



Rep. Jim Durkin

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1 AMENDMENT TO SENATE BILL 1105

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1105 on page 1 by  
3 inserting immediately below line 3 the following:

4 "Section 1. 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

1 care furnished by licensed practitioners; (7) home health care  
2 services; (8) private duty nursing service; (9) clinic  
3 services; (10) dental services, including prevention and  
4 treatment of periodontal disease and dental caries disease for  
5 pregnant women, provided by an individual licensed to practice  
6 dentistry or dental surgery; for purposes of this item (10),  
7 "dental services" means diagnostic, preventive, or corrective  
8 procedures provided by or under the supervision of a dentist in  
9 the practice of his or her profession; (11) physical therapy  
10 and related services; (12) prescribed drugs, dentures, and  
11 prosthetic devices; and eyeglasses prescribed by a physician  
12 skilled in the diseases of the eye, or by an optometrist,  
13 whichever the person may select; (13) other diagnostic,  
14 screening, preventive, and rehabilitative services, including  
15 to ensure that the individual's need for intervention or  
16 treatment of mental disorders or substance use disorders or  
17 co-occurring mental health and substance use disorders is  
18 determined using a uniform screening, assessment, and  
19 evaluation process inclusive of criteria, for children and  
20 adults; for purposes of this item (13), a uniform screening,  
21 assessment, and evaluation process refers to a process that  
22 includes an appropriate evaluation and, as warranted, a  
23 referral; "uniform" does not mean the use of a singular  
24 instrument, tool, or process that all must utilize; (14)  
25 transportation and such other expenses as may be necessary;  
26 (15) medical treatment of sexual assault survivors, as defined

1 in Section 1a of the Sexual Assault Survivors Emergency  
2 Treatment Act, for injuries sustained as a result of the sexual  
3 assault, including examinations and laboratory tests to  
4 discover evidence which may be used in criminal proceedings  
5 arising from the sexual assault; (16) the diagnosis and  
6 treatment of sickle cell anemia; and (17) any other medical  
7 care, and any other type of remedial care recognized under the  
8 laws of this State. The term "any other type of remedial care"  
9 shall include nursing care and nursing home service for persons  
10 who rely on treatment by spiritual means alone through prayer  
11 for healing.

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

19 Notwithstanding any other provision of this Code,  
20 reproductive health care that is otherwise legal in Illinois  
21 shall be covered under the medical assistance program for  
22 persons who are otherwise eligible for medical assistance under  
23 this Article.

24 Notwithstanding any other provision of this Code, the  
25 Illinois Department may not require, as a condition of payment  
26 for any laboratory test authorized under this Article, that a

1 physician's handwritten signature appear on the laboratory  
2 test order form. The Illinois Department may, however, impose  
3 other appropriate requirements regarding laboratory test order  
4 documentation.

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

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

1 operated by the Department of Human Services as successor to  
2 the Department of Public Aid:

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

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

8 On and after July 1, 2018, the Department of Healthcare and  
9 Family Services shall provide dental services to any adult who  
10 is otherwise eligible for assistance under the medical  
11 assistance program. As used in this paragraph, "dental  
12 services" means diagnostic, preventative, restorative, or  
13 corrective procedures, including procedures and services for  
14 the prevention and treatment of periodontal disease and dental  
15 caries disease, provided by an individual who is licensed to  
16 practice dentistry or dental surgery or who is under the  
17 supervision of a dentist in the practice of his or her  
18 profession.

19 On and after July 1, 2018, targeted dental services, as set  
20 forth in Exhibit D of the Consent Decree entered by the United  
21 States District Court for the Northern District of Illinois,  
22 Eastern Division, in the matter of Memisovski v. Maram, Case  
23 No. 92 C 1982, that are provided to adults under the medical  
24 assistance program shall be established at no less than the  
25 rates set forth in the "New Rate" column in Exhibit D of the  
26 Consent Decree for targeted dental services that are provided

1 to persons under the age of 18 under the medical assistance  
2 program.

