



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3885

Introduced 11/21/2011, by Rep. Sara Feigenholtz - Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

20 ILCS 415/4d

from Ch. 127, par. 63b104d

30 ILCS 500/20-30

305 ILCS 5/11-5.1

Amends the Personnel Code. Provides that 20 selected Senior Public Service Administrator positions within the Department of Healthcare and Family Services designated by the Director of that agency as requiring specific knowledge of healthcare administration, healthcare finance, healthcare data analytics, or information technology are exempt from jurisdiction B under certain conditions. Amends the Illinois Procurement Code. Provides that, notwithstanding any other law, rule, regulation, or provision of any kind, the Department of Healthcare and Family Services may procure goods and services for the verification of income and eligibility from a vendor as an emergency procurement to meet the agency's responsibilities, and may enter into a contract following that emergency procurement for not more than 18 months and sets forth procurement procedures for this type of transaction. Amends the Illinois Public Aid Code. Provides that, notwithstanding the provisions of the Illinois Procurement Code to the contrary, to expedite the expansion of electronic verification of income, the Department of Healthcare and Family Services may contract with an income verification service vendor for a contract term of up to 18 months in accordance with the Illinois Procurement Code and that the services of the vendor shall be available for verification of eligibility for any means-tested health benefits programs administered by the Department. Effective immediately.

LRB097 14827 KTG 59856 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Personnel Code is amended by changing
5 Section 4d as follows:

6 (20 ILCS 415/4d) (from Ch. 127, par. 63b104d)

7 Sec. 4d. Partial exemptions. The following positions in
8 State service are exempt from jurisdictions A, B, and C to the
9 extent stated for each, unless those jurisdictions are extended
10 as provided in this Act:

11 (1) In each department, board or commission that now
12 maintains or may hereafter maintain a major administrative
13 division, service or office in both Sangamon County and Cook
14 County, 2 private secretaries for the director or chairman
15 thereof, one located in the Cook County office and the other
16 located in the Sangamon County office, shall be exempt from
17 jurisdiction B; in all other departments, boards and
18 commissions one private secretary for the director or chairman
19 thereof shall be exempt from jurisdiction B. In all
20 departments, boards and commissions one confidential assistant
21 for the director or chairman thereof shall be exempt from
22 jurisdiction B. This paragraph is subject to such modifications
23 or waiver of the exemptions as may be necessary to assure the

1 continuity of federal contributions in those agencies
2 supported in whole or in part by federal funds.

3 (2) The resident administrative head of each State
4 charitable, penal and correctional institution, the chaplains
5 thereof, and all member, patient and inmate employees are
6 exempt from jurisdiction B.

7 (3) The Civil Service Commission, upon written
8 recommendation of the Director of Central Management Services,
9 shall exempt from jurisdiction B other positions which, in the
10 judgment of the Commission, involve either principal
11 administrative responsibility for the determination of policy
12 or principal administrative responsibility for the way in which
13 policies are carried out, except positions in agencies which
14 receive federal funds if such exemption is inconsistent with
15 federal requirements, and except positions in agencies
16 supported in whole by federal funds.

17 (4) All beauticians and teachers of beauty culture and
18 teachers of barbering, and all positions heretofore paid under
19 Section 1.22 of "An Act to standardize position titles and
20 salary rates", approved June 30, 1943, as amended, shall be
21 exempt from jurisdiction B.

22 (5) Licensed attorneys in positions as legal or technical
23 advisors, positions in the Department of Natural Resources
24 requiring incumbents to be either a registered professional
25 engineer or to hold a bachelor's degree in engineering from a
26 recognized college or university, licensed physicians in

1 positions of medical administrator or physician or physician
2 specialist (including psychiatrists), and registered nurses
3 (except those registered nurses employed by the Department of
4 Public Health), except those in positions in agencies which
5 receive federal funds if such exemption is inconsistent with
6 federal requirements and except those in positions in agencies
7 supported in whole by federal funds, are exempt from
8 jurisdiction B only to the extent that the requirements of
9 Section 8b.1, 8b.3 and 8b.5 of this Code need not be met.

10 (6) All positions established outside the geographical
11 limits of the State of Illinois to which appointments of other
12 than Illinois citizens may be made are exempt from jurisdiction
13 B.

14 (7) Staff attorneys reporting directly to individual
15 Commissioners of the Illinois Workers' Compensation Commission
16 are exempt from jurisdiction B.

