HB4832

LRB10337451KTG67573b

103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4832

Introduced 2/7/2024, by Rep. Dagmara Avelar

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5

Amends the Medical Assistance Article of the Illinois Public Aid Code. Requires the Department of Healthcare and Family Services to file administrative rules updating the Handicapping Labio-Lingual Deviation orthodontic scoring tool by July 1, 2024, or as soon as practicable. Effective immediately.

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A BILL FOR

1 AN ACT concerning public aid.

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

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

6 (305 ILCS 5/5-5)
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
16 home, or elsewhere; (6) medical care, or any other type of
17 remedial care furnished by licensed practitioners; (7) home
18 health care services; (8) private duty nursing service; (9)
19 clinic services; (10) dental services, including prevention
20 and treatment of periodontal disease and dental caries disease
21 for pregnant individuals, provided by an individual licensed
22 to practice dentistry or dental surgery; for purposes of this
23 item (10), "dental services" means diagnostic, preventive, or

1 corrective procedures provided by or under the supervision of
2 a dentist in the practice of his or her profession; (11)
3 physical therapy and related services; (12) prescribed drugs,
4 dentures, and prosthetic devices; and eyeglasses prescribed by
5 a physician skilled in the diseases of the eye, or by an
6 optometrist, whichever the person may select; (13) other
7 diagnostic, screening, preventive, and rehabilitative
8 services, including to ensure that the individual's need for
9 intervention or treatment of mental disorders or substance use
10 disorders or co-occurring mental health and substance use
11 disorders is determined using a uniform screening, assessment,
12 and evaluation process inclusive of criteria, for children and
13 adults; for purposes of this item (13), a uniform screening,
14 assessment, and evaluation process refers to a process that
15 includes an appropriate evaluation and, as warranted, a
16 referral; "uniform" does not mean the use of a singular
17 instrument, tool, or process that all must utilize; (14)
18 transportation and such other expenses as may be necessary;
19 (15) medical treatment of sexual assault survivors, as defined
20 in Section 1a of the Sexual Assault Survivors Emergency
21 Treatment Act, for injuries sustained as a result of the
22 sexual assault, including examinations and laboratory tests to
23 discover evidence which may be used in criminal proceedings
24 arising from the sexual assault; (16) the diagnosis and
25 treatment of sickle cell anemia; (16.5) services performed by
26 a chiropractic physician licensed under the Medical Practice

1 Act of 1987 and acting within the scope of his or her license,
2 including, but not limited to, chiropractic manipulative
3 treatment; and (17) any other medical care, and any other type
4 of remedial care recognized under the laws of this State. The
5 term "any other type of remedial care" shall include nursing
6 care and nursing home service for persons who rely on
7 treatment by spiritual means alone through prayer for healing.

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

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

20 Notwithstanding any other provision of this Section, all
21 tobacco cessation medications approved by the United States
22 Food and Drug Administration and all individual and group
23 tobacco cessation counseling services and telephone-based
24 counseling services and tobacco cessation medications provided
25 through the Illinois Tobacco Quitline shall be covered under
26 the medical assistance program for persons who are otherwise

1 eligible for assistance under this Article. The Department
2 shall comply with all federal requirements necessary to obtain
3 federal financial participation, as specified in 42 CFR
4 433.15(b)(7), for telephone-based counseling services provided
5 through the Illinois Tobacco Quitline, including, but not
6 limited to: (i) entering into a memorandum of understanding or
7 interagency agreement with the Department of Public Health, as
8 administrator of the Illinois Tobacco Quitline; and (ii)
9 developing a cost allocation plan for Medicaid-allowable
10 Illinois Tobacco Quitline services in accordance with 45 CFR
11 95.507. The Department shall submit the memorandum of
12 understanding or interagency agreement, the cost allocation
13 plan, and all other necessary documentation to the Centers for
14 Medicare and Medicaid Services for review and approval.
15 Coverage under this paragraph shall be contingent upon federal
16 approval.