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

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

19 The Department of Healthcare and Family Services must  
20 provide coverage and reimbursement for amino acid-based  
21 elemental formulas, regardless of delivery method, for the  
22 diagnosis and treatment of (i) eosinophilic disorders and (ii)  
23 short bowel syndrome when the prescribing physician has issued  
24 a written order stating that the amino acid-based elemental  
25 formula is medically necessary.

26 The Illinois Department shall authorize the provision of,

1 and shall authorize payment for, screening by low-dose  
2 mammography for the presence of occult breast cancer for women  
3 35 years of age or older who are eligible for medical  
4 assistance under this Article, as follows:

5 (A) A baseline mammogram for women 35 to 39 years of  
6 age.

7 (B) An annual mammogram for women 40 years of age or  
8 older.

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

14 (D) A comprehensive ultrasound screening and MRI of an  
15 entire breast or breasts if a mammogram demonstrates  
16 heterogeneous or dense breast tissue, when medically  
17 necessary as determined by a physician licensed to practice  
18 medicine in all of its branches.

19 (E) A screening MRI when medically necessary, as  
20 determined by a physician licensed to practice medicine in  
21 all of its branches.

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

1 dedicated specifically for mammography, including the x-ray  
2 tube, filter, compression device, and image receptor, with an  
3 average radiation exposure delivery of less than one rad per  
4 breast for 2 views of an average size breast. The term also  
5 includes digital mammography and includes breast  
6 tomosynthesis. As used in this Section, the term "breast  
7 tomosynthesis" means a radiologic procedure that involves the  
8 acquisition of projection images over the stationary breast to  
9 produce cross-sectional digital three-dimensional images of  
10 the breast. If, at any time, the Secretary of the United States  
11 Department of Health and Human Services, or its successor  
12 agency, promulgates rules or regulations to be published in the  
13 Federal Register or publishes a comment in the Federal Register  
14 or issues an opinion, guidance, or other action that would  
15 require the State, pursuant to any provision of the Patient  
16 Protection and Affordable Care Act (Public Law 111-148),  
17 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any  
18 successor provision, to defray the cost of any coverage for  
19 breast tomosynthesis outlined in this paragraph, then the  
20 requirement that an insurer cover breast tomosynthesis is  
21 inoperative other than any such coverage authorized under  
22 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and  
23 the State shall not assume any obligation for the cost of  
24 coverage for breast tomosynthesis set forth in this paragraph.

25 On and after January 1, 2016, the Department shall ensure  
26 that all networks of care for adult clients of the Department



1 include access to at least one breast imaging Center of Imaging  
2 Excellence as certified by the American College of Radiology.

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

8 The Department shall convene an expert panel including  
9 representatives of hospitals, free-standing mammography  
10 facilities, and doctors, including radiologists, to establish  
11 quality standards for mammography.

12 On and after January 1, 2017, providers participating in a  
13 breast cancer treatment quality improvement program approved  
14 by the Department shall be reimbursed for breast cancer  
15 treatment at a rate that is no lower than 95% of the Medicare  
16 program's rates for the data elements included in the breast  
17 cancer treatment quality program.

18 The Department shall convene an expert panel, including  
19 representatives of hospitals, free-standing breast cancer  
20 treatment centers, breast cancer quality organizations, and  
21 doctors, including breast surgeons, reconstructive breast  
22 surgeons, oncologists, and primary care providers to establish  
23 quality standards for breast cancer treatment.

24 Subject to federal approval, the Department shall  
25 establish a rate methodology for mammography at federally  
26 qualified health centers and other encounter-rate clinics.

1 These clinics or centers may also collaborate with other  
2 hospital-based mammography facilities. By January 1, 2016, the  
3 Department shall report to the General Assembly on the status  
4 of the provision set forth in this paragraph.

5 The Department shall establish a methodology to remind  
6 women who are age-appropriate for screening mammography, but  
7 who have not received a mammogram within the previous 18  
8 months, of the importance and benefit of screening mammography.  
9 The Department shall work with experts in breast cancer  
10 outreach and patient navigation to optimize these reminders and  
11 shall establish a methodology for evaluating their  
12 effectiveness and modifying the methodology based on the  
13 evaluation.

