

**103RD GENERAL ASSEMBLY****State of Illinois****2023 and 2024****SB0288**

Introduced 2/2/2023, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

5 ILCS 375/6.17 new
215 ILCS 5/356z.61 new
305 ILCS 5/5-47 new

Amends the State Employees Group Insurance Act of 1971. Prohibits the State from applying for any federal waiver that would reduce or eliminate any protection or coverage required under the Patient Protection and Affordable Care Act (Affordable Care Act) that was in effect on January 1, 2017, including, but not limited to, any protection for persons with preexisting conditions and coverage for services identified as essential health benefits under the Affordable Care Act. Provides that the State or an agency of the executive branch may apply for such a waiver only if granted authorization by the General Assembly through joint resolution. Amends the Illinois Insurance Code. Prohibits the State from applying for any federal waiver that would permit an individual or group health insurance plan to reduce or eliminate any protection or coverage required under the Affordable Care Act that was in effect on January 1, 2017, including, but not limited to, any protection for persons with preexisting conditions and coverage for services identified as essential health benefits under the Affordable Care Act. Provides that the State or an agency of the executive branch may apply for such a waiver only if granted authorization by the General Assembly through joint resolution. Amends the Illinois Public Aid Code. Prohibits the State or an agency of the executive branch from applying for any federal Medicaid waiver that would result in more restrictive standards, methodologies, procedures, or other requirements than those that were in effect in Illinois as of January 1, 2017 for the Medical Assistance Program, the Children's Health Insurance Program, or any other medical assistance program in Illinois operating under any existing federal waiver authorized by specified provisions of the Social Security Act. Provides that the State or an agency of the executive branch may apply for such a waiver only if granted authorization by the General Assembly through joint resolution. Effective immediately.

LRB103 25458 BMS 51807 b

1 AN ACT concerning government.

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

4 Section 5. The State Employees Group Insurance Act of 1971
5 is amended by adding Section 6.17 as follows:

6 (5 ILCS 375/6.17 new)

7 Sec. 6.17. Waiver application prohibitions.

8 (a) Notwithstanding any other law to the contrary, except
9 as specified in subsection (b), the State shall not apply for
10 any federal waiver that would reduce or eliminate any
11 protection or coverage required under the Patient Protection
12 and Affordable Care Act (Public Law 111-148) that was in
13 effect on January 1, 2017, including, but not limited to, any
14 protection for persons with preexisting conditions and
15 coverage for services identified as essential health benefits
16 under the Patient Protection and Affordable Care Act.

17 (b) The State or an agency of the executive branch may
18 apply for such a waiver only if the General Assembly, by joint
19 resolution approved by a majority of each house prior to the
20 submission of such a waiver application to the U.S. Department
21 of Health and Human Services, authorizes the State or an
22 agency of the executive branch to apply for such a federal
23 waiver.

1 Section 10. The Illinois Insurance Code is amended by
2 adding Section 356z.61 as follows:

3 (215 ILCS 5/356z.61 new)

4 Sec. 356z.61. Waiver application prohibitions.

5 (a) Notwithstanding any other law to the contrary, except
6 as specified in subsection (b), the State shall not apply for
7 any federal waiver that would permit an individual or group
8 health insurance plan to reduce or eliminate any protection or
9 coverage required under the Patient Protection and Affordable
10 Care Act (Public Law 111-148) that was in effect on January 1,
11 2017, including, but not limited to, any protection for
12 persons with preexisting conditions and coverage for services
13 identified as essential health benefits under the Patient
14 Protection and Affordable Care Act.

15 (b) The State or an agency of the executive branch may
16 apply for such a waiver only if the General Assembly, by joint
17 resolution approved by a majority of each house prior to the
18 submission of such a waiver application to the U.S. Department
19 of Health and Human Services, authorizes the State or an
20 agency of the executive branch to apply for such a federal
21 waiver.

22 Section 15. The Illinois Public Aid Code is amended by
23 adding Section 5-47 as follows:

1 (305 ILCS 5/5-47 new)

2 Sec. 5-47. Waiver application prohibitions.

3 (a) Notwithstanding any other law, except as specified in
4 subsection (b), the State or an agency of the executive branch
5 shall not apply for any federal Medicaid waiver that would
6 result in more restrictive standards, methodologies,
7 procedures, or other requirements than those that were in
8 effect in Illinois as of January 1, 2017 for: (i) the Medical
9 Assistance Program, as authorized under this Code and Title
10 XIX of the Social Security Act; (ii) the Children's Health
11 Insurance Program, as authorized under the Children's Health
12 Insurance Program Act and Title XXI of the Social Security
13 Act; or (iii) any other medical assistance program in Illinois
14 that is operating under any existing federal waiver authorized
15 under Section 1115 or Section 1915 of the Social Security Act.

16 (b) The State or an agency of the executive branch may
17 apply for such a waiver only if the General Assembly, by joint
18 resolution approved by a majority of each house prior to the
19 submission of such a waiver application to the U.S. Department
20 of Health and Human Services, authorizes the State or an
21 agency of the executive branch to apply for such a federal
22 waiver.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.