17 Notwithstanding any other provision of this Code, the
18 Illinois Department may not require, as a condition of payment
19 for any laboratory test authorized under this Article, that a
20 physician's handwritten signature appear on the laboratory
21 test order form. The Illinois Department may, however, impose
22 other appropriate requirements regarding laboratory test order
23 documentation.

24 Upon receipt of federal approval of an amendment to the
25 Illinois Title XIX State Plan for this purpose, the Department
26 shall authorize the Chicago Public Schools (CPS) to procure a

1 vendor or vendors to manufacture eyeglasses for individuals
2 enrolled in a school within the CPS system. CPS shall ensure
3 that its vendor or vendors are enrolled as providers in the
4 medical assistance program and in any capitated Medicaid
5 managed care entity (MCE) serving individuals enrolled in a
6 school within the CPS system. Under any contract procured
7 under this provision, the vendor or vendors must serve only
8 individuals enrolled in a school within the CPS system. Claims
9 for services provided by CPS's vendor or vendors to recipients
10 of benefits in the medical assistance program under this Code,
11 the Children's Health Insurance Program, or the Covering ALL
12 KIDS Health Insurance Program shall be submitted to the
13 Department or the MCE in which the individual is enrolled for
14 payment and shall be reimbursed at the Department's or the
15 MCE's established rates or rate methodologies for eyeglasses.

16 On and after July 1, 2012, the Department of Healthcare
17 and Family Services may provide the following services to
18 persons eligible for assistance under this Article who are
19 participating in education, training or employment programs
20 operated by the Department of Human Services as successor to
21 the Department of Public Aid:

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

24 (2) eyeglasses prescribed by a physician skilled in
25 the diseases of the eye, or by an optometrist, whichever
26 the person may select.

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

12 On and after July 1, 2018, targeted dental services, as
13 set forth in Exhibit D of the Consent Decree entered by the
14 United States District Court for the Northern District of
15 Illinois, Eastern Division, in the matter of Memisovski v.
16 Maram, Case No. 92 C 1982, that are provided to adults under
17 the medical assistance program shall be established at no less
18 than the rates set forth in the "New Rate" column in Exhibit D
19 of the Consent Decree for targeted dental services that are
20 provided to persons under the age of 18 under the medical
21 assistance program.

22 Notwithstanding any other provision of this Code and
23 subject to federal approval, the Department may adopt rules to
24 allow a dentist who is volunteering his or her service at no
25 cost to render dental services through an enrolled
26 not-for-profit health clinic without the dentist personally

enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

The Department shall file administrative rules updating the Handicapping Labio-Lingual Deviation orthodontic scoring tool by July 1, 2024, or as soon as practicable.

On and after January 1, 2022, the Department of Healthcare and Family Services shall administer and regulate a school-based dental program that allows for the out-of-office delivery of preventative dental services in a school setting to children under 19 years of age. The Department shall establish, by rule, guidelines for participation by providers and set requirements for follow-up referral care based on the requirements established in the Dental Office Reference Manual published by the Department that establishes the requirements for dentists participating in the All Kids Dental School Program. Every effort shall be made by the Department when developing the program requirements to consider the different geographic differences of both urban and rural areas of the State for initial treatment and necessary follow-up care. No provider shall be charged a fee by any unit of local government

to participate in the school-based dental program administered by the Department. Nothing in this paragraph shall be construed to limit or preempt a home rule unit's or school district's authority to establish, change, or administer a school-based dental program in addition to, or independent of, the school-based dental program administered by the Department.

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

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

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

(A) A baseline mammogram for individuals 35 to 39 years of age.

