



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2482

Introduced 2/18/2015, by Rep. Cynthia Soto

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5

from Ch. 23, par. 5-5

Amends the Medical Assistance Article of the Illinois Public Aid Code. In provisions concerning kidney transplantation coverage for noncitizens with end-stage renal disease, restricts coverage to persons receiving emergency renal dialysis services covered by the Department prior to January 1, 2015. Effective immediately.

LRB099 03729 KTG 23741 b

FISCAL NOTE ACT  
MAY APPLY

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 5-5 as follows:

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

7 Sec. 5-5. Medical services. The Illinois Department, by  
8 rule, shall determine the quantity and quality of and the rate  
9 of reimbursement for the medical assistance for which payment  
10 will be authorized, and the medical services to be provided,  
11 which may include all or part of the following: (1) inpatient  
12 hospital services; (2) outpatient hospital services; (3) other  
13 laboratory and X-ray services; (4) skilled nursing home  
14 services; (5) physicians' services whether furnished in the  
15 office, the patient's home, a hospital, a skilled nursing home,  
16 or elsewhere; (6) medical care, or any other type of remedial  
17 care furnished by licensed practitioners; (7) home health care  
18 services; (8) private duty nursing service; (9) clinic  
19 services; (10) dental services, including prevention and  
20 treatment of periodontal disease and dental caries disease for  
21 pregnant women, provided by an individual licensed to practice  
22 dentistry or dental surgery; for purposes of this item (10),  
23 "dental services" means diagnostic, preventive, or corrective

1 procedures provided by or under the supervision of a dentist in  
2 the practice of his or her profession; (11) physical therapy  
3 and related services; (12) prescribed drugs, dentures, and  
4 prosthetic devices; and eyeglasses prescribed by a physician  
5 skilled in the diseases of the eye, or by an optometrist,  
6 whichever the person may select; (13) other diagnostic,  
7 screening, preventive, and rehabilitative services, including  
8 to ensure that the individual's need for intervention or  
9 treatment of mental disorders or substance use disorders or  
10 co-occurring mental health and substance use disorders is  
11 determined using a uniform screening, assessment, and  
12 evaluation process inclusive of criteria, for children and  
13 adults; for purposes of this item (13), a uniform screening,  
14 assessment, and evaluation process refers to a process that  
15 includes an appropriate evaluation and, as warranted, a  
16 referral; "uniform" does not mean the use of a singular  
17 instrument, tool, or process that all must utilize; (14)  
18 transportation and such other expenses as may be necessary;  
19 (15) medical treatment of sexual assault survivors, as defined  
20 in Section 1a of the Sexual Assault Survivors Emergency  
21 Treatment Act, for injuries sustained as a result of the sexual  
22 assault, including examinations and laboratory tests to  
23 discover evidence which may be used in criminal proceedings  
24 arising from the sexual assault; (16) the diagnosis and  
25 treatment of sickle cell anemia; and (17) any other medical  
26 care, and any other type of remedial care recognized under the

1 laws of this State, but not including abortions, or induced  
2 miscarriages or premature births, unless, in the opinion of a  
3 physician, such procedures are necessary for the preservation  
4 of the life of the woman seeking such treatment, or except an  
5 induced premature birth intended to produce a live viable child  
6 and such procedure is necessary for the health of the mother or  
7 her unborn child. The Illinois Department, by rule, shall  
8 prohibit any physician from providing medical assistance to  
9 anyone eligible therefor under this Code where such physician  
10 has been found guilty of performing an abortion procedure in a  
11 wilful and wanton manner upon a woman who was not pregnant at  
12 the time such abortion procedure was performed. The term "any  
13 other type of remedial care" shall include nursing care and  
14 nursing home service for persons who rely on treatment by  
15 spiritual means alone through prayer for healing.

