributions and support to  
5 provide the family with a grant in the amount established by  
6 Department regulation.

7 Subject to appropriation, beginning on July 1, 2008, the  
8 Department of Human Services shall increase TANF grant amounts  
9 in effect on June 30, 2008 by 15%. The Department is authorized  
10 to administer this increase but may not otherwise adopt any  
11 rule to implement this increase.

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

22 (c) The amount and nature of the financial aid for a child  
23 requiring care outside his own home shall be determined in  
24 accordance with the rules and regulations of the Illinois  
25 Department, with due regard to the needs and requirements of  
26 the child in the foster home or institution in which he has

1       been placed.

2           (d) If the Department establishes grants for family units  
3       consisting exclusively of a pregnant woman with no dependent  
4       child or including her husband if living with her, the grant  
5       amount for such a unit shall be equal to the grant amount for  
6       an assistance unit consisting of one adult, or 2 persons if the  
7       husband is included. Other than as herein described, an unborn  
8       child shall not be counted in determining the size of an  
9       assistance unit or for calculating grants.

10          Payments for basic maintenance requirements of a child or  
11       children and the relative with whom the child or children are  
12       living shall be prescribed, by rule, by the Illinois  
13       Department.

14          Grants under this Article shall not be supplemented by  
15       General Assistance provided under Article VI.

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

21          (f) Subject to subsection (f-5), an assistance unit,  
22       receiving financial aid under this Article or temporarily  
23       ineligible to receive aid under this Article under a penalty  
24       imposed by the Illinois Department for failure to comply with  
25       the eligibility requirements or that voluntarily requests  
26       termination of financial assistance under this Article and

1 becomes subsequently eligible for assistance within 9 months,  
2 shall not receive any increase in the amount of aid solely on  
3 account of the birth of a child; except that an increase is not  
4 prohibited when the birth is (i) of a child of a pregnant woman  
5 who became eligible for aid under this Article during the  
6 pregnancy, or (ii) of a child born within 10 months after the  
7 date of implementation of this subsection, or (iii) of a child  
8 conceived after a family became ineligible for assistance due  
9 to income or marriage and at least 3 months of ineligibility  
10 expired before any reapplication for assistance. This  
11 subsection does not, however, prevent a unit from receiving a  
12 general increase in the amount of aid that is provided to all  
13 recipients of aid under this Article.

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

1 services or transitional child care support.

2 In making the transfers authorized by this subsection, the  
3 Illinois Department shall first determine, pursuant to  
4 regulations adopted by the Illinois Department for this  
5 purpose, the amount of savings attributable to not increasing  
6 the grants due to the births of additional children. Transfers  
7 may be made from General Revenue Fund appropriations for  
8 distributive purposes authorized by Article IV of this Code  
9 only to General Revenue Fund appropriations for employability  
10 development services including operating and administrative  
11 costs and related distributive purposes under Article IXA of  
12 this Code. The Director, with the approval of the Governor,  
13 shall certify the amount and affected line item appropriations  
14 to the State Comptroller.

15 Nothing in this subsection shall be construed to prohibit  
16 the Illinois Department from using funds under this Article IV  
17 to provide assistance in the form of vouchers that may be used  
18 to pay for goods and services deemed by the Illinois  
19 Department, by rule, as suitable for the care of the child such  
20 as diapers, clothing, school supplies, and cribs.

21 (f-5) Subsection (f) shall not apply to affect the monthly  
22 assistance amount of any family as a result of the birth of a  
23 child on or after January 1, 2004. As resources permit after  
24 January 1, 2004, the Department may cease applying subsection  
25 (f) to limit assistance to families receiving assistance under  
26 this Article on January 1, 2004, with respect to children born

1 prior to that date. In any event, subsection (f) shall be  
2 completely inoperative on and after July 1, 2007.

3 (g) (Blank).

4 (h) Notwithstanding any other provision of this Code, the  
5 Illinois Department is authorized to reduce payment levels used  
6 to determine cash grants under this Article after December 31  
7 of any fiscal year if the Illinois Department determines that  
8 the caseload upon which the appropriations for the current  
9 fiscal year are based have increased by more than 5% and the  
10 appropriation is not sufficient to ensure that cash benefits  
11 under this Article do not exceed the amounts appropriated for  
12 those cash benefits. Reductions in payment levels may be  
13 accomplished by emergency rule under Section 5-45 of the  
14 Illinois Administrative Procedure Act, except that the  
15 limitation on the number of emergency rules that may be adopted  
16 in a 24-month period shall not apply and the provisions of  
17 Sections 5-115 and 5-125 of the Illinois Administrative  
18 Procedure Act shall not apply. Increases in payment levels  
19 shall be accomplished only in accordance with Section 5-40 of  
20 the Illinois Administrative Procedure Act. Before any rule to  
21 increase payment levels promulgated under this Section shall  
22 become effective, a joint resolution approving the rule must be  
23 adopted by a roll call vote by a majority of the members  
24 elected to each chamber of the General Assembly.