(B) An annual mammogram for individuals 40 years of

1 age or older.
2 (C) A mammogram at the age and intervals considered
3 medically necessary by the individual's health care
4 provider for individuals under 40 years of age and having
5 a family history of breast cancer, prior personal history
6 of breast cancer, positive genetic testing, or other risk
7 factors.
8 (D) A comprehensive ultrasound screening and MRI of an
9 entire breast or breasts if a mammogram demonstrates
10 heterogeneous or dense breast tissue or when medically
11 necessary as determined by a physician licensed to
12 practice medicine in all of its branches.
13 (E) A screening MRI when medically necessary, as
14 determined by a physician licensed to practice medicine in
15 all of its branches.
16 (F) A diagnostic mammogram when medically necessary,
17 as determined by a physician licensed to practice medicine
18 in all its branches, advanced practice registered nurse,
19 or physician assistant.
20 The Department shall not impose a deductible, coinsurance,
21 copayment, or any other cost-sharing requirement on the
22 coverage provided under this paragraph; except that this
23 sentence does not apply to coverage of diagnostic mammograms
24 to the extent such coverage would disqualify a high-deductible
25 health plan from eligibility for a health savings account
26 pursuant to Section 223 of the Internal Revenue Code (26

U.S.C. 223).

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool.

For purposes of this Section:

"Diagnostic mammogram" means a mammogram obtained using diagnostic mammography.

"Diagnostic mammography" means a method of screening that is designed to evaluate an abnormality in a breast, including an abnormality seen or suspected on a screening mammogram or a subjective or objective abnormality otherwise detected in the breast.

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

"Breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor

1 agency, promulgates rules or regulations to be published in
2 the Federal Register or publishes a comment in the Federal
3 Register or issues an opinion, guidance, or other action that
4 would require the State, pursuant to any provision of the
5 Patient Protection and Affordable Care Act (Public Law
6 111-148), including, but not limited to, 42 U.S.C.
7 18031(d)(3)(B) or any successor provision, to defray the cost
8 of any coverage for breast tomosynthesis outlined in this
9 paragraph, then the requirement that an insurer cover breast
10 tomosynthesis is inoperative other than any such coverage
11 authorized under Section 1902 of the Social Security Act, 42
12 U.S.C. 1396a, and the State shall not assume any obligation
13 for the cost of coverage for breast tomosynthesis set forth in
14 this paragraph.

15 On and after January 1, 2016, the Department shall ensure
16 that all networks of care for adult clients of the Department
17 include access to at least one breast imaging Center of
18 Imaging Excellence as certified by the American College of
19 Radiology.

20 On and after January 1, 2012, providers participating in a
21 quality improvement program approved by the Department shall
22 be reimbursed for screening and diagnostic mammography at the
23 same rate as the Medicare program's rates, including the
24 increased reimbursement for digital mammography and, after
25 January 1, 2023 (the effective date of Public Act 102-1018),
26 breast tomosynthesis.

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

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

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

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind individuals who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18

months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

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

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

1 The Department shall require all networks of care to
2 develop a means either internally or by contract with experts
3 in navigation and community outreach to navigate cancer
4 patients to comprehensive care in a timely fashion. The
5 Department shall require all networks of care to include
6 access for patients diagnosed with cancer to at least one
7 academic commission on cancer-accredited cancer program as an
8 in-network covered benefit.
9 The Department shall provide coverage and reimbursement
10 for a human papillomavirus (HPV) vaccine that is approved for
11 marketing by the federal Food and Drug Administration for all
12 persons between the ages of 9 and 45. Subject to federal
13 approval, the Department shall provide coverage and
14 reimbursement for a human papillomavirus (HPV) vaccine for
15 persons of the age of 46 and above who have been diagnosed with
16 cervical dysplasia with a high risk of recurrence or
17 progression. The Department shall disallow any
18 preauthorization requirements for the administration of the
19 human papillomavirus (HPV) vaccine.
20 On or after July 1, 2022, individuals who are otherwise
21 eligible for medical assistance under this Article shall
22 receive coverage for perinatal depression screenings for the
23 12-month period beginning on the last day of their pregnancy.
24 Medical assistance coverage under this paragraph shall be
25 conditioned on the use of a screening instrument approved by
26 the Department.