16 Notwithstanding any other provision of this Section, a  
17 comprehensive tobacco use cessation program that includes  
18 purchasing prescription drugs or prescription medical devices  
19 approved by the Food and Drug Administration shall be covered  
20 under the medical assistance program under this Article for  
21 persons who are otherwise eligible for assistance under this  
22 Article.

23 Notwithstanding any other provision of this Code, the  
24 Illinois Department may not require, as a condition of payment  
25 for any laboratory test authorized under this Article, that a  
26 physician's handwritten signature appear on the laboratory

1 test order form. The Illinois Department may, however, impose  
2 other appropriate requirements regarding laboratory test order  
3 documentation.

4       Upon receipt of federal approval of an amendment to the  
5 Illinois Title XIX State Plan for this purpose, the Department  
6 shall authorize the Chicago Public Schools (CPS) to procure a  
7 vendor or vendors to manufacture eyeglasses for individuals  
8 enrolled in a school within the CPS system. CPS shall ensure  
9 that its vendor or vendors are enrolled as providers in the  
10 medical assistance program and in any capitated Medicaid  
11 managed care entity (MCE) serving individuals enrolled in a  
12 school within the CPS system. Under any contract procured under  
13 this provision, the vendor or vendors must serve only  
14 individuals enrolled in a school within the CPS system. Claims  
15 for services provided by CPS's vendor or vendors to recipients  
16 of benefits in the medical assistance program under this Code,  
17 the Children's Health Insurance Program, or the Covering ALL  
18 KIDS Health Insurance Program shall be submitted to the  
19 Department or the MCE in which the individual is enrolled for  
20 payment and shall be reimbursed at the Department's or the  
21 MCE's established rates or rate methodologies for eyeglasses.

22       On and after July 1, 2012, the Department of Healthcare and  
23 Family Services may provide the following services to persons  
24 eligible for assistance under this Article who are  
25 participating in education, training or employment programs  
26 operated by the Department of Human Services as successor to

1 the Department of Public Aid:

2 (1) dental services provided by or under the  
3 supervision of a dentist; and

4 (2) eyeglasses prescribed by a physician skilled in the  
5 diseases of the eye, or by an optometrist, whichever the  
6 person may select.

7 Notwithstanding any other provision of this Code and  
8 subject to federal approval, the Department may adopt rules to  
9 allow a dentist who is volunteering his or her service at no  
10 cost to render dental services through an enrolled  
11 not-for-profit health clinic without the dentist personally  
12 enrolling as a participating provider in the medical assistance  
13 program. A not-for-profit health clinic shall include a public  
14 health clinic or Federally Qualified Health Center or other  
15 enrolled provider, as determined by the Department, through  
16 which dental services covered under this Section are performed.  
17 The Department shall establish a process for payment of claims  
18 for reimbursement for covered dental services rendered under  
19 this provision.

20 The Illinois Department, by rule, may distinguish and  
21 classify the medical services to be provided only in accordance  
22 with the classes of persons designated in Section 5-2.

23 The Department of Healthcare and Family Services must  
24 provide coverage and reimbursement for amino acid-based  
25 elemental formulas, regardless of delivery method, for the  
26 diagnosis and treatment of (i) eosinophilic disorders and (ii)

1 short bowel syndrome when the prescribing physician has issued  
2 a written order stating that the amino acid-based elemental  
3 formula is medically necessary.

4 The Illinois Department shall authorize the provision of,  
5 and shall authorize payment for, screening by low-dose  
6 mammography for the presence of occult breast cancer for women  
7 35 years of age or older who are eligible for medical  
8 assistance under this Article, as follows:

9 (A) A baseline mammogram for women 35 to 39 years of  
10 age.

11 (B) An annual mammogram for women 40 years of age or  
12 older.

13 (C) A mammogram at the age and intervals considered  
14 medically necessary by the woman's health care provider for  
15 women under 40 years of age and having a family history of  
16 breast cancer, prior personal history of breast cancer,  
17 positive genetic testing, or other risk factors.

