



Sen. Jeffrey M. Schoenberg

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LRB095 15591 DRJ 49088 a

1 AMENDMENT TO SENATE BILL 1925

2 AMENDMENT NO. _____. Amend Senate Bill 1925, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Public Aid Code is amended by
6 changing Section 5-2 as follows:

7 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

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

15 2. Persons otherwise eligible for basic maintenance
16 under Articles III and IV but who fail to qualify

1 thereunder on the basis of need, and who have insufficient
2 income and resources to meet the costs of necessary medical
3 care, including but not limited to the following:

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

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

21 (ii) their income, after the deduction of
22 costs incurred for medical care and for other types
23 of remedial care, is equal to or less than 70% in
24 fiscal year 2001, equal to or less than 85% in
25 fiscal year 2002 and until a date to be determined
26 by the Department by rule, and equal to or less

1 than 100% beginning on the date determined by the
2 Department by rule, of the nonfarm income official
3 poverty line, as defined in item (i) of this
4 subparagraph (a).

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

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

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

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

24 (b) The Illinois Department and the Governor shall
25 provide a plan for coverage of the persons eligible under
26 paragraph 5(a) by April 1, 1990. Such plan shall provide

1 ambulatory prenatal care to pregnant women during a
2 presumptive eligibility period and establish an income
3 eligibility standard that is equal to 133% of the nonfarm
4 income official poverty line, as defined by the federal
5 Office of Management and Budget and revised annually in
6 accordance with Section 673(2) of the Omnibus Budget
7 Reconciliation Act of 1981, applicable to families of the
8 same size, provided that costs incurred for medical care
9 are not taken into account in determining such income
10 eligibility.

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

23 6. Persons under the age of 18 who fail to qualify as
24 dependent under Article IV and who have insufficient income
25 and resources to meet the costs of necessary medical care
26 to the maximum extent permitted under Title XIX of the

1 Federal Social Security Act.

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

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

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

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

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

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

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

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

10 (ii) such coverage shall include all services
11 covered while the person was eligible for basic
12 maintenance assistance;

13 (iii) no premium shall be charged for such
14 coverage; and

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

22 9. Persons with acquired immunodeficiency syndrome
23 (AIDS) or with AIDS-related conditions with respect to whom
24 there has been a determination that but for home or
25 community-based services such individuals would require
26 the level of care provided in an inpatient hospital,

1 skilled nursing facility or intermediate care facility the
2 cost of which is reimbursed under this Article. Assistance
3 shall be provided to such persons to the maximum extent
4 permitted under Title XIX of the Federal Social Security
5 Act.

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

12 11. Persons with disabilities who are employed and
13 eligible for Medicaid, pursuant to Section
14 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
15 provided by the Illinois Department by rule. In
16 establishing eligibility standards under this paragraph
17 11, the Department shall, subject to federal approval:

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

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

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

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

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

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

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

23 "Medical assistance" under this paragraph 12 shall be
24 identical to the benefits provided under the State's
25 approved plan under Title XIX of the Social Security Act.
26 The Department must request federal approval of the

1 coverage under this paragraph 12 within 30 days after the
2 effective date of this amendatory Act of the 92nd General
3 Assembly.

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

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

1 of Homeland Security, eligibility under this paragraph 14
2 may be extended until a final decision is rendered on the
3 appeal. The Department may adopt rules governing the
4 implementation of this paragraph 14.

5 15. Persons who are not otherwise eligible for medical
6 assistance under any other paragraph of this Section who
7 meet the following requirements:

8 (a) They are at least 19 years of age and younger
9 than 65 years of age.

10 (b) They are uninsured at the time they apply for
11 medical assistance.

12 (c) They have income that is equal to or less than
13 100% of the federal poverty income guidelines. A
14 person's income shall be determined using the
15 methodology used to determine income under paragraph
16 2(a)(i) of this Section.

17 Notwithstanding any other provision of this Code,
18 eligible non-citizens as defined under Section 1-11 of this
19 Code may qualify regardless of when they entered the United
20 States. The Department may require that persons enrolled
21 under this paragraph 15 choose a medical home and a primary
22 care provider. Covered services shall include all services
23 covered for persons enrolled under paragraph 2(a)(i) of
24 this Section except that long-term care services shall not
25 be covered. For services provided to persons for whom
26 federal matching funds are not available, the Department

1 may establish rates of reimbursement for and make payments
2 to providers that are owned or operated by a State agency,
3 a State university, or a county with a population of
4 3,000,000 or more that differ from rates otherwise
5 established under this Code.

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

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

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

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

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