



Sen. Carole Pankau

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1 AMENDMENT TO SENATE BILL 2991

2 AMENDMENT NO. _____. Amend Senate Bill 2991 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children's Health Insurance Program Act is
5 amended by changing Sections 20 and 40 as follows:

6 (215 ILCS 106/20)

7 Sec. 20. Eligibility.

8 (a) To be eligible for this Program, a person must be a
9 person who has a child eligible under this Act and who is
10 eligible under a waiver of federal requirements pursuant to an
11 application made pursuant to subdivision (a)(1) of Section 40
12 of this Act or who is a child who:

13 (1) is a child who is not eligible for medical
14 assistance;

15 (2) is a child whose annual household income, as
16 determined by the Department, is above 133% of the federal

1 poverty level and at or below 200% of the federal poverty
2 level;

3 (2.5) is a child whose household assets do not exceed
4 \$10,000, excluding (i) the value of the residence in which
5 the child lives and (ii) the value of a vehicle used by the
6 household for transportation purposes; for purposes of
7 this paragraph (2.5), "vehicle" does not include a
8 recreational vehicle as defined in the Campground
9 Licensing and Recreational Area Act;

10 (3) is a resident of the State of Illinois; and

11 (4) is a child who is either a United States citizen or
12 included in one of the following categories of
13 non-citizens:

14 (A) unmarried dependent children of either a
15 United States Veteran honorably discharged or a person
16 on active military duty;

17 (B) refugees under Section 207 of the Immigration
18 and Nationality Act;

19 (C) asylees under Section 208 of the Immigration
20 and Nationality Act;

21 (D) persons for whom deportation has been withheld
22 under Section 243(h) of the Immigration and
23 Nationality Act;

24 (E) persons granted conditional entry under
25 Section 203(a)(7) of the Immigration and Nationality
26 Act as in effect prior to April 1, 1980;

1 (F) persons lawfully admitted for permanent
2 residence under the Immigration and Nationality Act;
3 and

4 (G) parolees, for at least one year, under Section
5 212(d)(5) of the Immigration and Nationality Act.

6 Those children who are in the categories set forth in
7 subdivisions (4)(F) and (4)(G) of this subsection, who enter
8 the United States on or after August 22, 1996, shall not be
9 eligible for 5 years beginning on the date the child entered
10 the United States.

11 (b) A child who is determined to be eligible for assistance
12 may remain eligible for 12 months, provided the child maintains
13 his or her residence in the State, has not yet attained 19
14 years of age, and is not excluded pursuant to subsection (c). A
15 child who has been determined to be eligible for assistance
16 must reapply or otherwise establish eligibility at least
17 annually. An eligible child shall be required, ~~as determined by~~
18 ~~the Department by rule,~~ to report ~~promptly~~ those changes in
19 income and other circumstances that affect eligibility within
20 30 days after the occurrence of the change. A failure to report
21 such a change to the Department within 30 days, without good
22 cause, is punishable as provided in Section 8A-6 of the
23 Illinois Public Aid Code. The eligibility of a child may be
24 redetermined based on the information reported or may be
25 terminated based on the failure to report or failure to report
26 accurately. A child's responsible relative or caretaker may

1 also be held liable to the Department for any payments made by
2 the Department on such child's behalf that were inappropriate.
3 An applicant shall be provided with notice of these
4 obligations.

5 (c) A child shall not be eligible for coverage under this
6 Program if:

7 (1) the premium required pursuant to Section 30 of this
8 Act has not been paid. If the required premiums are not
9 paid the liability of the Program shall be limited to
10 benefits incurred under the Program for the time period for
11 which premiums had been paid. If the required monthly
12 premium is not paid, the child shall be ineligible for
13 re-enrollment for a minimum period of 3 months.
14 Re-enrollment shall be completed prior to the next covered
15 medical visit and the first month's required premium shall
16 be paid in advance of the next covered medical visit. The
17 Department shall promulgate rules regarding grace periods,
18 notice requirements, and hearing procedures pursuant to
19 this subsection;

20 (2) the child is an inmate of a public institution or a
21 patient in an institution for mental diseases; or

22 (3) the child is a member of a family that is eligible
23 for health benefits covered under the State of Illinois
24 health benefits plan on the basis of a member's employment
25 with a public agency.

26 (d) The changes made by this amendatory Act of the 96th

1 General Assembly shall apply to persons applying for benefits
2 under this Act on or after January 1, 2011, as prescribed by
3 Department rules.