17 (8) Twenty selected Senior Public Service Administrator
18 positions within the Department of Healthcare and Family
19 Services designated by the Director of that agency as requiring
20 specific knowledge of healthcare administration, healthcare
21 finance, healthcare data analytics, or information technology
22 are exempt from jurisdiction B only to the extent that the
23 requirements of Sections 8b.1, 8b.3, and 8b.5 of this Code need
24 not be met.

25 (Source: P.A. 93-721, eff. 1-1-05.)

1 Section 7. The Illinois Procurement Code is amended by
2 changing Section 20-30 as follows:

3 (30 ILCS 500/20-30)

4 Sec. 20-30. Emergency purchases.

5 (a) Conditions for use. In accordance with standards set by
6 rule, a purchasing agency may make emergency procurements
7 without competitive sealed bidding or prior notice when there
8 exists a threat to public health or public safety, or when
9 immediate expenditure is necessary for repairs to State
10 property in order to protect against further loss of or damage
11 to State property, to prevent or minimize serious disruption in
12 critical State services that affect health, safety, or
13 collection of substantial State revenues, or to ensure the
14 integrity of State records; provided, however, that the term of
15 the emergency purchase shall be limited to the time reasonably
16 needed for a competitive procurement, not to exceed 90 days. A
17 contract may be extended beyond 90 days if the chief
18 procurement officer determines additional time is necessary
19 and that the contract scope and duration are limited to the
20 emergency. Prior to execution of the extension, the chief
21 procurement officer must hold a public hearing and provide
22 written justification for all emergency contracts. Members of
23 the public may present testimony. Emergency procurements shall
24 be made with as much competition as is practicable under the
25 circumstances. A written description of the basis for the

1 emergency and reasons for the selection of the particular
2 contractor shall be included in the contract file.

3 (b) Notice. Notice of all emergency procurements shall be
4 provided to the Procurement Policy Board and published in the
5 online electronic Bulletin no later than 3 business days after
6 the contract is awarded. Notice of intent to extend an
7 emergency contract shall be provided to the Procurement Policy
8 Board and published in the online electronic Bulletin at least
9 14 days before the public hearing. Notice shall include at
10 least a description of the need for the emergency purchase, the
11 contractor, and if applicable, the date, time, and location of
12 the public hearing. A copy of this notice and all documents
13 provided at the hearing shall be included in the subsequent
14 Procurement Bulletin. Before the next appropriate volume of the
15 Illinois Procurement Bulletin, the purchasing agency shall
16 publish in the Illinois Procurement Bulletin a copy of each
17 written description and reasons and the total cost of each
18 emergency procurement made during the previous month. When only
19 an estimate of the total cost is known at the time of
20 publication, the estimate shall be identified as an estimate
21 and published. When the actual total cost is determined, it
22 shall also be published in like manner before the 10th day of
23 the next succeeding month.

24 (c) Affidavits. A chief procurement officer making a
25 procurement under this Section shall file affidavits with the
26 Procurement Policy Board and the Auditor General within 10 days

1 after the procurement setting forth the amount expended, the
2 name of the contractor involved, and the conditions and
3 circumstances requiring the emergency procurement. When only
4 an estimate of the cost is available within 10 days after the
5 procurement, the actual cost shall be reported immediately
6 after it is determined. At the end of each fiscal quarter, the
7 Auditor General shall file with the Legislative Audit
8 Commission and the Governor a complete listing of all emergency
9 procurements reported during that fiscal quarter. The
10 Legislative Audit Commission shall review the emergency
11 procurements so reported and, in its annual reports, advise the
12 General Assembly of procurements that appear to constitute an
13 abuse of this Section.

14 (d) Quick purchases. The chief procurement officer may
15 promulgate rules extending the circumstances by which a
16 purchasing agency may make purchases under this Section,
17 including but not limited to the procurement of items available
18 at a discount for a limited period of time.

19 (e) The changes to this Section made by this amendatory Act
20 of the 96th General Assembly apply to procurements executed on
21 or after its effective date.

22 (f) Notwithstanding any other law, rule, regulation, or
23 provision of any kind, the Department of Healthcare and Family
24 Services may procure goods and services for the verification of
25 income and eligibility from a vendor as an emergency
26 procurement within the meaning of subsection (a) of this

1 Section to meet the agency's responsibilities as set forth
2 under Section 11-5.1 of the Illinois Public Aid Code, also
3 known as the Medicaid Reform Law, and may, moreover, enter into
4 a contract following that emergency procurement for a duration
5 of not more than 18 months. For purposes of this transaction
6 only, the acquisition of goods and services for income and
7 eligibility verification for purposes of compliance with
8 Section 11-5.1 of the Illinois Public Aid Code shall be deemed
9 an emergency within the meaning of subsection (a) of this
10 Section. For purposes of this transaction, the Department of
11 Healthcare and Family Services may conduct the procurement of
12 these goods and services, and enter into a contract for a
13 period not to exceed 18 months without adhering to the
14 requirements set forth in subsections (b), (c), and (d) of this
15 Section. The Director of the Department of Healthcare and
16 Family Services shall have the exclusive authority only with
17 respect to this transaction to conduct the procurement for the
18 necessary goods and services and subsequently enter into a
19 contract resulting from that procurement for a term not
20 exceeding 18 months.

