



Rep. Katie Stuart

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1 AMENDMENT TO SENATE BILL 3402

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3402 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Veterans' Care Preventative Dental Program Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Healthcare and Family  
8 Services, or any successor agency.

9 "Director" means the Director of Healthcare and Family  
10 Services, or any successor agency.

11 "Preventative dental service" includes the prevention and  
12 treatment of periodontal disease, and other dental diagnostic,  
13 preventative, or corrective procedures.

14 "Program" means the Veterans' Care Preventative Dental  
15 Program.

16 "Resident" means an individual who has an Illinois

1 residence, as provided in Section 5-3 of the Illinois Public  
2 Aid Code.

3 "Veteran" means any person who has served in a branch of  
4 the United States military for greater than 180 days after  
5 initial training, as a member of the Illinois National Guard,  
6 or as a member of the United States Reserve Forces.

7 "Veterans Affairs" or "VA" means the United States  
8 Department of Veterans Affairs.

9 Section 10. Operation of the Program.

10 (a) The Veterans' Care Preventative Dental Program is  
11 created. This Program is not an entitlement. Enrollment is  
12 based on the availability of funds, and enrollment may be  
13 capped based on funds appropriated for the Program. Coverage  
14 for the Program shall begin within one year after the effective  
15 date of this Act. The Program shall be administered by the  
16 Department of Healthcare and Family Services in collaboration  
17 with the Department of Veterans' Affairs. The Department shall  
18 have the same powers and authority to administer the Program as  
19 are provided to the Department in connection with the  
20 Department's administration of the Illinois Public Aid Code.  
21 The Department shall coordinate the Program with other health  
22 programs operated by the Department and other State and federal  
23 agencies. The Department shall contract with a vendor with a  
24 statewide dental network to include providers in all counties  
25 in the State. Preference for the awarding of the contract shall

1 be given to a veteran-owned business, however, a vendor does  
2 not need to be veteran-owned to be awarded the contract. The  
3 vendor awarded the contract may contract with any entity that  
4 currently provides pro bono dental services for veterans,  
5 including, but not limited to, the University of Illinois.

6 (b) The Department shall operate the Program in a manner so  
7 that the estimated cost of the Program during the fiscal year  
8 will not exceed the total appropriation for the Program. The  
9 Department must operate the Program in accordance with any  
10 appropriations made available for the purposes of this Act. The  
11 Department may use moneys designated for the Veterans' Health  
12 Insurance Program established under the Veterans' Health  
13 Insurance Program of 2008 to fund the Veterans' Care  
14 Preventative Dental Program.

15 (c) Notwithstanding subsections (a) and (b) and with the  
16 mutual agreement of the Department of Veterans' Affairs and the  
17 Department of Healthcare and Family Services, the operation of  
18 the Program may be changed to simplify its administration and  
19 to take advantage of health insurance coverage that may be  
20 available to veterans under the federal Patient Protection and  
21 Affordable Care Act.

22 Section 15. Eligibility.

23 (a) To be eligible for the Program, a person must:

24 (1) be a veteran who is not on active duty and who has  
25 not been dishonorably discharged from service;

- 1           (2) be a resident of the State of Illinois;
- 2           (3) be at least 17 years of age; and
- 3           (4) have a household income no greater than an amount
- 4           equal to 138% of the federal poverty level.

5           (b) A veteran who is determined eligible for the Program

6           shall remain eligible for 12 months, provided the veteran

7           remains a resident of the State and is not excluded under

8           subsection (c) of this Section and provided the Department has

9           not limited the enrollment period as set forth in subsection

10          (b) of Section 10.

11          (c) A veteran is not eligible for coverage under the

12          Program if the veteran is a resident of a nursing facility or

13          an inmate of a public institution, as defined by 42 CFR

14          435.1009.

15          (d) The Department shall adopt rules for the Program,

16          including, but not limited to, rules relating to eligibility,

17          re-enrollment, grace periods, notice requirements, hearing

18          procedures, covered services, and provider requirements.

19          (e) A veteran with private dental insurance is eligible for

20          the Program, however, if a veteran has private dental

21          insurance, then the State is the payer of last resort for

22          preventative dental service claims.

23          (f) Enrollment in the Program shall not affect an

24          individual's eligibility for any other State medical

25          assistance program.

1           Section 20. Notice of decisions to terminate eligibility.  
2 Whenever the Department decides to either deny or terminate  
3 eligibility under this Act, the veteran shall have a right to  
4 notice and a hearing, as provided by the Department by rule.