4 (e) The changes made by this amendatory Act of the 96th
5 General Assembly shall apply to persons entitled to benefits
6 under this Act beginning January 1, 2012. For purposes of this
7 Section "persons entitled to benefits" means persons entitled
8 to benefits under this Act as of the effective date of this
9 amendatory Act of the 96th General Assembly. The Department
10 shall adopt rules to implement the changes made by this
11 amendatory Act of the 96th General Assembly by January 1, 2012.
12 The Department shall create, by rule, compliance dates for new
13 applicants and existing applicants.

14 (Source: P.A. 92-597, eff. 6-28-02; 93-63, eff. 6-30-03.)

15 (215 ILCS 106/40)

16 Sec. 40. Waivers.

17 (a) The Department shall request any necessary waivers of
18 federal requirements in order to allow receipt of federal
19 funding for:

20 (1) the coverage of families with eligible children
21 under this Act; and

22 (2) the coverage of children who would otherwise be
23 eligible under this Act, but who have health insurance.

24 (b) The failure of the responsible federal agency to
25 approve a waiver for children who would otherwise be eligible

1 under this Act but who have health insurance shall not prevent
2 the implementation of any Section of this Act provided that
3 there are sufficient appropriated funds.

4 (c) Eligibility of a person under an approved waiver due to
5 the relationship with a child pursuant to Article V of the
6 Illinois Public Aid Code or this Act shall be limited to such a
7 person whose countable income is determined by the Department
8 to be at or below such income eligibility standard as the
9 Department by rule shall establish. The income level
10 established by the Department shall not be below 90% of the
11 federal poverty level. Such persons who are determined to be
12 eligible must reapply, or otherwise establish eligibility, at
13 least annually. An eligible person shall be required, ~~as~~
14 ~~determined by the Department by rule,~~ to report ~~promptly~~ those
15 changes in income and other circumstances that affect
16 eligibility to the Department within 30 days after the
17 occurrence of the change. A failure to report such a change to
18 the Department within 30 days, without good cause, is
19 punishable as provided in Section 8A-6 of the Illinois Public
20 Aid Code. The eligibility of a person may be redetermined based
21 on the information reported or may be terminated based on the
22 failure to report or failure to report accurately. A person may
23 also be held liable to the Department for any payments made by
24 the Department on such person's behalf that were inappropriate.
25 An applicant shall be provided with notice of these
26 obligations.

1 (d) The changes made by this amendatory Act of the 96th
2 General Assembly shall apply to persons applying for benefits
3 under this Act on or after January 1, 2011, as prescribed by
4 Department rules.

5 (e) The changes made by this amendatory Act of the 96th
6 General Assembly shall apply to persons entitled to benefits
7 under this Act beginning January 1, 2012. For purposes of this
8 Section "persons entitled to benefits" means persons entitled
9 to benefits under this Act as of the effective date of this
10 amendatory Act of the 96th General Assembly. The Department
11 shall adopt rules to implement the changes made by this
12 amendatory Act of the 96th General Assembly by January 1, 2012.
13 The Department shall create, by rule, compliance dates for new
14 applicants and existing applicants.

15 (Source: P.A. 96-328, eff. 8-11-09.)

16 Section 10. The Covering ALL KIDS Health Insurance Act is
17 amended by changing Section 20 as follows:

18 (215 ILCS 170/20)

19 (Section scheduled to be repealed on July 1, 2011)

20 Sec. 20. Eligibility.

21 (a) To be eligible for the Program, a person must be a
22 child:

23 (1) who is a resident of the State of Illinois; and

24 (2) who is ineligible for medical assistance under the

1 Illinois Public Aid Code or benefits under the Children's
2 Health Insurance Program Act; and

3 (3) either (i) who has been without health insurance
4 coverage for a period set forth by the Department in rules,
5 but not less than 6 months during the first month of
6 operation of the Program, 7 months during the second month
7 of operation, 8 months during the third month of operation,
8 9 months during the fourth month of operation, 10 months
9 during the fifth month of operation, 11 months during the
10 sixth month of operation, and 12 months thereafter, (ii)
11 whose parent has lost employment that made available
12 affordable dependent health insurance coverage, until such
13 time as affordable employer-sponsored dependent health
14 insurance coverage is again available for the child as set
15 forth by the Department in rules, (iii) who is a newborn
16 whose responsible relative does not have available
17 affordable private or employer-sponsored health insurance,
18 or (iv) who, within one year of applying for coverage under
19 this Act, lost medical benefits under the Illinois Public
20 Aid Code or the Children's Health Insurance Program Act;
21 and-

22 (4) whose household assets do not exceed \$10,000,
23 excluding (i) the value of the residence in which the child
24 lives and (ii) the value of a vehicle used by the household
25 for transportation purposes; for purposes of this
26 paragraph (4), "vehicle" does not include a recreational

1 vehicle as defined in the Campground Licensing and
2 Recreational Area Act.