14 The Department shall establish a performance goal for  
15 primary care providers with respect to their female patients  
16 over age 40 receiving an annual mammogram. This performance  
17 goal shall be used to provide additional reimbursement in the  
18 form of a quality performance bonus to primary care providers  
19 who meet that goal.

20 The Department shall devise a means of case-managing or  
21 patient navigation for beneficiaries diagnosed with breast  
22 cancer. This program shall initially operate as a pilot program  
23 in areas of the State with the highest incidence of mortality  
24 related to breast cancer. At least one pilot program site shall  
25 be in the metropolitan Chicago area and at least one site shall  
26 be outside the metropolitan Chicago area. On or after July 1,

1 2016, the pilot program shall be expanded to include one site  
2 in western Illinois, one site in southern Illinois, one site in  
3 central Illinois, and 4 sites within metropolitan Chicago. An  
4 evaluation of the pilot program shall be carried out measuring  
5 health outcomes and cost of care for those served by the pilot  
6 program compared to similarly situated patients who are not  
7 served by the pilot program.

8 The Department shall require all networks of care to  
9 develop a means either internally or by contract with experts  
10 in navigation and community outreach to navigate cancer  
11 patients to comprehensive care in a timely fashion. The  
12 Department shall require all networks of care to include access  
13 for patients diagnosed with cancer to at least one academic  
14 commission on cancer-accredited cancer program as an  
15 in-network covered benefit.

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 having a substance use disorder as  
19 defined in the Substance Use Disorder Act, referral to a local  
20 substance use disorder treatment program licensed by the  
21 Department of Human Services or to a licensed hospital which  
22 provides substance abuse treatment services. The Department of  
23 Healthcare and Family Services shall assure coverage for the  
24 cost of treatment of the drug abuse or addiction for pregnant  
25 recipients in accordance with the Illinois Medicaid Program in  
26 conjunction with the Department of Human Services.

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

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

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

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

1 procedures to the Illinois Department.

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

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

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

26 (2) The Department may elect to consider and negotiate

1 financial incentives to encourage the development of  
2 Partnerships and the efficient delivery of medical care.

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

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

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

25 The Department shall apply for a waiver from the United  
26 States Health Care Financing Administration to allow for the

1 implementation of Partnerships under this Section.

2 The Illinois Department shall require health care  
3 providers to maintain records that document the medical care  
4 and services provided to recipients of Medical Assistance under  
5 this Article. Such records must be retained for a period of not  
6 less than 6 years from the date of service or as provided by  
7 applicable State law, whichever period is longer, except that  
8 if an audit is initiated within the required retention period  
9 then the records must be retained until the audit is completed  
10 and every exception is resolved. The Illinois Department shall  
11 require health care providers to make available, when  
12 authorized by the patient, in writing, the medical records in a  
13 timely fashion to other health care providers who are treating  
14 or serving persons eligible for Medical Assistance under this  
15 Article. All dispensers of medical services shall be required  
16 to maintain and retain business and professional records  
17 sufficient to fully and accurately document the nature, scope,  
18 details and receipt of the health care provided to persons  
19 eligible for medical assistance under this Code, in accordance  
20 with regulations promulgated by the Illinois Department. The  
21 rules and regulations shall require that proof of the receipt  
22 of prescription drugs, dentures, prosthetic devices and  
23 eyeglasses by eligible persons under this Section accompany  
24 each claim for reimbursement submitted by the dispenser of such  
25 medical services. No such claims for reimbursement shall be  
26 approved for payment by the Illinois Department without such

1 proof of receipt, unless the Illinois Department shall have put  
2 into effect and shall be operating a system of post-payment  
3 audit and review which shall, on a sampling basis, be deemed  
4 adequate by the Illinois Department to assure that such drugs,  
5 dentures, prosthetic devices and eyeglasses for which payment  
6 is being made are actually being received by eligible  
7 recipients. Within 90 days after September 16, 1984 (the  
8 effective date of Public Act 83-1439), the Illinois Department  
9 shall establish a current list of acquisition costs for all  
10 prosthetic devices and any other items recognized as medical  
11 equipment and supplies reimbursable under this Article and  
12 shall update such list on a quarterly basis, except that the  
13 acquisition costs of all prescription drugs shall be updated no  
14 less frequently than every 30 days as required by Section  
15 5-5.12.