5           Section 25. Illinois Department of Veterans' Affairs. The  
6 Department shall coordinate with the Illinois Department of  
7 Veterans' Affairs and the Veterans Assistance Commissions to  
8 allow State Veterans' Affairs service officers and the Veterans  
9 Assistance Commissions to assist veterans to apply for the  
10 Program. All applicants must be reviewed for Veterans Health  
11 Administration eligibility or other existing health benefits  
12 prior to consideration for the Program.

13           Section 30. Preventative dental service benefits.

14           (a) Veterans that are eligible for and enrolled in the  
15 Program shall receive preventative dental service benefits.

16           (b) On and after July 1, 2018, targeted dental services, as  
17 set forth in Exhibit D of the Consent Decree entered by the  
18 United States District Court for the Northern District of  
19 Illinois, Eastern Division, in the matter of Memisovski v.  
20 Maram, Case No. 92 C 1982, that are provided to veterans under  
21 the Program shall be reimbursed at the rates set forth in the  
22 "New Rate" column in Exhibit D of the Consent Decree for  
23 targeted dental services that are provided to persons under the  
24 age of 18 under the medical assistance program under Article V

1 of the Illinois Public Aid Code.

2 Section 35. Charge upon claims and causes of action; right  
3 of subrogation; recoveries. Sections 11-22, 11-22a, 11-22b,  
4 and 11-22c of the Illinois Public Aid Code apply to  
5 preventative dental service benefits provided to veterans  
6 under this Act, as provided in those Sections.

7 Section 40. Reporting.

8 (a) The Department shall prepare an annual report for  
9 submission to the General Assembly. The report shall be due to  
10 the General Assembly by January 1 of each year beginning in  
11 2019. This report shall include information regarding  
12 implementation of the Program, including the number of veterans  
13 enrolled and any available information regarding other  
14 benefits derived from the Program, including screening for and  
15 acquisition of other veterans' benefits through the Veterans'  
16 Service Officers and the Veterans' Assistance Commissions.  
17 This report may also include recommendations regarding  
18 improvements that may be made to the Program.

19 (b) The Department shall also arrange for the conducting of  
20 an evaluation regarding the availability of and access to  
21 preventative dental services for veterans who are residents of  
22 Illinois, taking into consideration the program established by  
23 this Act, programs and services provided by the U.S. Department  
24 of Veterans Affairs, and programs and services otherwise

1 provided by and available through other public and private  
2 entities. The evaluation shall determine whether there are  
3 limitations or barriers to care, gaps in service, or other  
4 deficits that should be overcome to ensure that veterans are  
5 provided appropriate and high-quality care. The Department  
6 shall report on the results of this evaluation to the Governor  
7 and the General Assembly by March 1, 2020.

8 (c) The reports to the General Assembly under subsections  
9 (a) and (b) shall be filed with the Clerk of the House of  
10 Representatives and the Secretary of the Senate in electronic  
11 form only, in the manner that the Clerk and the Secretary shall  
12 direct. The report to the Governor under subsection (b) shall  
13 be filed with the Office of the Governor in electronic form  
14 only, in the manner that the Office of the Governor shall  
15 direct.

16 Section 45. Emergency rulemaking. The Department may adopt  
17 rules necessary to establish and implement this Act through the  
18 use of emergency rulemaking in accordance with Section 5-45 of  
19 the Illinois Administrative Procedure Act. For the purposes of  
20 that Act, the General Assembly finds that the adoption of rules  
21 to implement this Act is deemed an emergency and necessary for  
22 the public interest, safety, and welfare.

23 Section 80. The Illinois Public Aid Code is amended by  
24 changing Sections 11-22, 11-22a, 11-22b, and 11-22c as follows:

1 (305 ILCS 5/11-22) (from Ch. 23, par. 11-22)

2 Sec. 11-22. Charge upon claims and causes of action for  
3 injuries. The Illinois Department shall have a charge upon all  
4 claims, demands and causes of action for injuries to an  
5 applicant for or recipient of (i) financial aid under Articles  
6 III, IV, and V, (ii) health care benefits provided under the  
7 Covering ALL KIDS Health Insurance Act, ~~or~~ (iii) health care  
8 benefits provided under the Veterans' Health Insurance Program  
9 Act or the Veterans' Health Insurance Program Act of 2008; or  
10 (iv) preventative dental service benefits provided under the  
11 Veterans' Care Preventative Dental Program Act for the total  
12 amount of medical assistance provided the recipient from the  
13 time of injury to the date of recovery upon such claim, demand  
14 or cause of action. In addition, if the applicant or recipient  
15 was employable, as defined by the Department, at the time of  
16 the injury, the Department shall also have a charge upon any  
17 such claims, demands and causes of action for the total amount  
18 of aid provided to the recipient and his dependents, including  
19 all cash assistance and medical assistance only to the extent  
20 includable in the claimant's action, from the time of injury to  
21 the date of recovery upon such claim, demand or cause of  
22 action. Any definition of "employable" adopted by the  
23 Department shall apply only to persons above the age of  
24 compulsory school attendance.

