

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 adding Section 1-8.5 as follows:

6 (305 ILCS 5/1-8.5 new)

7 Sec. 1-8.5. Eligibility for medical assistance during
8 periods of incarceration or detention.

9 (a) To the extent permitted by federal law and
10 notwithstanding any other provision of this Code, the
11 Department of Healthcare and Family Services shall not cancel a
12 person's eligibility for medical assistance solely because
13 that person has become an inmate of a public institution,
14 including, but not limited to, a county jail, juvenile
15 detention center, or State correctional facility. The person
16 may remain enrolled for medical assistance as long as all other
17 eligibility criteria are met.

18 (b) The Department may adopt rules to permit a person to
19 apply for medical assistance while he or she is an inmate of a
20 public institution as described in subsection (a). The rules
21 may limit applications to persons who would be likely to
22 qualify for medical assistance if they resided in the
23 community. Any such person who is not already enrolled for

1 medical assistance may apply for medical assistance no more
2 than 30 days prior to the date of scheduled release or
3 discharge from a penal institution or county jail or similar
4 status.

5 (c) Except as provided under Section 17 of the County Jail
6 Act, the Department shall not be responsible to provide medical
7 assistance under this Code for any medical care, services, or
8 supplies provided to a person while he or she is an inmate of a
9 public institution as described in subsection (a). The
10 responsibility for providing medical care shall remain as
11 otherwise provided by law with the Department of Corrections,
12 county, or other arresting authority. The Department may seek
13 federal financial participation, to the extent that it is
14 available and with the cooperation of the Department of
15 Juvenile Justice, the Department of Corrections, or the
16 relevant county, for the costs of those services.

17 (d) To the extent permitted under State and federal law,
18 the Department shall develop procedures to expedite required
19 periodic reviews of continued eligibility for persons
20 described in subsection (a).

21 (e) Counties, the Department of Juvenile Justice, and the
22 Department of Corrections shall cooperate with the Department
23 in administering this Section. That cooperation shall include
24 sharing information sufficient to inform the Department, in a
25 manner established by the Department, that a person enrolled in
26 the medical assistance program has been detained or

1 incarcerated. The Department of Human Services shall cooperate
2 with the Department in making determinations of eligibility
3 under this Section.

4 (f) The Department shall resume responsibility for
5 providing medical assistance upon release of the person to the
6 community as long as all of the following apply:

7 (1) The person is enrolled for medical assistance at
8 the time of release.

9 (2) Neither a county, the Department of Juvenile
10 Justice, the Department of Corrections, nor any other
11 criminal justice authority continues to bear
12 responsibility for the person's medical care.

13 (3) The county, the Department of Juvenile Justice, or
14 the Department of Corrections provides timely notice of the
15 date of release in a manner established by the Department.

16 (g) This Section applies on and after July 1, 2010.