16 Notwithstanding any other law to the contrary, the Illinois  
17 Department shall, within 365 days after July 22, 2013 (the  
18 effective date of Public Act 98-104), establish procedures to  
19 permit skilled care facilities licensed under the Nursing Home  
20 Care Act to submit monthly billing claims for reimbursement  
21 purposes. Following development of these procedures, the  
22 Department shall, by July 1, 2016, test the viability of the  
23 new system and implement any necessary operational or  
24 structural changes to its information technology platforms in  
25 order to allow for the direct acceptance and payment of nursing  
26 home claims.



1           Notwithstanding any other law to the contrary, the Illinois  
2 Department shall, within 365 days after August 15, 2014 (the  
3 effective date of Public Act 98-963), establish procedures to  
4 permit ID/DD facilities licensed under the ID/DD Community Care  
5 Act and MC/DD facilities licensed under the MC/DD Act to submit  
6 monthly billing claims for reimbursement purposes. Following  
7 development of these procedures, the Department shall have an  
8 additional 365 days to test the viability of the new system and  
9 to ensure that any necessary operational or structural changes  
10 to its information technology platforms are implemented.

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

20           The Illinois Department may require that all dispensers of  
21 medical services desiring to participate in the medical  
22 assistance program established under this Article disclose,  
23 under such terms and conditions as the Illinois Department may  
24 by rule establish, all inquiries from clients and attorneys  
25 regarding medical bills paid by the Illinois Department, which  
26 inquiries could indicate potential existence of claims or liens

1 for the Illinois Department.

2 Enrollment of a vendor shall be subject to a provisional  
3 period and shall be conditional for one year. During the period  
4 of conditional enrollment, the Department may terminate the  
5 vendor's eligibility to participate in, or may disenroll the  
6 vendor from, the medical assistance program without cause.  
7 Unless otherwise specified, such termination of eligibility or  
8 disenrollment is not subject to the Department's hearing  
9 process. However, a disenrolled vendor may reapply without  
10 penalty.

11 The Department has the discretion to limit the conditional  
12 enrollment period for vendors based upon category of risk of  
13 the vendor.

14 Prior to enrollment and during the conditional enrollment  
15 period in the medical assistance program, all vendors shall be  
16 subject to enhanced oversight, screening, and review based on  
17 the risk of fraud, waste, and abuse that is posed by the  
18 category of risk of the vendor. The Illinois Department shall  
19 establish the procedures for oversight, screening, and review,  
20 which may include, but need not be limited to: criminal and  
21 financial background checks; fingerprinting; license,  
22 certification, and authorization verifications; unscheduled or  
23 unannounced site visits; database checks; prepayment audit  
24 reviews; audits; payment caps; payment suspensions; and other  
25 screening as required by federal or State law.

26 The Department shall define or specify the following: (i)

1 by provider notice, the "category of risk of the vendor" for  
2 each type of vendor, which shall take into account the level of  
3 screening applicable to a particular category of vendor under  
4 federal law and regulations; (ii) by rule or provider notice,  
5 the maximum length of the conditional enrollment period for  
6 each category of risk of the vendor; and (iii) by rule, the  
7 hearing rights, if any, afforded to a vendor in each category  
8 of risk of the vendor that is terminated or disenrolled during  
9 the conditional enrollment period.

10 To be eligible for payment consideration, a vendor's  
11 payment claim or bill, either as an initial claim or as a  
12 resubmitted claim following prior rejection, must be received  
13 by the Illinois Department, or its fiscal intermediary, no  
14 later than 180 days after the latest date on the claim on which  
15 medical goods or services were provided, with the following  
16 exceptions:

17 (1) In the case of a provider whose enrollment is in  
18 process by the Illinois Department, the 180-day period  
19 shall not begin until the date on the written notice from  
20 the Illinois Department that the provider enrollment is  
21 complete.

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

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

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

7           For claims for services rendered during a period for which  
8 a recipient received retroactive eligibility, claims must be  
9 filed within 180 days after the Department determines the  
10 applicant is eligible. For claims for which the Illinois  
11 Department is not the primary payer, claims must be submitted  
12 to the Illinois Department within 180 days after the final  
13 adjudication by the primary payer.

