



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0122

Introduced 1/24/2023, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.35 new
305 ILCS 5/12-4.35

Amends the Administration Article of the Illinois Public Aid Code. Provides that the amendatory Act may be referred to as the Healthy Illinois for All Law. Provides that by July 1, 2023, the Department of Healthcare and Family Services may provide medical services to noncitizens 19 years of age through 41 years of age who (i) are not eligible for medical assistance due to their not meeting the otherwise applicable provisions under the Code concerning citizenship requirements 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. Provide 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. Requires the Department to establish by rule the medical services available, the standards for eligibility, and other conditions of participation for persons eligible to receive medical services under the amendatory Act. Requires any such rules to be at least as restrictive as the rules for medical assistance. Amends the Illinois Administrative Procedure Act. Grants the Department emergency rulemaking authority to implement the amendatory Act. Effective July 1, 2023.

LRB103 05915 KTG 50936 b

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 1. This Act may be referred to as the Healthy
5 Illinois for All Law.

6 Section 5. The Illinois Administrative Procedure Act is
7 amended by adding Section 5-45.35 as follows:

8 (5 ILCS 100/5-45.35 new)

9 Sec. 5-45.35. Emergency rulemaking; Medical services for
10 certain noncitizens 19 years of age through 41 years of age. To
11 provide for the expeditious and timely implementation of
12 subsection (a-8) of Section 12-4.35 of the Illinois Public Aid
13 Code, emergency rules implementing the subsection (a-8) of
14 Section 12-4.35 of the Illinois Public Aid Code may be adopted
15 in accordance with Section 5-45 by the Department of
16 Healthcare and Family Services. The adoption of emergency
17 rules authorized by Section 5-45 and this Section is deemed to
18 be necessary for the public interest, safety, and welfare.

19 This Section is repealed one year after the effective date
20 of this amendatory Act of the 103rd General Assembly.

21 Section 10. The Illinois Public Aid Code is amended by

1 changing Section 12-4.35 as follows:

2 (305 ILCS 5/12-4.35)

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

4 (a) Notwithstanding Section 1-11 of this Code or Section
5 20(a) of the Children's Health Insurance Program Act, the
6 Department of Healthcare and Family Services may provide
7 medical services to noncitizens who have not yet attained 19
8 years of age and who are not eligible for medical assistance
9 under Article V of this Code or under the Children's Health
10 Insurance Program created by the Children's Health Insurance
11 Program Act due to their not meeting the otherwise applicable
12 provisions of Section 1-11 of this Code or Section 20(a) of the
13 Children's Health Insurance Program Act. The medical services
14 available, standards for eligibility, and other conditions of
15 participation under this Section shall be established by rule
16 by the Department; however, any such rule shall be at least as
17 restrictive as the rules for medical assistance under Article
18 V of this Code or the Children's Health Insurance Program
19 created by the Children's Health Insurance Program Act.

20 (a-5) Notwithstanding Section 1-11 of this Code, the
21 Department of Healthcare and Family Services may provide
22 medical assistance in accordance with Article V of this Code
23 to noncitizens over the age of 65 years of age who are not
24 eligible for medical assistance under Article V of this Code
25 due to their not meeting the otherwise applicable provisions

1 of Section 1-11 of this Code, whose income is at or below 100%
2 of the federal poverty level after deducting the costs of
3 medical or other remedial care, and who would otherwise meet
4 the eligibility requirements in Section 5-2 of this Code. The
5 medical services available, standards for eligibility, and
6 other conditions of participation under this Section shall be
7 established by rule by the Department; however, any such rule
8 shall be at least as restrictive as the rules for medical
9 assistance under Article V of this Code.

10 (a-6) By May 30, 2022, notwithstanding Section 1-11 of
11 this Code, the Department of Healthcare and Family Services
12 may provide medical services to noncitizens 55 years of age
13 through 64 years of age who (i) are not eligible for medical
14 assistance under Article V of this Code due to their not
15 meeting the otherwise applicable provisions of Section 1-11 of
16 this Code and (ii) have income at or below 133% of the federal
17 poverty level plus 5% for the applicable family size as
18 determined under applicable federal law and regulations.
19 Persons eligible for medical services under Public Act 102-16
20 shall receive benefits identical to the benefits provided
21 under the Health Benefits Service Package as that term is
22 defined in subsection (m) of Section 5-1.1 of this Code.

23 (a-7) By July 1, 2022, notwithstanding Section 1-11 of
24 this Code, the Department of Healthcare and Family Services
25 may provide medical services to noncitizens 42 years of age
26 through 54 years of age who (i) are not eligible for medical

1 assistance under Article V of this Code due to their not
2 meeting the otherwise applicable provisions of Section 1-11 of
3 this Code and (ii) have income at or below 133% of the federal
4 poverty level plus 5% for the applicable family size as
5 determined under applicable federal law and regulations. The
6 medical services available, standards for eligibility, and
7 other conditions of participation under this Section shall be
8 established by rule by the Department; however, any such rule
9 shall be at least as restrictive as the rules for medical
10 assistance under Article V of this Code. In order to provide
11 for the timely and expeditious implementation of this
12 subsection, the Department may adopt rules necessary to
13 establish and implement this subsection through the use of
14 emergency rulemaking in accordance with Section 5-45 of the
15 Illinois Administrative Procedure Act. For purposes of the
16 Illinois Administrative Procedure Act, the General Assembly
17 finds that the adoption of rules to implement this subsection
18 is deemed necessary for the public interest, safety, and
19 welfare.

20 (a-8) By July 1, 2023, notwithstanding Section 1-11 of
21 this Code, the Department of Healthcare and Family Services
22 may provide medical services to noncitizens 19 years of age
23 through 41 years of age who (i) are not eligible for medical
24 assistance under Article V of this Code due to their not
25 meeting the otherwise applicable provisions of Section 1-11 of
26 this Code and (ii) have income at or below 133% of the federal

1 poverty level plus 5% for the applicable family size as
2 determined under applicable federal law and regulations.
3 Persons eligible for medical services under this subsection
4 shall receive benefits identical to the benefits provided
5 under the Health Benefits Service Package as that term is
6 defined in subsection (m) of Section 5-1.1 of this Code. The
7 medical services available, standards for eligibility, and
8 other conditions of participation under this subsection shall
9 be established by rule by the Department. However, any such
10 rules shall be at least as restrictive as the rules for medical
11 assistance under Article V of this Code. In order to provide
12 for the timely and expeditious implementation of this
13 subsection, the Department may adopt rules necessary to
14 establish and implement this subsection through the use of
15 emergency rulemaking in accordance with Section 5-45 of the
16 Illinois Administrative Procedure Act. For purposes of the
17 Illinois Administrative Procedure Act, the General Assembly
18 finds that the adoption of rules to implement this subsection
19 is deemed necessary for the public interest, safety, and
20 welfare.

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

1 the financial eligibility requirements of Section 5-2.

2 (b) The Department is authorized to take any action that
3 would not otherwise be prohibited by applicable law,
4 including, without limitation, cessation or limitation of
5 enrollment, reduction of available medical services, and
6 changing standards for eligibility, that is deemed necessary
7 by the Department during a State fiscal year to assure that
8 payments under this Section do not exceed available funds.

9 (c) (Blank).

10 (d) (Blank).

11 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;
12 102-43, Article 25, Section 25-15, eff. 7-6-21; 102-43,
13 Article 45, Section 45-5, eff. 7-6-21; 102-813, eff. 5-13-22;
14 102-1037, eff. 6-2-22.)

15 Section 99. Effective date. This Act takes effect July 1,
16 2023.