25 If the injured person was employable at the time of the



1 injury and is provided aid under Articles III, IV, or V and any  
2 dependent or member of his family is provided aid under Article  
3 VI, or vice versa, both the Illinois Department and the local  
4 governmental unit shall have a charge upon such claims, demands  
5 and causes of action for the aid provided to the injured person  
6 and any dependent member of his family, including all cash  
7 assistance, medical assistance and food stamps, from the time  
8 of the injury to the date of recovery.

9 "Recipient", as used herein, means (i) in the case of  
10 financial aid provided under this Code, the grantee of record  
11 and any persons whose needs are included in the financial aid  
12 provided to the grantee of record or otherwise met by grants  
13 under the appropriate Article of this Code for which such  
14 person is eligible, (ii) in the case of health care benefits  
15 provided under the Covering ALL KIDS Health Insurance Act, the  
16 child to whom those benefits are provided, and (iii) in the  
17 case of health care benefits provided under the Veterans'  
18 Health Insurance Program Act or the Veterans' Health Insurance  
19 Program Act of 2008, or preventative dental service benefits  
20 provided under the Veterans' Care Preventative Dental Program  
21 Act, the veteran to whom benefits are provided.

22 In each case, the notice shall be served by certified mail  
23 or registered mail, or by facsimile or electronic messaging  
24 when requested by the party or parties against whom the  
25 applicant or recipient has a claim, demand, or cause of action,  
26 upon the party or parties against whom the applicant or

1 recipient has a claim, demand or cause of action. The notice  
2 shall claim the charge and describe the interest the Illinois  
3 Department, the local governmental unit, or the county, has in  
4 the claim, demand, or cause of action. The charge shall attach  
5 to any verdict or judgment entered and to any money or property  
6 which may be recovered on account of such claim, demand, cause  
7 of action or suit from and after the time of the service of the  
8 notice.

9 On petition filed by the Illinois Department, or by the  
10 local governmental unit or county if either is claiming a  
11 charge, or by the recipient, or by the defendant, the court, on  
12 written notice to all interested parties, may adjudicate the  
13 rights of the parties and enforce the charge. The court may  
14 approve the settlement of any claim, demand or cause of action  
15 either before or after a verdict, and nothing in this Section  
16 shall be construed as requiring the actual trial or final  
17 adjudication of any claim, demand or cause of action upon which  
18 the Illinois Department, the local governmental unit or county  
19 has charge. The court may determine what portion of the  
20 recovery shall be paid to the injured person and what portion  
21 shall be paid to the Illinois Department, the local  
22 governmental unit or county having a charge against the  
23 recovery. In making this determination, the court shall conduct  
24 an evidentiary hearing and shall consider competent evidence  
25 pertaining to the following matters:

26 (1) the amount of the charge sought to be enforced

1 against the recovery when expressed as a percentage of the  
2 gross amount of the recovery; the amount of the charge  
3 sought to be enforced against the recovery when expressed  
4 as a percentage of the amount obtained by subtracting from  
5 the gross amount of the recovery the total attorney's fees  
6 and other costs incurred by the recipient incident to the  
7 recovery; and whether the Department, unit of local  
8 government or county seeking to enforce the charge against  
9 the recovery should as a matter of fairness and equity bear  
10 its proportionate share of the fees and costs incurred to  
11 generate the recovery from which the charge is sought to be  
12 satisfied;

13 (2) the amount, if any, of the attorney's fees and  
14 other costs incurred by the recipient incident to the  
15 recovery and paid by the recipient up to the time of  
16 recovery, and the amount of such fees and costs remaining  
17 unpaid at the time of recovery;