14           In the case of long term care facilities, within 45  
15 calendar days of receipt by the facility of required  
16 prescreening information, new admissions with associated  
17 admission documents shall be submitted through the Medical  
18 Electronic Data Interchange (MEDI) or the Recipient  
19 Eligibility Verification (REV) System or shall be submitted  
20 directly to the Department of Human Services using required  
21 admission forms. Effective September 1, 2014, admission  
22 documents, including all prescreening information, must be  
23 submitted through MEDI or REV. Confirmation numbers assigned to  
24 an accepted transaction shall be retained by a facility to  
25 verify timely submittal. Once an admission transaction has been  
26 completed, all resubmitted claims following prior rejection

1 are subject to receipt no later than 180 days after the  
2 admission transaction has been completed.

3 Claims that are not submitted and received in compliance  
4 with the foregoing requirements shall not be eligible for  
5 payment under the medical assistance program, and the State  
6 shall have no liability for payment of those claims.

7 To the extent consistent with applicable information and  
8 privacy, security, and disclosure laws, State and federal  
9 agencies and departments shall provide the Illinois Department  
10 access to confidential and other information and data necessary  
11 to perform eligibility and payment verifications and other  
12 Illinois Department functions. This includes, but is not  
13 limited to: information pertaining to licensure;  
14 certification; earnings; immigration status; citizenship; wage  
15 reporting; unearned and earned income; pension income;  
16 employment; supplemental security income; social security  
17 numbers; National Provider Identifier (NPI) numbers; the  
18 National Practitioner Data Bank (NPDB); program and agency  
19 exclusions; taxpayer identification numbers; tax delinquency;  
20 corporate information; and death records.

21 The Illinois Department shall enter into agreements with  
22 State agencies and departments, and is authorized to enter into  
23 agreements with federal agencies and departments, under which  
24 such agencies and departments shall share data necessary for  
25 medical assistance program integrity functions and oversight.  
26 The Illinois Department shall develop, in cooperation with

1 other State departments and agencies, and in compliance with  
2 applicable federal laws and regulations, appropriate and  
3 effective methods to share such data. At a minimum, and to the  
4 extent necessary to provide data sharing, the Illinois  
5 Department shall enter into agreements with State agencies and  
6 departments, and is authorized to enter into agreements with  
7 federal agencies and departments, including but not limited to:  
8 the Secretary of State; the Department of Revenue; the  
9 Department of Public Health; the Department of Human Services;  
10 and the Department of Financial and Professional Regulation.

11 Beginning in fiscal year 2013, the Illinois Department  
12 shall set forth a request for information to identify the  
13 benefits of a pre-payment, post-adjudication, and post-edit  
14 claims system with the goals of streamlining claims processing  
15 and provider reimbursement, reducing the number of pending or  
16 rejected claims, and helping to ensure a more transparent  
17 adjudication process through the utilization of: (i) provider  
18 data verification and provider screening technology; and (ii)  
19 clinical code editing; and (iii) pre-pay, pre- or  
20 post-adjudicated predictive modeling with an integrated case  
21 management system with link analysis. Such a request for  
22 information shall not be considered as a request for proposal  
23 or as an obligation on the part of the Illinois Department to  
24 take any action or acquire any products or services.

25 The Illinois Department shall establish policies,  
26 procedures, standards and criteria by rule for the acquisition,

1 repair and replacement of orthotic and prosthetic devices and  
2 durable medical equipment. Such rules shall provide, but not be  
3 limited to, the following services: (1) immediate repair or  
4 replacement of such devices by recipients; and (2) rental,  
5 lease, purchase or lease-purchase of durable medical equipment  
6 in a cost-effective manner, taking into consideration the  
7 recipient's medical prognosis, the extent of the recipient's  
8 needs, and the requirements and costs for maintaining such  
9 equipment. Subject to prior approval, such rules shall enable a  
10 recipient to temporarily acquire and use alternative or  
11 substitute devices or equipment pending repairs or  
12 replacements of any device or equipment previously authorized  
13 for such recipient by the Department. Notwithstanding any  
14 provision of Section 5-5f to the contrary, the Department may,  
15 by rule, exempt certain replacement wheelchair parts from prior  
16 approval and, for wheelchairs, wheelchair parts, wheelchair  
17 accessories, and related seating and positioning items,  
18 determine the wholesale price by methods other than actual  
19 acquisition costs.