18 (D) A comprehensive ultrasound screening of an entire  
19 breast or breasts if a mammogram demonstrates  
20 heterogeneous or dense breast tissue, when medically  
21 necessary as determined by a physician licensed to practice  
22 medicine in all of its branches.

23 All screenings shall include a physical breast exam,  
24 instruction on self-examination and information regarding the  
25 frequency of self-examination and its value as a preventative  
26 tool. For purposes of this Section, "low-dose mammography"

1 means the x-ray examination of the breast using equipment  
2 dedicated specifically for mammography, including the x-ray  
3 tube, filter, compression device, and image receptor, with an  
4 average radiation exposure delivery of less than one rad per  
5 breast for 2 views of an average size breast. The term also  
6 includes digital mammography.

7 On and after January 1, 2012, providers participating in a  
8 quality improvement program approved by the Department shall be  
9 reimbursed for screening and diagnostic mammography at the same  
10 rate as the Medicare program's rates, including the increased  
11 reimbursement for digital mammography.

12 The Department shall convene an expert panel including  
13 representatives of hospitals, free-standing mammography  
14 facilities, and doctors, including radiologists, to establish  
15 quality standards.

16 Subject to federal approval, the Department shall  
17 establish a rate methodology for mammography at federally  
18 qualified health centers and other encounter-rate clinics.  
19 These clinics or centers may also collaborate with other  
20 hospital-based mammography facilities.

21 The Department shall establish a methodology to remind  
22 women who are age-appropriate for screening mammography, but  
23 who have not received a mammogram within the previous 18  
24 months, of the importance and benefit of screening mammography.

25 The Department shall establish a performance goal for  
26 primary care providers with respect to their female patients



1 over age 40 receiving an annual mammogram. This performance  
2 goal shall be used to provide additional reimbursement in the  
3 form of a quality performance bonus to primary care providers  
4 who meet that goal.

5 The Department shall devise a means of case-managing or  
6 patient navigation for beneficiaries diagnosed with breast  
7 cancer. This program shall initially operate as a pilot program  
8 in areas of the State with the highest incidence of mortality  
9 related to breast cancer. At least one pilot program site shall  
10 be in the metropolitan Chicago area and at least one site shall  
11 be outside the metropolitan Chicago area. An evaluation of the  
12 pilot program shall be carried out measuring health outcomes  
13 and cost of care for those served by the pilot program compared  
14 to similarly situated patients who are not served by the pilot  
15 program.

16 Any medical or health care provider shall immediately  
17 recommend, to any pregnant woman who is being provided prenatal  
18 services and is suspected of drug abuse or is addicted as  
19 defined in the Alcoholism and Other Drug Abuse and Dependency  
20 Act, referral to a local substance abuse treatment provider  
21 licensed by the Department of Human Services or to a licensed  
22 hospital which provides substance abuse treatment services.  
23 The Department of Healthcare and Family Services shall assure  
24 coverage for the cost of treatment of the drug abuse or  
25 addiction for pregnant recipients in accordance with the  
26 Illinois Medicaid Program in conjunction with the Department of

1 Human Services.

2 All medical providers providing medical assistance to  
3 pregnant women under this Code shall receive information from  
4 the Department on the availability of services under the Drug  
5 Free Families with a Future or any comparable program providing  
6 case management services for addicted women, including  
7 information on appropriate referrals for other social services  
8 that may be needed by addicted women in addition to treatment  
9 for addiction.

10 The Illinois Department, in cooperation with the  
11 Departments of Human Services (as successor to the Department  
12 of Alcoholism and Substance Abuse) and Public Health, through a  
13 public awareness campaign, may provide information concerning  
14 treatment for alcoholism and drug abuse and addiction, prenatal  
15 health care, and other pertinent programs directed at reducing  
16 the number of drug-affected infants born to recipients of  
17 medical assistance.