18 (3) the total hospital, doctor and other medical  
19 expenses incurred for care and treatment of the injury to  
20 the date of recovery therefor, the portion of such expenses  
21 theretofore paid by the recipient, by insurance provided by  
22 the recipient, and by the Department, unit of local  
23 government and county seeking to enforce a charge against  
24 the recovery, and the amount of such previously incurred  
25 expenses which remain unpaid at the time of recovery and by  
26 whom such incurred, unpaid expenses are to be paid;

1           (4) whether the recovery represents less than  
2 substantially full recompense for the injury and the  
3 hospital, doctor and other medical expenses incurred to the  
4 date of recovery for the care and treatment of the injury,  
5 so that reduction of the charge sought to be enforced  
6 against the recovery would not likely result in a double  
7 recovery or unjust enrichment to the recipient;

8           (5) the age of the recipient and of persons dependent  
9 for support upon the recipient, the nature and permanency  
10 of the recipient's injuries as they affect not only the  
11 future employability and education of the recipient but  
12 also the reasonably necessary and foreseeable future  
13 material, maintenance, medical, rehabilitative and  
14 training needs of the recipient, the cost of such  
15 reasonably necessary and foreseeable future needs, and the  
16 resources available to meet such needs and pay such costs;

17           (6) the realistic ability of the recipient to repay in  
18 whole or in part the charge sought to be enforced against  
19 the recovery when judged in light of the factors enumerated  
20 above.

21           The burden of producing evidence sufficient to support the  
22 exercise by the court of its discretion to reduce the amount of  
23 a proven charge sought to be enforced against the recovery  
24 shall rest with the party seeking such reduction.

25           The court may reduce and apportion the Illinois  
26 Department's lien proportionate to the recovery of the

1 claimant. The court may consider the nature and extent of the  
2 injury, economic and noneconomic loss, settlement offers,  
3 comparative negligence as it applies to the case at hand,  
4 hospital costs, physician costs, and all other appropriate  
5 costs. The Illinois Department shall pay its pro rata share of  
6 the attorney fees based on the Illinois Department's lien as it  
7 compares to the total settlement agreed upon. This Section  
8 shall not affect the priority of an attorney's lien under the  
9 Attorneys Lien Act. The charges of the Illinois Department  
10 described in this Section, however, shall take priority over  
11 all other liens and charges existing under the laws of the  
12 State of Illinois with the exception of the attorney's lien  
13 under said statute.

14 Whenever the Department or any unit of local government has  
15 a statutory charge under this Section against a recovery for  
16 damages incurred by a recipient because of its advancement of  
17 any assistance, such charge shall not be satisfied out of any  
18 recovery until the attorney's claim for fees is satisfied,  
19 irrespective of whether or not an action based on recipient's  
20 claim has been filed in court.

21 This Section shall be inapplicable to any claim, demand or  
22 cause of action arising under (a) the Workers' Compensation Act  
23 or the predecessor Workers' Compensation Act of June 28, 1913,  
24 (b) the Workers' Occupational Diseases Act or the predecessor  
25 Workers' Occupational Diseases Act of March 16, 1936; and (c)  
26 the Wrongful Death Act.

1 (Source: P.A. 98-73, eff. 7-15-13.)

2 (305 ILCS 5/11-22a) (from Ch. 23, par. 11-22a)

3 Sec. 11-22a. Right of Subrogation. To the extent of the  
4 amount of (i) medical assistance provided by the Department to  
5 or on behalf of a recipient under Article V or VI, (ii) health  
6 care benefits provided for a child under the Covering ALL KIDS  
7 Health Insurance Act, ~~or~~ (iii) health care benefits provided to  
8 a veteran under the Veterans' Health Insurance Program Act or  
9 the Veterans' Health Insurance Program Act of 2008, or (iv)  
10 preventative dental service benefits provided to a veteran  
11 under the Veterans' Care Preventative Dental Program Act, the  
12 Department shall be subrogated to any right of recovery such  
13 recipient may have under the terms of any private or public  
14 health care coverage or casualty coverage, including coverage  
15 under the "Workers' Compensation Act", approved July 9, 1951,  
16 as amended, or the "Workers' Occupational Diseases Act",  
17 approved July 9, 1951, as amended, without the necessity of  
18 assignment of claim or other authorization to secure the right  
19 of recovery to the Department. To enforce its subrogation  
20 right, the Department may (i) intervene or join in an action or  
21 proceeding brought by the recipient, his or her guardian,  
22 personal representative, estate, dependents, or survivors  
23 against any person or public or private entity that may be  
24 liable; (ii) institute and prosecute legal proceedings against  
25 any person or public or private entity that may be liable for

1 the cost of such services; or (iii) institute and prosecute  
2 legal proceedings, to the extent necessary to reimburse the  
3 Illinois Department for its costs, against any noncustodial  
4 parent who (A) is required by court or administrative order to  
5 provide insurance or other coverage of the cost of health care  
6 services for a child eligible for medical assistance under this  
7 Code and (B) has received payment from a third party for the  
8 costs of those services but has not used the payments to  
9 reimburse either the other parent or the guardian of the child  
10 or the provider of the services.