20 The Department shall require, by rule, all providers of  
21 durable medical equipment to be accredited by an accreditation  
22 organization approved by the federal Centers for Medicare and  
23 Medicaid Services and recognized by the Department in order to  
24 bill the Department for providing durable medical equipment to  
25 recipients. No later than 15 months after the effective date of  
26 the rule adopted pursuant to this paragraph, all providers must

1 meet the accreditation requirement.

2 In order to promote environmental responsibility, meet the  
3 needs of recipients and enrollees, and achieve significant cost  
4 savings, the Department, or a managed care organization under  
5 contract with the Department, may provide recipients or managed  
6 care enrollees who have a prescription or Certificate of  
7 Medical Necessity access to refurbished durable medical  
8 equipment under this Section (excluding prosthetic and  
9 orthotic devices as defined in the Orthotics, Prosthetics, and  
10 Pedorthics Practice Act and complex rehabilitation technology  
11 products and associated services) through the State's  
12 assistive technology program's reutilization program, using  
13 staff with the Assistive Technology Professional (ATP)  
14 Certification if the refurbished durable medical equipment:  
15 (i) is available; (ii) is less expensive, including shipping  
16 costs, than new durable medical equipment of the same type;  
17 (iii) is able to withstand at least 3 years of use; (iv) is  
18 cleaned, disinfected, sterilized, and safe in accordance with  
19 federal Food and Drug Administration regulations and guidance  
20 governing the reprocessing of medical devices in health care  
21 settings; and (v) equally meets the needs of the recipient or  
22 enrollee. The reutilization program shall confirm that the  
23 recipient or enrollee is not already in receipt of same or  
24 similar equipment from another service provider, and that the  
25 refurbished durable medical equipment equally meets the needs  
26 of the recipient or enrollee. Nothing in this paragraph shall



1 be construed to limit recipient or enrollee choice to obtain  
2 new durable medical equipment or place any additional prior  
3 authorization conditions on enrollees of managed care  
4 organizations.

5 The Department shall execute, relative to the nursing home  
6 prescreening project, written inter-agency agreements with the  
7 Department of Human Services and the Department on Aging, to  
8 effect the following: (i) intake procedures and common  
9 eligibility criteria for those persons who are receiving  
10 non-institutional services; and (ii) the establishment and  
11 development of non-institutional services in areas of the State  
12 where they are not currently available or are undeveloped; and  
13 (iii) notwithstanding any other provision of law, subject to  
14 federal approval, on and after July 1, 2012, an increase in the  
15 determination of need (DON) scores from 29 to 37 for applicants  
16 for institutional and home and community-based long term care;  
17 if and only if federal approval is not granted, the Department  
18 may, in conjunction with other affected agencies, implement  
19 utilization controls or changes in benefit packages to  
20 effectuate a similar savings amount for this population; and  
21 (iv) no later than July 1, 2013, minimum level of care  
22 eligibility criteria for institutional and home and  
23 community-based long term care; and (v) no later than October  
24 1, 2013, establish procedures to permit long term care  
25 providers access to eligibility scores for individuals with an  
26 admission date who are seeking or receiving services from the

1 long term care provider. In order to select the minimum level  
2 of care eligibility criteria, the Governor shall establish a  
3 workgroup that includes affected agency representatives and  
4 stakeholders representing the institutional and home and  
5 community-based long term care interests. This Section shall  
6 not restrict the Department from implementing lower level of  
7 care eligibility criteria for community-based services in  
8 circumstances where federal approval has been granted.

9 The Illinois Department shall develop and operate, in  
10 cooperation with other State Departments and agencies and in  
11 compliance with applicable federal laws and regulations,  
12 appropriate and effective systems of health care evaluation and  
13 programs for monitoring of utilization of health care services  
14 and facilities, as it affects persons eligible for medical  
15 assistance under this Code.