1 Any medical or health care provider shall immediately
2 recommend, to any pregnant individual who is being provided
3 prenatal services and is suspected of having a substance use
4 disorder as defined in the Substance Use Disorder Act,
5 referral to a local substance use disorder treatment program
6 licensed by the Department of Human Services or to a licensed
7 hospital which provides substance abuse treatment services.
8 The Department of Healthcare and Family Services shall assure
9 coverage for the cost of treatment of the drug abuse or
10 addiction for pregnant recipients in accordance with the
11 Illinois Medicaid Program in conjunction with the Department
12 of Human Services.

13 All medical providers providing medical assistance to
14 pregnant individuals under this Code shall receive information
15 from the Department on the availability of services under any
16 program providing case management services for addicted
17 individuals, including information on appropriate referrals
18 for other social services that may be needed by addicted
19 individuals in addition to treatment for addiction.

20 The Illinois Department, in cooperation with the
21 Departments of Human Services (as successor to the Department
22 of Alcoholism and Substance Abuse) and Public Health, through
23 a public awareness campaign, may provide information
24 concerning treatment for alcoholism and drug abuse and
25 addiction, prenatal health care, and other pertinent programs
26 directed at reducing the number of drug-affected infants born

1 to recipients of medical assistance.
2 Neither the Department of Healthcare and Family Services
3 nor the Department of Human Services shall sanction the
4 recipient solely on the basis of the recipient's substance
5 abuse.
6 The Illinois Department shall establish such regulations
7 governing the dispensing of health services under this Article
8 as it shall deem appropriate. The Department should seek the
9 advice of formal professional advisory committees appointed by
10 the Director of the Illinois Department for the purpose of
11 providing regular advice on policy and administrative matters,
12 information dissemination and educational activities for
13 medical and health care providers, and consistency in
14 procedures to the Illinois Department.
15 The Illinois Department may develop and contract with
16 Partnerships of medical providers to arrange medical services
17 for persons eligible under Section 5-2 of this Code.
18 Implementation of this Section may be by demonstration
19 projects in certain geographic areas. The Partnership shall be
20 represented by a sponsor organization. The Department, by
21 rule, shall develop qualifications for sponsors of
22 Partnerships. Nothing in this Section shall be construed to
23 require that the sponsor organization be a medical
24 organization.
25 The sponsor must negotiate formal written contracts with
26 medical providers for physician services, inpatient and

1 outpatient hospital care, home health services, treatment for
2 alcoholism and substance abuse, and other services determined
3 necessary by the Illinois Department by rule for delivery by
4 Partnerships. Physician services must include prenatal and
5 obstetrical care. The Illinois Department shall reimburse
6 medical services delivered by Partnership providers to clients
7 in target areas according to provisions of this Article and
8 the Illinois Health Finance Reform Act, except that:
9 (1) Physicians participating in a Partnership and
10 providing certain services, which shall be determined by
11 the Illinois Department, to persons in areas covered by
12 the Partnership may receive an additional surcharge for
13 such services.
14 (2) The Department may elect to consider and negotiate
15 financial incentives to encourage the development of
16 Partnerships and the efficient delivery of medical care.
17 (3) Persons receiving medical services through
18 Partnerships may receive medical and case management
19 services above the level usually offered through the
20 medical assistance program.
21 Medical providers shall be required to meet certain
22 qualifications to participate in Partnerships to ensure the
23 delivery of high quality medical services. These
24 qualifications shall be determined by rule of the Illinois
25 Department and may be higher than qualifications for
26 participation in the medical assistance program. Partnership

sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

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

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

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing,

1 the medical records in a timely fashion to other health care
2 providers who are treating or serving persons eligible for
3 Medical Assistance under this Article. All dispensers of
4 medical services shall be required to maintain and retain
5 business and professional records sufficient to fully and
6 accurately document the nature, scope, details and receipt of
7 the health care provided to persons eligible for medical
8 assistance under this Code, in accordance with regulations
9 promulgated by the Illinois Department. The rules and
10 regulations shall require that proof of the receipt of
11 prescription drugs, dentures, prosthetic devices and
12 eyeglasses by eligible persons under this Section accompany
13 each claim for reimbursement submitted by the dispenser of
14 such medical services. No such claims for reimbursement shall
15 be approved for payment by the Illinois Department without
16 such proof of receipt, unless the Illinois Department shall
17 have put into effect and shall be operating a system of
18 post-payment audit and review which shall, on a sampling
19 basis, be deemed adequate by the Illinois Department to assure
20 that such drugs, dentures, prosthetic devices and eyeglasses
21 for which payment is being made are actually being received by
22 eligible recipients. Within 90 days after September 16, 1984
23 (the effective date of Public Act 83-1439), the Illinois
24 Department shall establish a current list of acquisition costs
25 for all prosthetic devices and any other items recognized as
26 medical equipment and supplies reimbursable under this Article

and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

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

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

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

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

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

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

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

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

To be eligible for payment consideration, a vendor's

1 payment claim or bill, either as an initial claim or as a
2 resubmitted claim following prior rejection, must be received
3 by the Illinois Department, or its fiscal intermediary, no
4 later than 180 days after the latest date on the claim on which
5 medical goods or services were provided, with the following
6 exceptions:

7 (1) In the case of a provider whose enrollment is in
8 process by the Illinois Department, the 180-day period
9 shall not begin until the date on the written notice from
10 the Illinois Department that the provider enrollment is
11 complete.

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

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

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

23 For claims for services rendered during a period for which
24 a recipient received retroactive eligibility, claims must be
25 filed within 180 days after the Department determines the
26 applicant is eligible. For claims for which the Illinois

Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 120 calendar days of receipt by the facility of required prescreening information, new admissions with associated admission documents shall be submitted through the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

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

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data

necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including, but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and

1 Professional Regulation.
2 Beginning in fiscal year 2013, the Illinois Department
3 shall set forth a request for information to identify the
4 benefits of a pre-payment, post-adjudication, and post-edit
5 claims system with the goals of streamlining claims processing
6 and provider reimbursement, reducing the number of pending or
7 rejected claims, and helping to ensure a more transparent
8 adjudication process through the utilization of: (i) provider
9 data verification and provider screening technology; and (ii)
10 clinical code editing; and (iii) pre-pay, pre-adjudicated, or
11 post-adjudicated predictive modeling with an integrated case
12 management system with link analysis. Such a request for
13 information shall not be considered as a request for proposal
14 or as an obligation on the part of the Illinois Department to
15 take any action or acquire any products or services.
16 The Illinois Department shall establish policies,
17 procedures, standards and criteria by rule for the
18 acquisition, repair and replacement of orthotic and prosthetic
19 devices and durable medical equipment. Such rules shall
20 provide, but not be limited to, the following services: (1)
21 immediate repair or replacement of such devices by recipients;
22 and (2) rental, lease, purchase or lease-purchase of durable
23 medical equipment in a cost-effective manner, taking into
24 consideration the recipient's medical prognosis, the extent of
25 the recipient's needs, and the requirements and costs for
26 maintaining such equipment. Subject to prior approval, such

1 rules shall enable a recipient to temporarily acquire and use
2 alternative or substitute devices or equipment pending repairs
3 or replacements of any device or equipment previously
4 authorized for such recipient by the Department.
5 Notwithstanding any provision of Section 5-5f to the contrary,
6 the Department may, by rule, exempt certain replacement
7 wheelchair parts from prior approval and, for wheelchairs,
8 wheelchair parts, wheelchair accessories, and related seating
9 and positioning items, determine the wholesale price by
10 methods other than actual acquisition costs.