11 (Source: P.A. 94-693, eff. 7-1-06; 94-816, eff. 5-30-06;  
12 95-755, eff. 7-25-08.)

13 (305 ILCS 5/11-22b) (from Ch. 23, par. 11-22b)

14 Sec. 11-22b. Recoveries.

15 (a) As used in this Section:

16 (1) "Carrier" means any insurer, including any private  
17 company, corporation, mutual association, trust fund,  
18 reciprocal or interinsurance exchange authorized under the  
19 laws of this State to insure persons against liability or  
20 injuries caused to another and any insurer providing  
21 benefits under a policy of bodily injury liability  
22 insurance covering liability arising out of the ownership,  
23 maintenance or use of a motor vehicle which provides  
24 uninsured motorist endorsement or coverage.

25 (2) "Beneficiary" means any person or their dependents

1 who has received benefits or will be provided benefits  
2 under this Code, under the Covering ALL KIDS Health  
3 Insurance Act, ~~or~~ under the Veterans' Health Insurance  
4 Program Act, under ~~or~~ the Veterans' Health Insurance  
5 Program Act of 2008, or under the Veterans' Care  
6 Preventative Dental Program Act because of an injury for  
7 which another person may be liable. It includes such  
8 beneficiary's guardian, conservator or other personal  
9 representative, his estate or survivors.

10 (b) (1) When benefits are provided or will be provided to a  
11 beneficiary under this Code, under the Covering ALL KIDS Health  
12 Insurance Act, ~~or~~ under the Veterans' Health Insurance Program  
13 Act, under ~~or~~ the Veterans' Health Insurance Program Act of  
14 2008, or under the Veterans' Care Preventative Dental Program  
15 Act because of an injury for which another person is liable, or  
16 for which a carrier is liable in accordance with the provisions  
17 of any policy of insurance issued pursuant to the Illinois  
18 Insurance Code, the Illinois Department shall have a right to  
19 recover from such person or carrier the reasonable value of  
20 benefits so provided. The Attorney General may, to enforce such  
21 right, institute and prosecute legal proceedings against the  
22 third person or carrier who may be liable for the injury in an  
23 appropriate court, either in the name of the Illinois  
24 Department or in the name of the injured person, his guardian,  
25 personal representative, estate, or survivors.

26 (2) The Department may:



1 (A) compromise or settle and release any such claim for  
2 benefits provided under this Code, or

3 (B) waive any such claims for benefits provided under  
4 this Code, in whole or in part, for the convenience of the  
5 Department or if the Department determines that collection  
6 would result in undue hardship upon the person who suffered  
7 the injury or, in a wrongful death action, upon the heirs  
8 of the deceased.

9 (3) No action taken on behalf of the Department pursuant to  
10 this Section or any judgment rendered in such action shall be a  
11 bar to any action upon the claim or cause of action of the  
12 beneficiary, his guardian, conservator, personal  
13 representative, estate, dependents or survivors against the  
14 third person who may be liable for the injury, or shall operate  
15 to deny to the beneficiary the recovery for that portion of any  
16 damages not covered hereunder.

17 (c) (1) When an action is brought by the Department pursuant  
18 to subsection (b), it shall be commenced within the period  
19 prescribed by Article XIII of the Code of Civil Procedure.

20 However, the Department may not commence the action prior  
21 to 5 months before the end of the applicable period prescribed  
22 by Article XIII of the Code of Civil Procedure. Thirty days  
23 prior to commencing an action, the Department shall notify the  
24 beneficiary of the Department's intent to commence such an  
25 action.

26 (2) The death of the beneficiary does not abate any right

1 of action established by subsection (b).

2 (3) When an action or claim is brought by persons entitled  
3 to bring such actions or assert such claims against a third  
4 person who may be liable for causing the death of a  
5 beneficiary, any settlement, judgment or award obtained is  
6 subject to the Department's claim for reimbursement of the  
7 benefits provided to the beneficiary under this Code, under the  
8 Covering ALL KIDS Health Insurance Act, ~~or~~ under the Veterans'  
9 Health Insurance Program Act, under ~~or~~ the Veterans' Health  
10 Insurance Program Act of 2008, or under the Veterans' Care  
11 Preventative Dental Program Act.