16 The Illinois Department shall report annually to the  
17 General Assembly, no later than the second Friday in April of  
18 1979 and each year thereafter, in regard to:

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

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

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

25 (d) efforts at utilization review and control by the  
26 Illinois Department.

1           The period covered by each report shall be the 3 years  
2 ending on the June 30 prior to the report. The report shall  
3 include suggested legislation for consideration by the General  
4 Assembly. The requirement for reporting to the General Assembly  
5 shall be satisfied by filing copies of the report as required  
6 by Section 3.1 of the General Assembly Organization Act, and  
7 filing such additional copies with the State Government Report  
8 Distribution Center for the General Assembly as is required  
9 under paragraph (t) of Section 7 of the State Library Act.

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

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

21           Because kidney transplantation can be an appropriate,  
22 cost-effective alternative to renal dialysis when medically  
23 necessary and notwithstanding the provisions of Section 1-11 of  
24 this Code, beginning October 1, 2014, the Department shall  
25 cover kidney transplantation for noncitizens with end-stage  
26 renal disease who are not eligible for comprehensive medical

1 benefits, who meet the residency requirements of Section 5-3 of  
2 this Code, and who would otherwise meet the financial  
3 requirements of the appropriate class of eligible persons under  
4 Section 5-2 of this Code. To qualify for coverage of kidney  
5 transplantation, such person must be receiving emergency renal  
6 dialysis services covered by the Department. Providers under  
7 this Section shall be prior approved and certified by the  
8 Department to perform kidney transplantation and the services  
9 under this Section shall be limited to services associated with  
10 kidney transplantation.

11 Notwithstanding any other provision of this Code to the  
12 contrary, on or after July 1, 2015, all FDA approved forms of  
13 medication assisted treatment prescribed for the treatment of  
14 alcohol dependence or treatment of opioid dependence shall be  
15 covered under both fee for service and managed care medical  
16 assistance programs for persons who are otherwise eligible for  
17 medical assistance under this Article and shall not be subject  
18 to any (1) utilization control, other than those established  
19 under the American Society of Addiction Medicine patient  
20 placement criteria, (2) prior authorization mandate, or (3)  
21 lifetime restriction limit mandate.

22 On or after July 1, 2015, opioid antagonists prescribed for  
23 the treatment of an opioid overdose, including the medication  
24 product, administration devices, and any pharmacy fees related  
25 to the dispensing and administration of the opioid antagonist,  
26 shall be covered under the medical assistance program for

1 persons who are otherwise eligible for medical assistance under  
2 this Article. As used in this Section, "opioid antagonist"  
3 means a drug that binds to opioid receptors and blocks or  
4 inhibits the effect of opioids acting on those receptors,  
5 including, but not limited to, naloxone hydrochloride or any  
6 other similarly acting drug approved by the U.S. Food and Drug  
7 Administration.

8 Upon federal approval, the Department shall provide  
9 coverage and reimbursement for all drugs that are approved for  
10 marketing by the federal Food and Drug Administration and that  
11 are recommended by the federal Public Health Service or the  
12 United States Centers for Disease Control and Prevention for  
13 pre-exposure prophylaxis and related pre-exposure prophylaxis  
14 services, including, but not limited to, HIV and sexually  
15 transmitted infection screening, treatment for sexually  
16 transmitted infections, medical monitoring, assorted labs, and  
17 counseling to reduce the likelihood of HIV infection among  
18 individuals who are not infected with HIV but who are at high  
19 risk of HIV infection.

20 A federally qualified health center, as defined in Section  
21 1905(1)(2)(B) of the federal Social Security Act, shall be  
22 reimbursed by the Department in accordance with the federally  
23 qualified health center's encounter rate for services provided  
24 to medical assistance recipients that are performed by a dental  
25 hygienist, as defined under the Illinois Dental Practice Act,  
26 working under the general supervision of a dentist and employed

1 by a federally qualified health center.

