



Adopted in House Comm. on Apr 29, 2004

09300SB2367ham001

LRB093 19989 DRJ 50246 a

1 AMENDMENT TO SENATE BILL 2367

2 AMENDMENT NO. _____. Amend Senate Bill 2367 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-4 as follows:

6 (305 ILCS 5/5-4) (from Ch. 23, par. 5-4)

7 Sec. 5-4. Amount and nature of medical assistance. The
8 amount and nature of medical assistance shall be determined by
9 the county departments ~~County Departments~~ in accordance with
10 the standards, rules, and regulations of the Illinois
11 Department of Public Aid, with due regard to the requirements
12 and conditions in each case, including contributions available
13 from legally responsible relatives. However, the amount and
14 nature of such medical assistance shall not be affected by the
15 payment of any grant under the Senior Citizens and Disabled
16 Persons Property Tax Relief and Pharmaceutical Assistance Act
17 or any distributions or items of income described under
18 subparagraph (X) of paragraph (2) of subsection (a) of Section
19 203 of the Illinois Income Tax Act. The amount and nature of
20 medical assistance shall not be affected by the receipt of
21 donations or benefits from fundraisers in cases of serious
22 illness, as long as neither the person nor members of the
23 person's family have actual control over the donations or
24 benefits or the disbursement of the donations or benefits.

1 In determining the income and assets available to the
2 institutionalized spouse and to the community spouse, the
3 Illinois Department of Public Aid shall follow the procedures
4 established by federal law. The community spouse resource
5 allowance shall be established and maintained at the maximum
6 level permitted pursuant to Section 1924(f)(2) of the Social
7 Security Act, as now or hereafter amended, or an amount set
8 after a fair hearing, whichever is greater. The monthly
9 maintenance allowance for the community spouse shall be
10 established and maintained at the maximum level permitted
11 pursuant to Section 1924(d)(3)(C) of the Social Security Act,
12 as now or hereafter amended. Subject to the approval of the
13 Secretary of the United States Department of Health and Human
14 Services, the provisions of this Section shall be extended to
15 persons who but for the provision of home or community-based
16 services under Section 4.02 of the Illinois Act on the Aging,
17 would require the level of care provided in an institution, as
18 is provided for in federal law.

19 The Department of Human Services shall notify in writing
20 each institutionalized spouse who is a recipient of medical
21 assistance under this Article, and each such person's community
22 spouse, of the changes in treatment of income and resources,
23 including provisions for protecting income for a community
24 spouse and permitting the transfer of resources to a community
25 spouse, required by enactment of the federal Medicare
26 Catastrophic Coverage Act of 1988 (Public Law 100-360). The
27 notification shall be in language likely to be easily
28 understood by those persons. The Department of Human Services
29 also shall reassess the amount of medical assistance for which
30 each such recipient is eligible as a result of the enactment of
31 that federal Act, whether or not a recipient requests such a
32 reassessment.

33 (Source: P.A. 90-655, eff. 7-30-98; 91-676, eff. 12-23-99.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".