



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1395

Introduced 2/6/2023, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-4.35

Amends the Administration Article of the Illinois Public Aid Code. Provides that the Department of Healthcare and Family Services may provide coverage for organ transplants for noncitizens who (i) are not eligible for medical assistance under Article V of the Code due to their not meeting the citizenship requirements under the Code 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 under the Code.

LRB103 26140 KTG 52497 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 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 shall receive benefits identical to the benefits provided

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

3 (a-7) By July 1, 2022, notwithstanding Section 1-11 of
4 this Code, the Department of Healthcare and Family Services
5 may provide medical services to noncitizens 42 years of age
6 through 54 years of age who (i) are not eligible for medical
7 assistance under Article V of this Code due to their not
8 meeting the otherwise applicable provisions of Section 1-11 of
9 this Code and (ii) have income at or below 133% of the federal
10 poverty level plus 5% for the applicable family size as
11 determined under applicable federal law and regulations. The
12 medical services available, standards for eligibility, and
13 other conditions of participation under this Section shall be
14 established by rule by the Department; however, any such rule
15 shall be at least as restrictive as the rules for medical
16 assistance under Article V of this Code. In order to provide
17 for the timely and expeditious implementation of this
18 subsection, the Department may adopt rules necessary to
19 establish and implement this subsection through the use of
20 emergency rulemaking in accordance with Section 5-45 of the
21 Illinois Administrative Procedure Act. For purposes of the
22 Illinois Administrative Procedure Act, the General Assembly
23 finds that the adoption of rules to implement this subsection
24 is deemed necessary for the public interest, safety, and
25 welfare.

26 (a-8) Notwithstanding Section 1-11 of this Code, the

1 Department of Healthcare and Family Services may provide
2 coverage for organ transplants for noncitizens who (i) are not
3 eligible for medical assistance under Article V of this Code
4 due to their not meeting the otherwise applicable provisions
5 of Section 1-11 of this Code and (ii) have income at or below
6 133% of the federal poverty level plus 5% for the applicable
7 family size as determined under applicable federal law and
8 regulations. Persons eligible for medical services under this
9 amendatory Act of the 103rd General Assembly shall receive
10 benefits identical to the benefits provided under the Health
11 Benefits Service Package as that term is defined in subsection
12 (m) of Section 5-1.1 of this Code.

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

20 (b) The Department is authorized to take any action that
21 would not otherwise be prohibited by applicable law,
22 including, without limitation, cessation or limitation of
23 enrollment, reduction of available medical services, and
24 changing standards for eligibility, that is deemed necessary
25 by the Department during a State fiscal year to assure that
26 payments under this Section do not exceed available funds.

1 (c) (Blank).

2 (d) (Blank).

3 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;
4 102-43, Article 25, Section 25-15, eff. 7-6-21; 102-43,
5 Article 45, Section 45-5, eff. 7-6-21; 102-813, eff. 5-13-22;
6 102-1037, eff. 6-2-22.)