2 Notwithstanding any other provision of this Code, the  
3 Illinois Department shall authorize licensed dietitian  
4 nutritionists and certified diabetes educators to counsel  
5 senior diabetes patients in the senior diabetes patients' homes  
6 to remove the hurdle of transportation for senior diabetes  
7 patients to receive treatment.

8 Notwithstanding any other provision of this Code,  
9 community-based pediatric palliative care from a trained  
10 interdisciplinary team shall be covered under the medical  
11 assistance program as provided in Section 15 of the Pediatric  
12 Palliative Care Act.

13 (Source: P.A. 99-78, eff. 7-20-15; 99-180, eff. 7-29-15;  
14 99-236, eff. 8-3-15; 99-407 (see Section 20 of P.A. 99-588 for  
15 the effective date of P.A. 99-407); 99-433, eff. 8-21-15;  
16 99-480, eff. 9-9-15; 99-588, eff. 7-20-16; 99-642, eff.  
17 7-28-16; 99-772, eff. 1-1-17; 99-895, eff. 1-1-17; 100-201,  
18 eff. 8-18-17; 100-395, eff. 1-1-18; 100-449, eff. 1-1-18;  
19 100-538, eff. 1-1-18; 100-587, eff. 6-4-18; 100-759, eff.  
20 1-1-19; 100-863, eff. 8-14-18; 100-974, eff. 8-19-18;  
21 100-1009, eff. 1-1-19; 100-1018, eff. 1-1-19; 100-1148, eff.  
22 12-10-18.)"; and

23 by replacing line 22 on page 3 through line 7 on page 4 with the  
24 following:

1           "(305 ILCS 60/15)

2           Sec. 15. Pediatric palliative care ~~pilot~~ program. The  
3 Department shall develop a pediatric palliative care ~~pilot~~  
4 program, and the medical assistance program established under  
5 Article V of the Illinois Public Aid Code shall cover ~~under~~  
6 ~~which a qualifying child as defined in Section 25 may receive~~  
7 community-based pediatric palliative care from a trained  
8 interdisciplinary team, as an added benefit under which a  
9 qualifying child, as defined in Section 25, may also choose to  
10 continue ~~while continuing to pursue aggressive curative or~~  
11 disease-directed treatments for a serious ~~potentially~~  
12 ~~life-limiting~~ illness under the benefits available under  
13 Article V of the Illinois Public Aid Code.

14           (Source: P.A. 96-1078, eff. 7-16-10.); and

15 by replacing line 21 on page 6 through line 5 on page 7 with the  
16 following:

17           "(5) Genetic syndromes, such as, but not limited to,  
18 Trisomy 13 or 18, where the child has substantial  
19 neurocognitive disability ~~(i) it is more likely than not~~  
20 ~~that the child will not live past 2 years of age or (ii)~~  
21 ~~the child is severely compromised with no expectation of~~  
22 long-term survival.

23           (6) Congenital or acquired end-stage heart disease, ~~7~~  
24 ~~including but not limited to the following: (i) single~~  
25 ~~ventricle disorders, including hypoplastic left heart~~

1 ~~syndrome; (ii) total anomalous pulmonary venous return,~~  
2 ~~not suitable for curative surgical treatment; and (iii)~~  
3 ~~heart muscle disorders (cardiomyopathies) without adequate~~  
4 medical or surgical treatments available."; and

5 on page 9, line 8, by replacing "Pediatric nursing" with  
6 "Nursing ~~Pediatric nursing~~"; and

7 on page 9, line 12, after "licensed counselor,", by inserting  
8 "child life specialist,"; and

9 by replacing line 20 on page 9 through line 2 on page 10 with  
10 the following:

11 "(305 ILCS 60/37 new)

12 Sec. 37. Medical assistance program standards for  
13 pediatric palliative care services. The Department, in  
14 consultation with interested stakeholders, shall establish  
15 standards for the provision of pediatric palliative care  
16 services under the medical assistance program under Article V  
17 of the Illinois Public Aid Code. The Department shall establish  
18 standards for and provide technical assistance to managed care  
19 organizations, as defined in Section 5-30.1 of the Illinois  
20 Public Aid Code, to ensure the delivery of pediatric palliative  
21 care services to eligible recipients of medical assistance."