12 (4) When the action or claim is brought by the beneficiary  
13 alone and the beneficiary incurs a personal liability to pay  
14 attorney's fees and costs of litigation, the Department's claim  
15 for reimbursement of the benefits provided to the beneficiary  
16 shall be the full amount of benefits paid on behalf of the  
17 beneficiary under this Code, under the Covering ALL KIDS Health  
18 Insurance Act, ~~or~~ under the Veterans' Health Insurance Program  
19 Act, under ~~or~~ the Veterans' Health Insurance Program Act of  
20 2008, or under the Veterans' Care Preventative Dental Program  
21 Act less a pro rata share which represents the Department's  
22 reasonable share of attorney's fees paid by the beneficiary and  
23 that portion of the cost of litigation expenses determined by  
24 multiplying by the ratio of the full amount of the expenditures  
25 of the full amount of the judgment, award or settlement.

26 (d) (1) If either the beneficiary or the Department brings

1 an action or claim against such third party or carrier, the  
2 beneficiary or the Department shall within 30 days of filing  
3 the action give to the other written notice by personal service  
4 or registered mail of the action or claim and of the name of  
5 the court in which the action or claim is brought. Proof of  
6 such notice shall be filed in such action or claim. If an  
7 action or claim is brought by either the Department or the  
8 beneficiary, the other may, at any time before trial on the  
9 facts, become a party to such action or claim or shall  
10 consolidate his action or claim with the other if brought  
11 independently.

12 (2) If an action or claim is brought by the Department  
13 pursuant to subsection (b)(1), written notice to the  
14 beneficiary, guardian, personal representative, estate or  
15 survivor given pursuant to this Section shall advise him of his  
16 right to intervene in the proceeding, his right to obtain a  
17 private attorney of his choice and the Department's right to  
18 recover the reasonable value of the benefits provided.

19 (e) In the event of judgment or award in a suit or claim  
20 against such third person or carrier:

21 (1) If the action or claim is prosecuted by the  
22 beneficiary alone, the court shall first order paid from  
23 any judgment or award the reasonable litigation expenses  
24 incurred in preparation and prosecution of such action or  
25 claim, together with reasonable attorney's fees, when an  
26 attorney has been retained. After payment of such expenses

1 and attorney's fees the court shall, on the application of  
2 the Department, allow as a first lien against the amount of  
3 such judgment or award the amount of the Department's  
4 expenditures for the benefit of the beneficiary under this  
5 Code, under the Covering ALL KIDS Health Insurance Act, ~~or~~  
6 under the Veterans' Health Insurance Program Act, under ~~or~~  
7 the Veterans' Health Insurance Program Act of 2008, or  
8 under the Veterans' Care Preventative Dental Program Act,  
9 as provided in subsection (c) (4).

10 (2) If the action or claim is prosecuted both by the  
11 beneficiary and the Department, the court shall first order  
12 paid from any judgment or award the reasonable litigation  
13 expenses incurred in preparation and prosecution of such  
14 action or claim, together with reasonable attorney's fees  
15 for plaintiffs attorneys based solely on the services  
16 rendered for the benefit of the beneficiary. After payment  
17 of such expenses and attorney's fees, the court shall apply  
18 out of the balance of such judgment or award an amount  
19 sufficient to reimburse the Department the full amount of  
20 benefits paid on behalf of the beneficiary under this Code,  
21 under the Covering ALL KIDS Health Insurance Act, ~~or~~ under  
22 the Veterans' Health Insurance Program Act, under ~~or~~ the  
23 Veterans' Health Insurance Program Act of 2008, or under  
24 the Veterans' Care Preventative Dental Program Act.

25 (f) The court shall, upon further application at any time  
26 before the judgment or award is satisfied, allow as a further

1     lien the amount of any expenditures of the Department in  
2     payment of additional benefits arising out of the same cause of  
3     action or claim provided on behalf of the beneficiary under  
4     this Code, under the Covering ALL KIDS Health Insurance Act, ~~or~~  
5     under the Veterans' Health Insurance Program Act, under ~~or~~ the  
6     Veterans' Health Insurance Program Act of 2008, or under the  
7     Veterans' Care Preventative Dental Program Act, when such  
8     benefits were provided or became payable subsequent to the  
9     original order.