3 An entity that provides health insurance coverage (as
4 defined in Section 2 of the Comprehensive Health Insurance Plan
5 Act) to Illinois residents shall provide health insurance data
6 match to the Department of Healthcare and Family Services for
7 the purpose of determining eligibility for the Program under
8 this Act.

9 The Department of Healthcare and Family Services, in
10 collaboration with the Department of Financial and
11 Professional Regulation, Division of Insurance, shall adopt
12 rules governing the exchange of information under this Section.
13 The rules shall be consistent with all laws relating to the
14 confidentiality or privacy of personal information or medical
15 records, including provisions under the Federal Health
16 Insurance Portability and Accountability Act (HIPAA).

17 (b) The Department shall monitor the availability and
18 retention of employer-sponsored dependent health insurance
19 coverage and shall modify the period described in subdivision
20 (a)(3) if necessary to promote retention of private or
21 employer-sponsored health insurance and timely access to
22 healthcare services, but at no time shall the period described
23 in subdivision (a)(3) be less than 6 months.

24 (c) The Department, at its discretion, may take into
25 account the affordability of dependent health insurance when
26 determining whether employer-sponsored dependent health

1 insurance coverage is available upon reemployment of a child's
2 parent as provided in subdivision (a) (3).

3 (d) A child who is determined to be eligible for the
4 Program shall remain eligible for 12 months, provided that the
5 child maintains his or her residence in this State, has not yet
6 attained 19 years of age, and is not excluded under subsection
7 (e). A child who has been determined to be eligible for the
8 Program must reapply or otherwise establish eligibility at
9 least annually. An eligible child shall be required to report
10 those changes in income and other circumstances that affect
11 eligibility within 30 days after the occurrence of the change.
12 A failure to report such a change to the Department within 30
13 days, without good cause, is punishable as provided in Section
14 8A-6 of the Illinois Public Aid Code. The eligibility of a
15 child may be redetermined based on the information reported or
16 may be terminated based on the failure to report or failure to
17 report accurately. A child's responsible relative or caretaker
18 may also be held liable to the Department for any payments made
19 by the Department on the child's behalf that were
20 inappropriate. An applicant shall be provided with notice of
21 these obligations.

22 (e) A child is not eligible for coverage under the Program
23 if:

24 (1) the premium required under Section 40 has not been
25 timely paid; if the required premiums are not paid, the
26 liability of the Program shall be limited to benefits

1 incurred under the Program for the time period for which
2 premiums have been paid; if the required monthly premium is
3 not paid, the child is ineligible for re-enrollment for a
4 minimum period of 3 months; re-enrollment shall be
5 completed before the next covered medical visit, and the
6 first month's required premium shall be paid in advance of
7 the next covered medical visit; or

8 (2) the child is an inmate of a public institution or
9 an institution for mental diseases.

10 (f) The Department shall adopt eligibility rules,
11 including, but not limited to: rules regarding annual renewals
12 of eligibility for the Program; rules providing for
13 re-enrollment, grace periods, notice requirements, and hearing
14 procedures under subdivision (e) (1) of this Section; and rules
15 regarding what constitutes availability and affordability of
16 private or employer-sponsored health insurance, with
17 consideration of such factors as the percentage of income
18 needed to purchase children or family health insurance, the
19 availability of employer subsidies, and other relevant
20 factors.

21 (g) The changes made by this amendatory Act of the 96th
22 General Assembly shall apply to persons applying for benefits
23 under this Act on or after January 1, 2011, as prescribed by
24 Department rules.

25 (h) The changes made by this amendatory Act of the 96th
26 General Assembly shall apply to persons entitled to benefits

1 under this Act beginning January 1, 2012. For purposes of this
2 Section "persons entitled to benefits" means persons entitled
3 to benefits under this Act as of the effective date of this
4 amendatory Act of the 96th General Assembly. The Department
5 shall adopt rules to implement the changes made by this
6 amendatory Act of the 96th General Assembly by January 1, 2012.
7 The Department shall create, by rule, compliance dates for new
8 applicants and existing applicants.

