

SB3989



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3989

Introduced 1/21/2022, by Sen. Cristina H. Pacione-Zayas

SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-4.35

Amends the Illinois Public Aid Code. Provides that by January 1, 2023, the Department of Healthcare and Family Services may provide medical services to noncitizens aged 19 or older, but younger than 55, who (i) are not eligible for medical assistance under Article V of the Code due to their not meeting the otherwise applicable provisions of the Code concerning citizenship and (ii) have income at or below 133% of the federal poverty level plus 5% for the applicable family size as determined under applicable federal law and regulations. Provides that persons eligible for medical services under the amendatory Act shall receive benefits identical to the benefits provided under the Health Benefits Service Package as that term is defined in the Code. Effective immediately.

LRB102 22905 KTG 32058 b

A BILL FOR

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 12-4.35 as follows:

6 (305 ILCS 5/12-4.35)

7 Sec. 12-4.35. Medical services for certain noncitizens.

8 (a) Notwithstanding Section 1-11 of this Code or Section
9 20(a) of the Children's Health Insurance Program Act, the
10 Department of Healthcare and Family Services may provide
11 medical services to noncitizens who have not yet attained 19
12 years of age and who are not eligible for medical assistance
13 under Article V of this Code or under the Children's Health
14 Insurance Program created by the Children's Health Insurance
15 Program Act due to their not meeting the otherwise applicable
16 provisions of Section 1-11 of this Code or Section 20(a) of the
17 Children's Health Insurance Program Act. The medical services
18 available, standards for eligibility, and other conditions of
19 participation under this Section shall be established by rule
20 by the Department; however, any such rule shall be at least as
21 restrictive as the rules for medical assistance under Article
22 V of this Code or the Children's Health Insurance Program
23 created by the Children's Health Insurance Program Act.

1 (a-5) Notwithstanding Section 1-11 of this Code, the
2 Department of Healthcare and Family Services may provide
3 medical assistance in accordance with Article V of this Code
4 to noncitizens over the age of 65 years of age who are not
5 eligible for medical assistance under Article V of this Code
6 due to their not meeting the otherwise applicable provisions
7 of Section 1-11 of this Code, whose income is at or below 100%
8 of the federal poverty level after deducting the costs of
9 medical or other remedial care, and who would otherwise meet
10 the eligibility requirements in Section 5-2 of this Code. The
11 medical services available, standards for eligibility, and
12 other conditions of participation under this Section shall be
13 established by rule by the Department; however, any such rule
14 shall be at least as restrictive as the rules for medical
15 assistance under Article V of this Code.

16 (a-6) By May 30, 2022, notwithstanding Section 1-11 of
17 this Code, the Department of Healthcare and Family Services
18 may provide medical services to noncitizens 55 years of age
19 through 64 years of age who (i) are not eligible for medical
20 assistance under Article V of this Code due to their not
21 meeting the otherwise applicable provisions of Section 1-11 of
22 this Code and (ii) have income at or below 133% of the federal
23 poverty level plus 5% for the applicable family size as
24 determined under applicable federal law and regulations.
25 Persons eligible for medical services under Public Act 102-16
26 ~~this amendatory Act of the 102nd General Assembly~~ shall

1 receive benefits identical to the benefits provided under the
2 Health Benefits Service Package as that term is defined in
3 subsection (m) of Section 5-1.1 of this Code.

4 (a-7) By January 1, 2023, notwithstanding Section 1-11 of
5 this Code, the Department of Healthcare and Family Services
6 may provide medical services to noncitizens aged 19 or older,
7 but younger than 55, who (i) are not eligible for medical
8 assistance under Article V of this Code due to their not
9 meeting the otherwise applicable provisions of Section 1-11 of
10 this Code and (ii) have income at or below 133% of the federal
11 poverty level plus 5% for the applicable family size as
12 determined under applicable federal law and regulations.
13 Persons eligible for medical services under this amendatory
14 Act of the 102nd General Assembly shall receive benefits
15 identical to the benefits provided under the Health Benefits
16 Service Package as that term is defined in subsection (m) of
17 Section 5-1.1 of this Code.

18 (a-10) Notwithstanding the provisions of Section 1-11, the
19 Department shall cover immunosuppressive drugs and related
20 services associated with post-kidney transplant management,
21 excluding long-term care costs, for noncitizens who: (i) are
22 not eligible for comprehensive medical benefits; (ii) meet the
23 residency requirements of Section 5-3; and (iii) would meet
24 the financial eligibility requirements of Section 5-2.

25 (b) The Department is authorized to take any action that
26 would not otherwise be prohibited by applicable law,

1 including, without limitation, cessation or limitation of
2 enrollment, reduction of available medical services, and
3 changing standards for eligibility, that is deemed necessary
4 by the Department during a State fiscal year to assure that
5 payments under this Section do not exceed available funds.

6 (c) (Blank).

7 (d) (Blank).

8 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;
9 102-43, Article 25, Section 25-15, eff. 7-6-21; 102-43,
10 Article 45, Section 45-5, eff. 7-6-21; revised 7-15-21.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.