11 The Department shall require, by rule, all providers of
12 durable medical equipment to be accredited by an accreditation
13 organization approved by the federal Centers for Medicare and
14 Medicaid Services and recognized by the Department in order to
15 bill the Department for providing durable medical equipment to
16 recipients. No later than 15 months after the effective date
17 of the rule adopted pursuant to this paragraph, all providers
18 must meet the accreditation requirement.

19 In order to promote environmental responsibility, meet the
20 needs of recipients and enrollees, and achieve significant
21 cost savings, the Department, or a managed care organization
22 under contract with the Department, may provide recipients or
23 managed care enrollees who have a prescription or Certificate
24 of Medical Necessity access to refurbished durable medical
25 equipment under this Section (excluding prosthetic and
26 orthotic devices as defined in the Orthotics, Prosthetics, and

1 Pedorthics Practice Act and complex rehabilitation technology
2 products and associated services) through the State's
3 assistive technology program's reutilization program, using
4 staff with the Assistive Technology Professional (ATP)
5 Certification if the refurbished durable medical equipment:
6 (i) is available; (ii) is less expensive, including shipping
7 costs, than new durable medical equipment of the same type;
8 (iii) is able to withstand at least 3 years of use; (iv) is
9 cleaned, disinfected, sterilized, and safe in accordance with
10 federal Food and Drug Administration regulations and guidance
11 governing the reprocessing of medical devices in health care
12 settings; and (v) equally meets the needs of the recipient or
13 enrollee. The reutilization program shall confirm that the
14 recipient or enrollee is not already in receipt of the same or
15 similar equipment from another service provider, and that the
16 refurbished durable medical equipment equally meets the needs
17 of the recipient or enrollee. Nothing in this paragraph shall
18 be construed to limit recipient or enrollee choice to obtain
19 new durable medical equipment or place any additional prior
20 authorization conditions on enrollees of managed care
21 organizations.

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

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

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

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

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

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

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

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

19 The period covered by each report shall be the 3 years
20 ending on the June 30 prior to the report. The report shall
21 include suggested legislation for consideration by the General
22 Assembly. The requirement for reporting to the General
23 Assembly shall be satisfied by filing copies of the report as
24 required by Section 3.1 of the General Assembly Organization
25 Act, and filing such additional copies with the State
26 Government Report Distribution Center for the General Assembly

as is required under paragraph (t) of Section 7 of the State Library Act.

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

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

Because kidney transplantation can be an appropriate, cost-effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and

1 certified by the Department to perform kidney transplantation
2 and the services under this Section shall be limited to
3 services associated with kidney transplantation.

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

15 On or after July 1, 2015, opioid antagonists prescribed
16 for the treatment of an opioid overdose, including the
17 medication product, administration devices, and any pharmacy
18 fees or hospital fees related to the dispensing, distribution,
19 and administration of the opioid antagonist, shall be covered
20 under the medical assistance program for persons who are
21 otherwise eligible for medical assistance under this Article.
22 As used in this Section, "opioid antagonist" means a drug that
23 binds to opioid receptors and blocks or inhibits the effect of
24 opioids acting on those receptors, including, but not limited
25 to, naloxone hydrochloride or any other similarly acting drug
26 approved by the U.S. Food and Drug Administration. The

1 Department shall not impose a copayment on the coverage
2 provided for naloxone hydrochloride under the medical
3 assistance program.

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

16 A federally qualified health center, as defined in Section
17 1905(l)(2)(B) of the federal Social Security Act, shall be
18 reimbursed by the Department in accordance with the federally
19 qualified health center's encounter rate for services provided
20 to medical assistance recipients that are performed by a
21 dental hygienist, as defined under the Illinois Dental
22 Practice Act, working under the general supervision of a
23 dentist and employed by a federally qualified health center.