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

1 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

7 1. Recipients of basic maintenance grants under  
8 Articles III and IV.

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

14 (a) All persons otherwise eligible for basic  
15 maintenance under Article III but who fail to qualify  
16 under that Article on the basis of need and who meet  
17 either of the following requirements:

18 (i) their income, as determined by the  
19 Illinois Department in accordance with any federal  
20 requirements, is equal to or less than 70% in  
21 fiscal year 2001, equal to or less than 85% in  
22 fiscal year 2002 and until a date to be determined  
23 by the Department by rule, and equal to or less  
24 than 100% beginning on the date determined by the  
25 Department by rule, of the nonfarm income official  
26 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



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

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

21 (c) The Illinois Department may conduct a  
22 demonstration in at least one county that will provide  
23 medical assistance to pregnant women, together with their  
24 infants and children up to one year of age, where the  
25 income eligibility standard is set up to 185% of the  
26 nonfarm income official poverty line, as defined by the

1 federal Office of Management and Budget. The Illinois  
2 Department shall seek and obtain necessary authorization  
3 provided under federal law to implement such a  
4 demonstration. Such demonstration may establish resource  
5 standards that are not more restrictive than those  
6 established under Article IV of this Code.

7 6. Persons under the age of 18 who fail to qualify as  
8 dependent under Article IV and who have insufficient income  
9 and resources to meet the costs of necessary medical care  
10 to the maximum extent permitted under Title XIX of the  
11 Federal Social Security Act.

12 7. Persons who are under 21 years of age and would  
13 qualify as disabled as defined under the Federal  
14 Supplemental Security Income Program, provided medical  
15 service for such persons would be eligible for Federal  
16 Financial Participation, and provided the Illinois  
17 Department determines that:

18 (a) the person requires a level of care provided by  
19 a hospital, skilled nursing facility, or intermediate  
20 care facility, as determined by a physician licensed to  
21 practice medicine in all its branches;

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

25 (c) the estimated amount which would be expended  
26 for care outside the institution is not greater than

1           the estimated amount which would be expended in an  
2           institution.

3           8. Persons who become ineligible for basic maintenance  
4           assistance under Article IV of this Code in programs  
5           administered by the Illinois Department due to employment  
6           earnings and persons in assistance units comprised of  
7           adults and children who become ineligible for basic  
8           maintenance assistance under Article VI of this Code due to  
9           employment earnings. The plan for coverage for this class  
10          of persons shall:

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

14                 (b) offer persons who have initially received 6  
15                 months of the coverage provided in paragraph (a) above,  
16                 the option of receiving an additional 6 months of  
17                 coverage, subject to the following:

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

20                         (ii) such coverage shall include all services  
21                         covered while the person was eligible for basic  
22                         maintenance assistance;

23                         (iii) no premium shall be charged for such  
24                         coverage; and

25                         (iv) such coverage shall be suspended in the  
26                         event of a person's failure without good cause to

1 file in a timely fashion reports required for this  
2 coverage under the Social Security Act and  
3 coverage shall be reinstated upon the filing of  
4 such reports if the person remains otherwise  
5 eligible.

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

16 10. Participants in the long-term care insurance  
17 partnership program established under the Illinois  
18 Long-Term Care Partnership Program Act ~~Partnership for~~  
19 ~~Long Term Care Act~~ who meet the qualifications for  
20 protection of resources described in Section 15 ~~25~~ of that  
21 Act.

22 11. Persons with disabilities who are employed and  
23 eligible for Medicaid, pursuant to Section  
24 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as  
25 provided by the Illinois Department by rule. In  
26 establishing eligibility standards under this paragraph

1 11, the Department shall, subject to federal approval:

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

4 (b) exempt retirement accounts that the person  
5 cannot access without penalty before the age of 59 1/2,  
6 and medical savings accounts established pursuant to  
7 26 U.S.C. 220;

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

11 (d) continue to apply subparagraphs (b) and (c) in  
12 determining the eligibility of the person under this  
13 Article even if the person loses eligibility under this  
14 paragraph 11.

15 12. Subject to federal approval, persons who are  
16 eligible for medical assistance coverage under applicable  
17 provisions of the federal Social Security Act and the  
18 federal Breast and Cervical Cancer Prevention and  
19 Treatment Act of 2000. Those eligible persons are defined  
20 to include, but not be limited to, the following persons:

21 (1) persons who have been screened for breast or  
22 cervical cancer under the U.S. Centers for Disease  
23 Control and Prevention Breast and Cervical Cancer  
24 Program established under Title XV of the federal  
25 Public Health Services Act in accordance with the  
26 requirements of Section 1504 of that Act as

1 administered by the Illinois Department of Public  
2 Health; and

3 (2) persons whose screenings under the above  
4 program were funded in whole or in part by funds  
5 appropriated to the Illinois Department of Public  
6 Health for breast or cervical cancer screening.