18 Neither the Department of Healthcare and Family Services  
19 nor the Department of Human Services shall sanction the  
20 recipient solely on the basis of her substance abuse.

21 The Illinois Department shall establish such regulations  
22 governing the dispensing of health services under this Article  
23 as it shall deem appropriate. The Department should seek the  
24 advice of formal professional advisory committees appointed by  
25 the Director of the Illinois Department for the purpose of  
26 providing regular advice on policy and administrative matters,

1 information dissemination and educational activities for  
2 medical and health care providers, and consistency in  
3 procedures to the Illinois Department.

4 The Illinois Department may develop and contract with  
5 Partnerships of medical providers to arrange medical services  
6 for persons eligible under Section 5-2 of this Code.  
7 Implementation of this Section may be by demonstration projects  
8 in certain geographic areas. The Partnership shall be  
9 represented by a sponsor organization. The Department, by rule,  
10 shall develop qualifications for sponsors of Partnerships.  
11 Nothing in this Section shall be construed to require that the  
12 sponsor organization be a medical organization.

13 The sponsor must negotiate formal written contracts with  
14 medical providers for physician services, inpatient and  
15 outpatient hospital care, home health services, treatment for  
16 alcoholism and substance abuse, and other services determined  
17 necessary by the Illinois Department by rule for delivery by  
18 Partnerships. Physician services must include prenatal and  
19 obstetrical care. The Illinois Department shall reimburse  
20 medical services delivered by Partnership providers to clients  
21 in target areas according to provisions of this Article and the  
22 Illinois Health Finance Reform Act, except that:

23 (1) Physicians participating in a Partnership and  
24 providing certain services, which shall be determined by  
25 the Illinois Department, to persons in areas covered by the  
26 Partnership may receive an additional surcharge for such

1 services.

2 (2) The Department may elect to consider and negotiate  
3 financial incentives to encourage the development of  
4 Partnerships and the efficient delivery of medical care.

5 (3) Persons receiving medical services through  
6 Partnerships may receive medical and case management  
7 services above the level usually offered through the  
8 medical assistance program.

9 Medical providers shall be required to meet certain  
10 qualifications to participate in Partnerships to ensure the  
11 delivery of high quality medical services. These  
12 qualifications shall be determined by rule of the Illinois  
13 Department and may be higher than qualifications for  
14 participation in the medical assistance program. Partnership  
15 sponsors may prescribe reasonable additional qualifications  
16 for participation by medical providers, only with the prior  
17 written approval of the Illinois Department.

18 Nothing in this Section shall limit the free choice of  
19 practitioners, hospitals, and other providers of medical  
20 services by clients. In order to ensure patient freedom of  
21 choice, the Illinois Department shall immediately promulgate  
22 all rules and take all other necessary actions so that provided  
23 services may be accessed from therapeutically certified  
24 optometrists to the full extent of the Illinois Optometric  
25 Practice Act of 1987 without discriminating between service  
26 providers.

1           The Department shall apply for a waiver from the United  
2 States Health Care Financing Administration to allow for the  
3 implementation of Partnerships under this Section.

4           The Illinois Department shall require health care  
5 providers to maintain records that document the medical care  
6 and services provided to recipients of Medical Assistance under  
7 this Article. Such records must be retained for a period of not  
8 less than 6 years from the date of service or as provided by  
9 applicable State law, whichever period is longer, except that  
10 if an audit is initiated within the required retention period  
11 then the records must be retained until the audit is completed  
12 and every exception is resolved. The Illinois Department shall  
13 require health care providers to make available, when  
14 authorized by the patient, in writing, the medical records in a  
15 timely fashion to other health care providers who are treating  
16 or serving persons eligible for Medical Assistance under this  
17 Article. All dispensers of medical services shall be required  
18 to maintain and retain business and professional records  
19 sufficient to fully and accurately document the nature, scope,  
20 details and receipt of the health care provided to persons  
21 eligible for medical assistance under this Code, in accordance  
22 with regulations promulgated by the Illinois Department. The  
23 rules and regulations shall require that proof of the receipt  
24 of prescription drugs, dentures, prosthetic devices and  
25 eyeglasses by eligible persons under this Section accompany  
26 each claim for reimbursement submitted by the dispenser of such

