



Sen. Celina Villanueva

Filed: 3/2/2023

10300SB2423sam001

LRB103 29727 KTG 58382 a

1 AMENDMENT TO SENATE BILL 2423

2 AMENDMENT NO. _____. Amend Senate Bill 2423 by replacing
3 everything after the enacting clause with the following:

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

1 Children's Health Insurance Program Act. The medical services
2 available, standards for eligibility, and other conditions of
3 participation under this Section shall be established by rule
4 by the Department; however, any such rule shall be at least as
5 restrictive as the rules for medical assistance under Article
6 V of this Code or the Children's Health Insurance Program
7 created by the Children's Health Insurance Program Act.

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

23 (a-6) By May 30, 2022, notwithstanding Section 1-11 of
24 this Code, the Department of Healthcare and Family Services
25 may provide medical services to noncitizens 55 years of age
26 through 64 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.
6 Persons eligible for medical services under Public Act 102-16
7 shall receive benefits identical to the benefits provided
8 under the Health Benefits Service Package as that term is
9 defined in subsection (m) of Section 5-1.1 of this Code.

10 (a-7) By July 1, 2022, notwithstanding Section 1-11 of
11 this Code, the Department of Healthcare and Family Services
12 may provide medical services to noncitizens 42 years of age
13 through 54 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. The
19 medical services available, standards for eligibility, and
20 other conditions of participation under this Section shall be
21 established by rule by the Department; however, any such rule
22 shall be at least as restrictive as the rules for medical
23 assistance under Article V of this Code. In order to provide
24 for the timely and expeditious implementation of this
25 subsection, the Department may adopt rules necessary to
26 establish and implement this subsection through the use of

1 emergency rulemaking in accordance with Section 5-45 of the
2 Illinois Administrative Procedure Act. For purposes of the
3 Illinois Administrative Procedure Act, the General Assembly
4 finds that the adoption of rules to implement this subsection
5 is deemed necessary for the public interest, safety, and
6 welfare.

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

14 (a-11) Notwithstanding the provisions of Section 1-11, the
15 Department shall cover comprehensive post-kidney transplant
16 care for noncitizens who: (i) are not eligible for
17 comprehensive medical benefits; (ii) meet the residency
18 requirements of Section 5-3; and (iii) would meet the
19 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.)".