10       (g) No judgment, award, or settlement in any action or  
11     claim by a beneficiary to recover damages for injuries, when  
12     the Department has an interest, shall be satisfied without  
13     first giving the Department notice and a reasonable opportunity  
14     to perfect and satisfy its lien.

15       (h) When the Department has perfected a lien upon a  
16     judgment or award in favor of a beneficiary against any third  
17     party for an injury for which the beneficiary has received  
18     benefits under this Code, under the Covering ALL KIDS Health  
19     Insurance Act, ~~or~~ under the Veterans' Health Insurance Program  
20     Act, under ~~or~~ the Veterans' Health Insurance Program Act of  
21     2008, or under the Veterans' Care Preventative Dental Program  
22     Act, the Department shall be entitled to a writ of execution as  
23     lien claimant to enforce payment of said lien against such  
24     third party with interest and other accruing costs as in the  
25     case of other executions. In the event the amount of such  
26     judgment or award so recovered has been paid to the

1 beneficiary, the Department shall be entitled to a writ of  
2 execution against such beneficiary to the extent of the  
3 Department's lien, with interest and other accruing costs as in  
4 the case of other executions.

5 (i) Except as otherwise provided in this Section,  
6 notwithstanding any other provision of law, the entire amount  
7 of any settlement of the injured beneficiary's action or claim,  
8 with or without suit, is subject to the Department's claim for  
9 reimbursement of the benefits provided and any lien filed  
10 pursuant thereto to the same extent and subject to the same  
11 limitations as in Section 11-22 of this Code.

12 (Source: P.A. 94-693, eff. 7-1-06; 94-816, eff. 5-30-06;  
13 95-755, eff. 7-25-08.)

14 (305 ILCS 5/11-22c) (from Ch. 23, par. 11-22c)

15 Sec. 11-22c. Recovery of back wages.

16 (a) As used in this Section, "recipient" means any person  
17 receiving financial assistance under Article IV or Article VI  
18 of this Code, receiving health care benefits under the Covering  
19 ALL KIDS Health Insurance Act, ~~or~~ receiving health care  
20 benefits under the Veterans' Health Insurance Program Act or  
21 the Veterans' Health Insurance Program Act of 2008, or  
22 receiving preventative dental service benefits under the  
23 Veterans' Care Preventative Dental Program Act.

24 (b) If a recipient maintains any suit, charge or other  
25 court or administrative action against an employer seeking back

1 pay for a period during which the recipient received financial  
2 assistance under Article IV or Article VI of this Code, health  
3 care benefits under the Covering ALL KIDS Health Insurance Act,  
4 ~~or~~ health care benefits under the Veterans' Health Insurance  
5 Program Act or the Veterans' Health Insurance Program Act of  
6 2008, or preventative dental service benefits under the  
7 Veterans' Care Preventative Dental Program Act, the recipient  
8 shall report such fact to the Department. To the extent of the  
9 amount of assistance provided to or on behalf of the recipient  
10 under Article IV or Article VI, health care benefits provided  
11 under the Covering ALL KIDS Health Insurance Act, ~~or~~ health  
12 care benefits provided under the Veterans' Health Insurance  
13 Program Act or the Veterans' Health Insurance Program Act of  
14 2008, or preventative dental service benefits provided under  
15 the Veterans' Care Preventative Dental Program Act, the  
16 Department may by intervention or otherwise without the  
17 necessity of assignment of claim, attach a lien on the recovery  
18 of back wages equal to the amount of assistance provided by the  
19 Department to the recipient under Article IV or Article VI,  
20 under the Covering ALL KIDS Health Insurance Act, or under the  
21 Veterans' Health Insurance Program Act, under ~~or~~ the Veterans'  
22 Health Insurance Program Act of 2008, or under the Veterans'  
23 Care Preventative Dental Program Act.

24 (Source: P.A. 94-693, eff. 7-1-06; 94-816, eff. 5-30-06;  
25 95-755, eff. 7-25-08.)

1           Section 85. The Veterans' Health Insurance Program Act of  
2           2008 is amended by changing Sections 10 and 15, as follows:

3           (330 ILCS 126/10)

4           Sec. 10. Operation of the Program.

5           (a) The Veterans' Health Insurance Program is created. This  
6           Program is not an entitlement. Enrollment is based on the  
7           availability of funds, and enrollment may be capped based on  
8           funds appropriated for the Program. As soon as practical after  
9           the effective date of this Act, coverage for this Program shall  
10          begin. The Program shall be administered by the Department of  
11          Healthcare and Family Services in collaboration with the  
12          Department of Veterans' Affairs. The Department shall have the  
13          same powers and authority to administer the Program as are  
14          provided to the Department in connection with the Department's  
15          administration of the Illinois Public Aid Code. The Department  
16          shall coordinate the Program with other health programs  
17          operated by the Department and other State and federal  
18          agencies.