1 medical services. No such claims for reimbursement shall be  
2 approved for payment by the Illinois Department without such  
3 proof of receipt, unless the Illinois Department shall have put  
4 into effect and shall be operating a system of post-payment  
5 audit and review which shall, on a sampling basis, be deemed  
6 adequate by the Illinois Department to assure that such drugs,  
7 dentures, prosthetic devices and eyeglasses for which payment  
8 is being made are actually being received by eligible  
9 recipients. Within 90 days after the effective date of this  
10 amendatory Act of 1984, the Illinois Department shall establish  
11 a current list of acquisition costs for all prosthetic devices  
12 and any other items recognized as medical equipment and  
13 supplies reimbursable under this Article and shall update such  
14 list on a quarterly basis, except that the acquisition costs of  
15 all prescription drugs shall be updated no less frequently than  
16 every 30 days as required by Section 5-5.12.

17 The rules and regulations of the Illinois Department shall  
18 require that a written statement including the required opinion  
19 of a physician shall accompany any claim for reimbursement for  
20 abortions, or induced miscarriages or premature births. This  
21 statement shall indicate what procedures were used in providing  
22 such medical services.

23 Notwithstanding any other law to the contrary, the Illinois  
24 Department shall, within 365 days after July 22, 2013~~7~~ (the  
25 effective date of Public Act 98-104), establish procedures to  
26 permit skilled care facilities licensed under the Nursing Home

1 Care Act to submit monthly billing claims for reimbursement  
2 purposes. Following development of these procedures, the  
3 Department shall have an additional 365 days to test the  
4 viability of the new system and to ensure that any necessary  
5 operational or structural changes to its information  
6 technology platforms are implemented.

7 Notwithstanding any other law to the contrary, the Illinois  
8 Department shall, within 365 days after August 15, 2014 (the  
9 effective date of Public Act 98-963) ~~this amendatory Act of the~~  
10 ~~98th General Assembly~~, establish procedures to permit ID/DD  
11 facilities licensed under the ID/DD Community Care Act to  
12 submit monthly billing claims for reimbursement purposes.  
13 Following development of these procedures, the Department  
14 shall have an additional 365 days to test the viability of the  
15 new system and to ensure that any necessary operational or  
16 structural changes to its information technology platforms are  
17 implemented.

18 The Illinois Department shall require all dispensers of  
19 medical services, other than an individual practitioner or  
20 group of practitioners, desiring to participate in the Medical  
21 Assistance program established under this Article to disclose  
22 all financial, beneficial, ownership, equity, surety or other  
23 interests in any and all firms, corporations, partnerships,  
24 associations, business enterprises, joint ventures, agencies,  
25 institutions or other legal entities providing any form of  
26 health care services in this State under this Article.

1           The Illinois Department may require that all dispensers of  
2 medical services desiring to participate in the medical  
3 assistance program established under this Article disclose,  
4 under such terms and conditions as the Illinois Department may  
5 by rule establish, all inquiries from clients and attorneys  
6 regarding medical bills paid by the Illinois Department, which  
7 inquiries could indicate potential existence of claims or liens  
8 for the Illinois Department.

9           Enrollment of a vendor shall be subject to a provisional  
10 period and shall be conditional for one year. During the period  
11 of conditional enrollment, the Department may terminate the  
12 vendor's eligibility to participate in, or may disenroll the  
13 vendor from, the medical assistance program without cause.  
14 Unless otherwise specified, such termination of eligibility or  
15 disenrollment is not subject to the Department's hearing  
16 process. However, a disenrolled vendor may reapply without  
17 penalty.