9 (Source: P.A. 94-693, eff. 7-1-06.)

10 Section 15. The Illinois Public Aid Code is amended by
11 changing Section 8A-6 as follows:

12 (305 ILCS 5/8A-6) (from Ch. 23, par. 8A-6)

13 Sec. 8A-6. Classification of violations.

14 (a) Any person, firm, corporation, association, agency,
15 institution or other legal entity that has been found by a
16 court to have engaged in an act, practice or course of conduct
17 declared unlawful under Sections 8A-2 through 8A-5 or Section
18 8A-13 or 8A-14 where:

19 (1) the total amount of money involved in the
20 violation, including the monetary value of federal food
21 stamps and the value of commodities, is less than \$150,
22 shall be guilty of a Class A misdemeanor;

23 (2) the total amount of money involved in the
24 violation, including the monetary value of federal food

1 stamps and the value of commodities, is \$150 or more but
2 less than \$1,000, shall be guilty of a Class 4 felony;

3 (3) the total amount of money involved in the
4 violation, including the monetary value of federal food
5 stamps and the value of commodities, is \$1,000 or more but
6 less than \$5,000, shall be guilty of a Class 3 felony;

7 (4) the total amount of money involved in the
8 violation, including the monetary value of federal food
9 stamps and the value of commodities, is \$5,000 or more but
10 less than \$10,000, shall be guilty of a Class 2 felony; or

11 (5) the total amount of money involved in the
12 violation, including the monetary value of federal food
13 stamps and the value of commodities, is \$10,000 or more,
14 shall be guilty of a Class 1 felony and, notwithstanding
15 the provisions of Section 8A-8 except for Subsection (c) of
16 Section 8A-8, shall be ineligible for financial aid under
17 this Article for a period of two years following conviction
18 or until the total amount of money, including the value of
19 federal food stamps, is repaid, whichever first occurs.

20 (b) Any person, firm, corporation, association, agency,
21 institution or other legal entity that commits a subsequent
22 violation of any of the provisions of Sections 8A-2 through
23 8A-5 and:

24 (1) the total amount of money involved in the
25 subsequent violation, including the monetary value of
26 federal food stamps and the value of commodities, is less

1 than \$150, shall be guilty of a Class 4 felony;

2 (2) the total amount of money involved in the
3 subsequent violation, including the monetary value of
4 federal food stamps and the value of commodities, is \$150
5 or more but less than \$1,000, shall be guilty of a Class 3
6 felony;

7 (3) the total amount of money involved in the
8 subsequent violation, including the monetary value of
9 federal food stamps and the value of commodities, is \$1,000
10 or more but less than \$5,000, shall be guilty of a Class 2
11 felony;

12 (4) the total amount of money involved in the
13 subsequent violation, including the monetary value of
14 federal food stamps and the value of commodities, is \$5,000
15 or more but less than \$10,000, shall be guilty of a Class 1
16 felony.

17 (c) For purposes of determining the classification of
18 offense under this Section, all of the money received as a
19 result of the unlawful act, practice or course of conduct can
20 be accumulated.

21 (d) A failure to report a change in income or other
22 circumstances to the Department of Healthcare and Family
23 Services within 30 days as required under subsection (b) of
24 Section 20 or subsection (c) of Section 40 of the Children's
25 Health Insurance Program Act, or subsection (d) of Section 20
26 of the Covering ALL KIDS Health Insurance Act, without good

1 cause, is a Class A misdemeanor for which a fine not to exceed
2 \$10,000 may be imposed. In addition, if a person receives
3 benefits under Section 20 or 40 of the Children's Health
4 Insurance Program Act or Section 20 of the Covering ALL KIDS
5 Health Insurance Act to which he or she was not entitled
6 because of the person's failure, without good cause, to report
7 a change in income or other circumstances that would have
8 rendered the person ineligible for those benefits, the person
9 must repay to the Department of Healthcare and Family Services
10 the amount of benefits wrongly received.

11 (e) The changes made by this amendatory Act of the 96th
12 General Assembly shall apply to persons applying for benefits
13 under this Code on or after January 1, 2011, as prescribed by
14 Department rules.

15 (f) The changes made by this amendatory Act of the 96th
16 General Assembly shall apply to persons entitled to benefits
17 under this Code beginning January 1, 2012. For purposes of this
18 Section "persons entitled to benefits" means persons entitled
19 to benefits under this Act as of the effective date of this
20 amendatory Act of the 96th General Assembly.

21 (Source: P.A. 90-538, eff. 12-1-97.)

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