

SB1779



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1779

Introduced 2/20/2009, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-9

from Ch. 23, par. 12-9

Amends the Illinois Public Aid Code. Makes a technical change in a Section concerning the Public Aid Recoveries Trust Fund.

LRB096 08400 DRJ 18512 b

A BILL FOR

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 Section 12-9 as follows:

6 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

7 Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The ~~The~~
8 Public Aid Recoveries Trust Fund shall consist of (1)
9 recoveries by the Department of Healthcare and Family Services
10 (formerly Illinois Department of Public Aid) authorized by this
11 Code in respect to applicants or recipients under Articles III,
12 IV, V, and VI, including recoveries made by the Department of
13 Healthcare and Family Services (formerly Illinois Department
14 of Public Aid) from the estates of deceased recipients, (2)
15 recoveries made by the Department of Healthcare and Family
16 Services (formerly Illinois Department of Public Aid) in
17 respect to applicants and recipients under the Children's
18 Health Insurance Program, and (3) federal funds received on
19 behalf of and earned by State universities and local
20 governmental entities for services provided to applicants or
21 recipients covered under this Code. The Fund shall be held as a
22 special fund in the State Treasury.

23 Disbursements from this Fund shall be only (1) for the

1 reimbursement of claims collected by the Department of
2 Healthcare and Family Services (formerly Illinois Department
3 of Public Aid) through error or mistake, (2) for payment to
4 persons or agencies designated as payees or co-payees on any
5 instrument, whether or not negotiable, delivered to the
6 Department of Healthcare and Family Services (formerly
7 Illinois Department of Public Aid) as a recovery under this
8 Section, such payment to be in proportion to the respective
9 interests of the payees in the amount so collected, (3) for
10 payments to the Department of Human Services for collections
11 made by the Department of Healthcare and Family Services
12 (formerly Illinois Department of Public Aid) on behalf of the
13 Department of Human Services under this Code, (4) for payment
14 of administrative expenses incurred in performing the
15 activities authorized under this Code, (5) for payment of fees
16 to persons or agencies in the performance of activities
17 pursuant to the collection of monies owed the State that are
18 collected under this Code, (6) for payments of any amounts
19 which are reimbursable to the federal government which are
20 required to be paid by State warrant by either the State or
21 federal government, and (7) for payments to State universities
22 and local governmental entities of federal funds for services
23 provided to applicants or recipients covered under this Code.
24 Disbursements from this Fund for purposes of items (4) and (5)
25 of this paragraph shall be subject to appropriations from the
26 Fund to the Department of Healthcare and Family Services

1 (formerly Illinois Department of Public Aid).

2 The balance in this Fund on the first day of each calendar
3 quarter, after payment therefrom of any amounts reimbursable to
4 the federal government, and minus the amount reasonably
5 anticipated to be needed to make the disbursements during that
6 quarter authorized by this Section, shall be certified by the
7 Director of Healthcare and Family Services and transferred by
8 the State Comptroller to the Drug Rebate Fund or the General
9 Revenue Fund in the State Treasury, as appropriate, within 30
10 days of the first day of each calendar quarter.

11 On July 1, 1999, the State Comptroller shall transfer the
12 sum of \$5,000,000 from the Public Aid Recoveries Trust Fund
13 (formerly the Public Assistance Recoveries Trust Fund) into the
14 DHS Recoveries Trust Fund.

15 (Source: P.A. 95-331, eff. 8-21-07.)