18           The Department has the discretion to limit the conditional  
19 enrollment period for vendors based upon category of risk of  
20 the vendor.

21           Prior to enrollment and during the conditional enrollment  
22 period in the medical assistance program, all vendors shall be  
23 subject to enhanced oversight, screening, and review based on  
24 the risk of fraud, waste, and abuse that is posed by the  
25 category of risk of the vendor. The Illinois Department shall  
26 establish the procedures for oversight, screening, and review,



1 which may include, but need not be limited to: criminal and  
2 financial background checks; fingerprinting; license,  
3 certification, and authorization verifications; unscheduled or  
4 unannounced site visits; database checks; prepayment audit  
5 reviews; audits; payment caps; payment suspensions; and other  
6 screening as required by federal or State law.

7 The Department shall define or specify the following: (i)  
8 by provider notice, the "category of risk of the vendor" for  
9 each type of vendor, which shall take into account the level of  
10 screening applicable to a particular category of vendor under  
11 federal law and regulations; (ii) by rule or provider notice,  
12 the maximum length of the conditional enrollment period for  
13 each category of risk of the vendor; and (iii) by rule, the  
14 hearing rights, if any, afforded to a vendor in each category  
15 of risk of the vendor that is terminated or disenrolled during  
16 the conditional enrollment period.

17 To be eligible for payment consideration, a vendor's  
18 payment claim or bill, either as an initial claim or as a  
19 resubmitted claim following prior rejection, must be received  
20 by the Illinois Department, or its fiscal intermediary, no  
21 later than 180 days after the latest date on the claim on which  
22 medical goods or services were provided, with the following  
23 exceptions:

- 24 (1) In the case of a provider whose enrollment is in  
25 process by the Illinois Department, the 180-day period  
26 shall not begin until the date on the written notice from

1 the Illinois Department that the provider enrollment is  
2 complete.

3 (2) In the case of errors attributable to the Illinois  
4 Department or any of its claims processing intermediaries  
5 which result in an inability to receive, process, or  
6 adjudicate a claim, the 180-day period shall not begin  
7 until the provider has been notified of the error.

8 (3) In the case of a provider for whom the Illinois  
9 Department initiates the monthly billing process.

10 (4) In the case of a provider operated by a unit of  
11 local government with a population exceeding 3,000,000  
12 when local government funds finance federal participation  
13 for claims payments.

14 For claims for services rendered during a period for which  
15 a recipient received retroactive eligibility, claims must be  
16 filed within 180 days after the Department determines the  
17 applicant is eligible. For claims for which the Illinois  
18 Department is not the primary payer, claims must be submitted  
19 to the Illinois Department within 180 days after the final  
20 adjudication by the primary payer.

21 In the case of long term care facilities, within 5 days of  
22 receipt by the facility of required prescreening information,  
23 data for new admissions shall be entered into the Medical  
24 Electronic Data Interchange (MEDI) or the Recipient  
25 Eligibility Verification (REV) System or successor system, and  
26 within 15 days of receipt by the facility of required

1 prescreening information, admission documents shall be  
2 submitted through MEDI or REV or shall be submitted directly to  
3 the Department of Human Services using required admission  
4 forms. Effective September 1, 2014, admission documents,  
5 including all prescreening information, must be submitted  
6 through MEDI or REV. Confirmation numbers assigned to an  
7 accepted transaction shall be retained by a facility to verify  
8 timely submittal. Once an admission transaction has been  
9 completed, all resubmitted claims following prior rejection  
10 are subject to receipt no later than 180 days after the  
11 admission transaction has been completed.

12 Claims that are not submitted and received in compliance  
13 with the foregoing requirements shall not be eligible for  
14 payment under the medical assistance program, and the State  
15 shall have no liability for payment of those claims.