19          (b) The Department shall operate the Program in a manner so  
20          that the estimated cost of the Program during the fiscal year  
21          will not exceed the total appropriation for the Program. The  
22          Department may take any appropriate action to limit spending or  
23          enrollment into the Program, including, but not limited to,  
24          ceasing to accept or process applications, reviewing  
25          eligibility more frequently than annually, adjusting



1 cost-sharing, or reducing the income threshold for eligibility  
2 as necessary to control expenditures for the Program. The  
3 Department may use moneys designated for the Veterans' Health  
4 Insurance Program to fund the Veterans' Care Preventative  
5 Dental Program established under the Veterans' Care  
6 Preventative Dental Program.

7 (c) Notwithstanding subsections (a) and (b) and with the  
8 mutual agreement of the Department of Veterans' Affairs and the  
9 Department of Healthcare and Family Services, the operation of  
10 the Program may be changed to simplify its administration and  
11 to take advantage of health insurance coverage that may be  
12 available to veterans under the Patient Protection and  
13 Affordable Care Act.

14 (Source: P.A. 98-104, eff. 7-22-13.)

15 (330 ILCS 126/15)

16 Sec. 15. Eligibility.

17 (a) To be eligible for the Program, a person must:

18 (1) be a veteran who is not on active duty and who has  
19 not been dishonorably discharged from service or the spouse  
20 of such a veteran;

21 (2) be a resident of the State of Illinois;

22 (3) be at least 19 years of age and no older than 64  
23 years of age;

24 (4) be uninsured, as defined by the Department by rule,  
25 for a period of time established by the Department by rule,

1 which shall be no less than 3 months;

2 (5) not be eligible for medical assistance under the  
3 Illinois Public Aid Code or healthcare benefits under the  
4 Children's Health Insurance Program Act or the Covering ALL  
5 KIDS Health Insurance Act;

6 (6) not be eligible for medical benefits through the  
7 Veterans Health Administration; and

8 (7) have a household income no greater than the sum of  
9 (i) an amount equal to 25% of the federal poverty level  
10 plus (ii) an amount equal to the Veterans Administration  
11 means test income threshold at the initiation of the  
12 Program; depending on the availability of funds, this level  
13 may be increased to an amount equal to the sum of (iii) an  
14 amount equal to 50% of the federal poverty level plus (iv)  
15 an amount equal to the Veterans Administration means test  
16 income threshold. This means test income threshold is  
17 subject to alteration by the Department as set forth in  
18 subsection (b) of Section 10.

19 (b) A veteran or spouse who is determined eligible for the  
20 Program shall remain eligible for 12 months, provided the  
21 veteran or spouse remains a resident of the State and is not  
22 excluded under subsection (c) of this Section and provided the  
23 Department has not limited the enrollment period as set forth  
24 in subsection (b) of Section 10.

25 (c) A veteran or spouse is not eligible for coverage under  
26 the Program if:

1           (1) the premium required under Section 35 of this Act  
2           has not been timely paid; if the required premiums are not  
3           paid, the liability of the Program shall be limited to  
4           benefits incurred under the Program for the time period for  
5           which premiums have been paid and for grace periods as  
6           established under subsection (d); if the required monthly  
7           premium is not paid, the veteran or spouse is ineligible  
8           for re-enrollment for a minimum period of 3 months; or

9           (2) the veteran or spouse is a resident of a nursing  
10          facility or an inmate of a public institution, as defined  
11          by 42 CFR 435.1009.

12          (d) The Department shall adopt rules for the Program,  
13          including, but not limited to, rules relating to eligibility,  
14          re-enrollment, grace periods, notice requirements, hearing  
15          procedures, cost-sharing, covered services, and provider  
16          requirements. As used in this subsection, "covered services"  
17          must include preventative dental services as defined under the  
18          Veterans' Care Preventative Dental Program Act.

19          (Source: P.A. 95-755, eff. 7-25-08; 96-45, eff. 7-15-09.)

20          Section 99. Effective date. This Act takes effect upon  
21          becoming law."