24 Within 90 days after October 8, 2021 (the effective date
25 of Public Act 102-665), the Department shall seek federal
26 approval of a State Plan amendment to expand coverage for

1 family planning services that includes presumptive eligibility
2 to individuals whose income is at or below 208% of the federal
3 poverty level. Coverage under this Section shall be effective
4 beginning no later than December 1, 2022.

5 Subject to approval by the federal Centers for Medicare
6 and Medicaid Services of a Title XIX State Plan amendment
7 electing the Program of All-Inclusive Care for the Elderly
8 (PACE) as a State Medicaid option, as provided for by Subtitle
9 I (commencing with Section 4801) of Title IV of the Balanced
10 Budget Act of 1997 (Public Law 105-33) and Part 460
11 (commencing with Section 460.2) of Subchapter E of Title 42 of
12 the Code of Federal Regulations, PACE program services shall
13 become a covered benefit of the medical assistance program,
14 subject to criteria established in accordance with all
15 applicable laws.

16 Notwithstanding any other provision of this Code,
17 community-based pediatric palliative care from a trained
18 interdisciplinary team shall be covered under the medical
19 assistance program as provided in Section 15 of the Pediatric
20 Palliative Care Act.

21 Notwithstanding any other provision of this Code, within
22 12 months after June 2, 2022 (the effective date of Public Act
23 102-1037) and subject to federal approval, acupuncture
24 services performed by an acupuncturist licensed under the
25 Acupuncture Practice Act who is acting within the scope of his
26 or her license shall be covered under the medical assistance

1 program. The Department shall apply for any federal waiver or
2 State Plan amendment, if required, to implement this
3 paragraph. The Department may adopt any rules, including
4 standards and criteria, necessary to implement this paragraph.
5 Notwithstanding any other provision of this Code, the
6 medical assistance program shall, subject to appropriation and
7 federal approval, reimburse hospitals for costs associated
8 with a newborn screening test for the presence of
9 metachromatic leukodystrophy, as required under the Newborn
10 Metabolic Screening Act, at a rate not less than the fee
11 charged by the Department of Public Health. The Department
12 shall seek federal approval before the implementation of the
13 newborn screening test fees by the Department of Public
14 Health.
15 Notwithstanding any other provision of this Code,
16 beginning on January 1, 2024, subject to federal approval,
17 cognitive assessment and care planning services provided to a
18 person who experiences signs or symptoms of cognitive
19 impairment, as defined by the Diagnostic and Statistical
20 Manual of Mental Disorders, Fifth Edition, shall be covered
21 under the medical assistance program for persons who are
22 otherwise eligible for medical assistance under this Article.
23 Notwithstanding any other provision of this Code,
24 medically necessary reconstructive services that are intended
25 to restore physical appearance shall be covered under the
26 medical assistance program for persons who are otherwise

1 eligible for medical assistance under this Article. As used in
2 this paragraph, "reconstructive services" means treatments
3 performed on structures of the body damaged by trauma to
4 restore physical appearance.
5 (Source: P.A. 102-43, Article 30, Section 30-5, eff. 7-6-21;
6 102-43, Article 35, Section 35-5, eff. 7-6-21; 102-43, Article
7 55, Section 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123,
8 eff. 1-1-22; 102-558, eff. 8-20-21; 102-598, eff. 1-1-22;
9 102-655, eff. 1-1-22; 102-665, eff. 10-8-21; 102-813, eff.
10 5-13-22; 102-1018, eff. 1-1-23; 102-1037, eff. 6-2-22;
11 102-1038, eff. 1-1-23; 103-102, Article 15, Section 15-5, eff.
12 1-1-24; 103-102, Article 95, Section 95-15, eff. 1-1-24;
13 103-123, eff. 1-1-24; 103-154, eff. 6-30-23; 103-368, eff.
14 1-1-24; revised 12-15-23.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.