16 To the extent consistent with applicable information and  
17 privacy, security, and disclosure laws, State and federal  
18 agencies and departments shall provide the Illinois Department  
19 access to confidential and other information and data necessary  
20 to perform eligibility and payment verifications and other  
21 Illinois Department functions. This includes, but is not  
22 limited to: information pertaining to licensure;  
23 certification; earnings; immigration status; citizenship; wage  
24 reporting; unearned and earned income; pension income;  
25 employment; supplemental security income; social security  
26 numbers; National Provider Identifier (NPI) numbers; the

1 National Practitioner Data Bank (NPDB); program and agency  
2 exclusions; taxpayer identification numbers; tax delinquency;  
3 corporate information; and death records.

4 The Illinois Department shall enter into agreements with  
5 State agencies and departments, and is authorized to enter into  
6 agreements with federal agencies and departments, under which  
7 such agencies and departments shall share data necessary for  
8 medical assistance program integrity functions and oversight.  
9 The Illinois Department shall develop, in cooperation with  
10 other State departments and agencies, and in compliance with  
11 applicable federal laws and regulations, appropriate and  
12 effective methods to share such data. At a minimum, and to the  
13 extent necessary to provide data sharing, the Illinois  
14 Department shall enter into agreements with State agencies and  
15 departments, and is authorized to enter into agreements with  
16 federal agencies and departments, including but not limited to:  
17 the Secretary of State; the Department of Revenue; the  
18 Department of Public Health; the Department of Human Services;  
19 and the Department of Financial and Professional Regulation.

20 Beginning in fiscal year 2013, the Illinois Department  
21 shall set forth a request for information to identify the  
22 benefits of a pre-payment, post-adjudication, and post-edit  
23 claims system with the goals of streamlining claims processing  
24 and provider reimbursement, reducing the number of pending or  
25 rejected claims, and helping to ensure a more transparent  
26 adjudication process through the utilization of: (i) provider

1 data verification and provider screening technology; and (ii)  
2 clinical code editing; and (iii) pre-pay, pre- or  
3 post-adjudicated predictive modeling with an integrated case  
4 management system with link analysis. Such a request for  
5 information shall not be considered as a request for proposal  
6 or as an obligation on the part of the Illinois Department to  
7 take any action or acquire any products or services.

8 The Illinois Department shall establish policies,  
9 procedures, standards and criteria by rule for the acquisition,  
10 repair and replacement of orthotic and prosthetic devices and  
11 durable medical equipment. Such rules shall provide, but not be  
12 limited to, the following services: (1) immediate repair or  
13 replacement of such devices by recipients; and (2) rental,  
14 lease, purchase or lease-purchase of durable medical equipment  
15 in a cost-effective manner, taking into consideration the  
16 recipient's medical prognosis, the extent of the recipient's  
17 needs, and the requirements and costs for maintaining such  
18 equipment. Subject to prior approval, such rules shall enable a  
19 recipient to temporarily acquire and use alternative or  
20 substitute devices or equipment pending repairs or  
21 replacements of any device or equipment previously authorized  
22 for such recipient by the Department.

23 The Department shall execute, relative to the nursing home  
24 prescreening project, written inter-agency agreements with the  
25 Department of Human Services and the Department on Aging, to  
26 effect the following: (i) intake procedures and common

1 eligibility criteria for those persons who are receiving  
2 non-institutional services; and (ii) the establishment and  
3 development of non-institutional services in areas of the State  
4 where they are not currently available or are undeveloped; and  
5 (iii) notwithstanding any other provision of law, subject to  
6 federal approval, on and after July 1, 2012, an increase in the  
7 determination of need (DON) scores from 29 to 37 for applicants  
8 for institutional and home and community-based long term care;  
9 if and only if federal approval is not granted, the Department  
10 may, in conjunction with other affected agencies, implement  
11 utilization controls or changes in benefit packages to  
12 effectuate a similar savings amount for this population; and  
13 (iv) no later than July 1, 2013, minimum level of care  
14 eligibility criteria for institutional and home and  
15 community-based long term care; and (v) no later than October  
16 1, 2013, establish procedures to permit long term care  
17 providers access to eligibility scores for individuals with an  
18 admission date who are seeking or receiving services from the  
19 long term care provider. In order to select the minimum level  
20 of care eligibility criteria, the Governor shall establish a  
21 workgroup that includes affected agency representatives and  
22 stakeholders representing the institutional and home and  
23 community-based long term care interests. This Section shall  
24 not restrict the Department from implementing lower level of  
25 care eligibility criteria for community-based services in  
26 circumstances where federal approval has been granted.