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

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

19 14. Subject to the availability of funds for this  
20 purpose, the Department may provide coverage under this  
21 Article to persons who reside in Illinois who are not  
22 eligible under any of the preceding paragraphs and who meet  
23 the income guidelines of paragraph 2(a) of this Section and  
24 (i) have an application for asylum pending before the  
25 federal Department of Homeland Security or on appeal before  
26 a court of competent jurisdiction and are represented

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

15 15. Family Care Eligibility.

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

22 (b) Eligibility shall be reviewed annually.

23 (c) Caretaker relatives enrolled under this  
24 paragraph 15 in families with countable income above  
25 150% and at or below 185% of the Federal Poverty Level  
26 Guidelines shall be counted as family members and pay

1           premiums as established under the Children's Health  
2           Insurance Program Act.

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

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

7           (f) Individuals shall have a grace period through  
8           the month of coverage to pay the premium.

9           (g) Failure to pay the full monthly premium by the  
10          last day of the grace period shall result in  
11          termination of coverage.

12          (h) Partial premium payments shall not be  
13          refunded.

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

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

19               (2) There must be full payment of premiums due  
20               under this Code, the Children's Health Insurance  
21               Program Act, the Covering ALL KIDS Health  
22               Insurance Act, or any other healthcare program  
23               administered by the Department for periods in  
24               which a premium was owed and not paid for the  
25               individual.

26               (3) The first month's premium must be paid if



1           there was an unpaid premium on the date the  
2           individual's previous coverage was canceled.

3           The Department is authorized to implement the  
4           provisions of this amendatory Act of the 95th General  
5           Assembly by adopting the medical assistance rules in effect  
6           as of October 1, 2007, at 89 Ill. Admin. Code 125, along  
7           with only those changes necessary to conform to federal  
8           Medicaid requirements. The Department may not otherwise  
9           adopt any rule to implement this increase except as  
10           authorized by law, to meet the eligibility standards  
11           authorized by the federal government in the Medicaid State  
12           Plan or the Title XXI Plan, or to meet an order from the  
13           federal government or any court.

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

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

1 Security Income Program. The amount of assets of a single  
2 person to be disregarded shall not be less than \$2,000, and the  
3 amount of assets of a married couple to be disregarded shall  
4 not be less than \$3,000.

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

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

16 (Source: P.A. 94-629, eff. 1-1-06; 94-1043, eff. 7-24-06;  
17 95-546, eff. 8-29-07; revised 1-22-08.)

18 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

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

24 Aid payments shall not be reduced except: (1) for changes  
25 in the cost of items included in the grant amounts, or (2) for

1 changes in the expenses of the recipient, or (3) for changes in  
2 the income or resources available to the recipient, or (4) for  
3 changes in grants resulting from adoption of a consolidated  
4 grant amount.

5 Subject to appropriation, beginning on July 1, 2008, the  
6 Department of Human Services shall increase TANF grant amounts  
7 in effect on June 30, 2008 by 15%. The Department is authorized  
8 to administer this increase but may not otherwise adopt any  
9 rule to implement this increase.

10 In fixing standards to govern payments or reimbursements  
11 for funeral and burial expenses, the Department shall establish  
12 a minimum allowable amount of not less than \$1,000 for  
13 Department payment of funeral services and not less than \$500  
14 for Department payment of burial or cremation services. On  
15 January 1, 2006, July 1, 2006, and July 1, 2007, the Department  
16 shall increase the minimum reimbursement amount for funeral and  
17 burial expenses under this Section by a percentage equal to the  
18 percentage increase in the Consumer Price Index for All Urban  
19 Consumers, if any, during the 12 months immediately preceding  
20 that January 1 or July 1. In establishing the minimum allowable  
21 amount, the Department shall take into account the services  
22 essential to a dignified, low-cost (i) funeral and (ii) burial  
23 or cremation, including reasonable amounts that may be  
24 necessary for burial space and cemetery charges, and any  
25 applicable taxes or other required governmental fees or  
26 charges. If no person has agreed to pay the total cost of the

1 (i) funeral and (ii) burial or cremation charges, the  
2 Department shall pay the vendor the actual costs of the (i)  
3 funeral and (ii) burial or cremation, or the minimum allowable  
4 amount for each service as established by the Department,  
5 whichever is less, provided that the Department reduces its  
6 payments by the amount available from the following sources:  
7 the decedent's assets and available resources and the  
8 anticipated amounts of any death benefits available to the  
9 decedent's estate, and amounts paid and arranged to be paid by  
10 the decedent's legally responsible relatives. A legally  
11 responsible relative is expected to pay (i) funeral and (ii)  
12 burial or cremation expenses unless financially unable to do  
13 so.

14 Nothing contained in this Section or in any other Section  
15 of this Code shall be construed to prohibit the Illinois  
16 Department (1) from consolidating existing standards on the  
17 basis of any standards which are or were in effect on, or  
18 subsequent to July 1, 1969, or (2) from employing any  
19 consolidated standards in determining need for public aid and  
20 the amount of money payment or grant for individual recipients  
21 or recipient families.

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

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."