21 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
22 for the effective date of changes made by P.A. 96-795).)

23 Section 10. The Illinois Public Aid Code is amended by
24 changing Section 11-5.1 as follows:

1 (305 ILCS 5/11-5.1)

2 Sec. 11-5.1. Eligibility verification. Notwithstanding any
3 other provision of this Code, with respect to applications for
4 medical assistance provided under Article V of this Code,
5 eligibility shall be determined in a manner that ensures
6 program integrity and complies with federal laws and
7 regulations while minimizing unnecessary barriers to
8 enrollment. To this end, as soon as practicable, and unless the
9 Department receives written denial from the federal
10 government, this Section shall be implemented:

11 (a) The Department of Healthcare and Family Services or its
12 designees shall:

13 (1) By no later than July 1, 2011, require verification
14 of, at a minimum, one month's income from all sources
15 required for determining the eligibility of applicants for
16 medical assistance under this Code. Such verification
17 shall take the form of pay stubs, business or income and
18 expense records for self-employed persons, letters from
19 employers, and any other valid documentation of income
20 including data obtained electronically by the Department
21 or its designees from other sources as described in
22 subsection (b) of this Section.

23 (2) By no later than October 1, 2011, require
24 verification of, at a minimum, one month's income from all
25 sources required for determining the continued eligibility
26 of recipients at their annual review of eligibility for

1 medical assistance under this Code. Such verification
2 shall take the form of pay stubs, business or income and
3 expense records for self-employed persons, letters from
4 employers, and any other valid documentation of income
5 including data obtained electronically by the Department
6 or its designees from other sources as described in
7 subsection (b) of this Section. The Department shall send a
8 notice to recipients at least 60 days prior to the end of
9 their period of eligibility that informs them of the
10 requirements for continued eligibility. If a recipient
11 does not fulfill the requirements for continued
12 eligibility by the deadline established in the notice a
13 notice of cancellation shall be issued to the recipient and
14 coverage shall end on the last day of the eligibility
15 period. A recipient's eligibility may be reinstated
16 without requiring a new application if the recipient
17 fulfills the requirements for continued eligibility prior
18 to the end of the month following the last date of
19 coverage. Nothing in this Section shall prevent an
20 individual whose coverage has been cancelled from
21 reapplying for health benefits at any time.

22 (3) By no later than July 1, 2011, require verification
23 of Illinois residency.

24 (b) The Department shall establish or continue cooperative
25 arrangements with the Social Security Administration, the
26 Illinois Secretary of State, the Department of Human Services,

1 the Department of Revenue, the Department of Employment
2 Security, and any other appropriate entity to gain electronic
3 access, to the extent allowed by law, to information available
4 to those entities that may be appropriate for electronically
5 verifying any factor of eligibility for benefits under the
6 Program. Data relevant to eligibility shall be provided for no
7 other purpose than to verify the eligibility of new applicants
8 or current recipients of health benefits under the Program.
9 Data shall be requested or provided for any new applicant or
10 current recipient only insofar as that individual's
11 circumstances are relevant to that individual's or another
12 individual's eligibility. Notwithstanding the provisions of
13 the Illinois Procurement Code to the contrary, in order to
14 expedite the expansion of electronic verification of income,
15 the Department of Healthcare and Family Services is authorized
16 to contract with an income verification service vendor for a
17 contract term of up to 18 months in accordance with the
18 procedures set forth for such procurement within subsection (f)
19 of Section 20-30 of the Illinois Procurement Code. The services
20 of such vendor shall be available for verification of
21 eligibility for any means-tested health benefits programs
22 administered by the Department of Healthcare and Family
23 Services.

24 (c) Within 90 days of the effective date of this amendatory
25 Act of the 96th General Assembly, the Department of Healthcare
26 and Family Services shall send notice to current recipients

1 informing them of the changes regarding their eligibility
2 verification.

3 (Source: P.A. 96-1501, eff. 1-25-11.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.