1           The Illinois Department shall develop and operate, in  
2 cooperation with other State Departments and agencies and in  
3 compliance with applicable federal laws and regulations,  
4 appropriate and effective systems of health care evaluation and  
5 programs for monitoring of utilization of health care services  
6 and facilities, as it affects persons eligible for medical  
7 assistance under this Code.

8           The Illinois Department shall report annually to the  
9 General Assembly, no later than the second Friday in April of  
10 1979 and each year thereafter, in regard to:

11           (a) actual statistics and trends in utilization of  
12 medical services by public aid recipients;

13           (b) actual statistics and trends in the provision of  
14 the various medical services by medical vendors;

15           (c) current rate structures and proposed changes in  
16 those rate structures for the various medical vendors; and

17           (d) efforts at utilization review and control by the  
18 Illinois Department.

19           The period covered by each report shall be the 3 years  
20 ending on the June 30 prior to the report. The report shall  
21 include suggested legislation for consideration by the General  
22 Assembly. The filing of one copy of the report with the  
23 Speaker, one copy with the Minority Leader and one copy with  
24 the Clerk of the House of Representatives, one copy with the  
25 President, one copy with the Minority Leader and one copy with  
26 the Secretary of the Senate, one copy with the Legislative

1 Research Unit, and such additional copies with the State  
2 Government Report Distribution Center for the General Assembly  
3 as is required under paragraph (t) of Section 7 of the State  
4 Library Act shall be deemed sufficient to comply with this  
5 Section.

6 Rulemaking authority to implement Public Act 95-1045, if  
7 any, is conditioned on the rules being adopted in accordance  
8 with all provisions of the Illinois Administrative Procedure  
9 Act and all rules and procedures of the Joint Committee on  
10 Administrative Rules; any purported rule not so adopted, for  
11 whatever reason, is unauthorized.

12 On and after July 1, 2012, the Department shall reduce any  
13 rate of reimbursement for services or other payments or alter  
14 any methodologies authorized by this Code to reduce any rate of  
15 reimbursement for services or other payments in accordance with  
16 Section 5-5e.

17 Because kidney transplantation can be an appropriate, cost  
18 effective alternative to renal dialysis when medically  
19 necessary and notwithstanding the provisions of Section 1-11 of  
20 this Code, beginning October 1, 2014, the Department shall  
21 cover kidney transplantation for noncitizens with end-stage  
22 renal disease who are not eligible for comprehensive medical  
23 benefits, who meet the residency requirements of Section 5-3 of  
24 this Code, and who would otherwise meet the financial  
25 requirements of the appropriate class of eligible persons under  
26 Section 5-2 of this Code. To qualify for coverage of kidney



1 transplantation, such person must be receiving emergency renal  
2 dialysis services covered by the Department prior to January 1,  
3 2015. Providers under this Section shall be prior approved and  
4 certified by the Department to perform kidney transplantation  
5 and the services under this Section shall be limited to  
6 services associated with kidney transplantation.

7 (Source: P.A. 97-48, eff. 6-28-11; 97-638, eff. 1-1-12; 97-689,  
8 eff. 6-14-12; 97-1061, eff. 8-24-12; 98-104, Article 9, Section  
9 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff.  
10 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651,  
11 eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14;  
12 revised 10-2-14.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.