

1 AN ACT in relation to persons with disabilities.

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

4 Section 5. The Mental Health and Developmental  
5 Disabilities Administrative Act is amended by changing  
6 Section 57 as follows:

7 (20 ILCS 1705/57) (from Ch. 91 1/2, par. 100-57)

8 Sec. 57. In order to identify the service needs of  
9 persons with autism, the Department shall study the needs of  
10 the population. The Department shall submit service needs  
11 reports to the General Assembly annually which shall  
12 supplement the report submitted in accordance with Public Act  
13 84-1291. The reports shall include an analysis of progress  
14 made since the submission of that report in the areas  
15 outlined in that report, with emphasis on the following  
16 areas:

17 a. Early intervention services for children with autism  
18 and their parents;

19 b. Enhancement of family support mechanisms to enable  
20 persons with autism to remain in a family home environment.  
21 The Department shall include in the report a plan to provide  
22 family support mechanisms to enable persons with autism to  
23 remain in a family home environment;

24 c. Services for adequate transition for people with  
25 autism from public school programs to adult work and day  
26 programs; and

27 d. Facilitation of placement of persons with autism in  
28 the least restrictive community setting.

29 For the purpose of this service needs review, autism  
30 means a severely incapacitating life-long developmental  
31 disability which:

1 a. may be manifested before a person is 30 months of  
2 age,

3 b. may be caused by physical disorders of the brain, and

4 c. is characterized by uneven intellectual development  
5 and a combination of disturbances in the rates and sequences  
6 of cognitive, affective, psychomotor, language and speech  
7 development. This syndrome is further evidenced by abnormal  
8 responses to sensory stimuli, problems in developing social  
9 relationships, and ritualistic and compulsive behavior.

10 (Source: P.A. 85-971.)

11 Section 10. The Illinois Public Aid Code is amended by  
12 changing Section 5-2 as follows:

13 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

14 Sec. 5-2. Classes of Persons Eligible. Medical  
15 assistance under this Article shall be available to any of  
16 the following classes of persons in respect to whom a plan  
17 for coverage has been submitted to the Governor by the  
18 Illinois Department and approved by him:

19 1. Recipients of basic maintenance grants under Articles  
20 III and IV.

21 2. Persons otherwise eligible for basic maintenance  
22 under Articles III and IV but who fail to qualify thereunder  
23 on the basis of need, and who have insufficient income and  
24 resources to meet the costs of necessary medical care,  
25 including but not limited to the following:

26 (a) All persons otherwise eligible for basic  
27 maintenance under Article III but who fail to qualify  
28 under that Article on the basis of need and who meet  
29 either of the following requirements:

30 (i) their income, as determined by the  
31 Illinois Department in accordance with any federal  
32 requirements, is equal to or less than 70% in fiscal

1 year 2001, equal to or less than 85% in fiscal year  
2 2002 and until a date to be determined by the  
3 Department by rule, and equal to or less than 100%  
4 beginning on the date determined by the Department  
5 by rule, of the nonfarm income official poverty  
6 line, as defined by the federal Office of Management  
7 and Budget and revised annually in accordance with  
8 Section 673(2) of the Omnibus Budget Reconciliation  
9 Act of 1981, applicable to families of the same  
10 size; or

11 (ii) their income, after the deduction of  
12 costs incurred for medical care and for other types  
13 of remedial care, is equal to or less than 70% in  
14 fiscal year 2001, equal to or less than 85% in  
15 fiscal year 2002 and until a date to be determined  
16 by the Department by rule, and equal to or less than  
17 100% beginning on the date determined by the  
18 Department by rule, of the nonfarm income official  
19 poverty line, as defined in item (i) of this  
20 subparagraph (a).

21 (b) All persons who would be determined eligible  
22 for such basic maintenance under Article IV by  
23 disregarding the maximum earned income permitted by  
24 federal law.

25 3. Persons who would otherwise qualify for Aid to the  
26 Medically Indigent under Article VII.

27 4. Persons not eligible under any of the preceding  
28 paragraphs who fall sick, are injured, or die, not having  
29 sufficient money, property or other resources to meet the  
30 costs of necessary medical care or funeral and burial  
31 expenses.

32 5. (a) Women during pregnancy, after the fact of  
33 pregnancy has been determined by medical diagnosis, and  
34 during the 60-day period beginning on the last day of the

1 pregnancy, together with their infants and children born  
2 after September 30, 1983, whose income and resources are  
3 insufficient to meet the costs of necessary medical care  
4 to the maximum extent possible under Title XIX of the  
5 Federal Social Security Act.

6 (b) The Illinois Department and the Governor shall  
7 provide a plan for coverage of the persons eligible under  
8 paragraph 5(a) by April 1, 1990. Such plan shall provide  
9 ambulatory prenatal care to pregnant women during a  
10 presumptive eligibility period and establish an income  
11 eligibility standard that is equal to 133% of the nonfarm  
12 income official poverty line, as defined by the federal  
13 Office of Management and Budget and revised annually in  
14 accordance with Section 673(2) of the Omnibus Budget  
15 Reconciliation Act of 1981, applicable to families of the  
16 same size, provided that costs incurred for medical care  
17 are not taken into account in determining such income  
18 eligibility.

19 (c) The Illinois Department may conduct a  
20 demonstration in at least one county that will provide  
21 medical assistance to pregnant women, together with their  
22 infants and children up to one year of age, where the  
23 income eligibility standard is set up to 185% of the  
24 nonfarm income official poverty line, as defined by the  
25 federal Office of Management and Budget. The Illinois  
26 Department shall seek and obtain necessary authorization  
27 provided under federal law to implement such a  
28 demonstration. Such demonstration may establish resource  
29 standards that are not more restrictive than those  
30 established under Article IV of this Code.

31 6. Persons under the age of 18 who fail to qualify as  
32 dependent under Article IV and who have insufficient income  
33 and resources to meet the costs of necessary medical care to  
34 the maximum extent permitted under Title XIX of the Federal

1 Social Security Act.

2 7. Persons who are 18 years of age or younger and would  
3 qualify as disabled as defined under the Federal Supplemental  
4 Security Income Program, provided medical service for such  
5 persons would be eligible for Federal Financial  
6 Participation, and provided the Illinois Department  
7 determines that:

8 (a) the person requires a level of care provided by  
9 a hospital, skilled nursing facility, or intermediate  
10 care facility, as determined by a physician licensed to  
11 practice medicine in all its branches;

12 (b) it is appropriate to provide such care outside  
13 of an institution, as determined by a physician licensed  
14 to practice medicine in all its branches;

15 (c) the estimated amount which would be expended  
16 for care outside the institution is not greater than the  
17 estimated amount which would be expended in an  
18 institution.

19 8. Persons who become ineligible for basic maintenance  
20 assistance under Article IV of this Code in programs  
21 administered by the Illinois Department due to employment  
22 earnings and persons in assistance units comprised of adults  
23 and children who become ineligible for basic maintenance  
24 assistance under Article VI of this Code due to employment  
25 earnings. The plan for coverage for this class of persons  
26 shall:

27 (a) extend the medical assistance coverage for up  
28 to 12 months following termination of basic maintenance  
29 assistance; and

30 (b) offer persons who have initially received 6  
31 months of the coverage provided in paragraph (a) above,  
32 the option of receiving an additional 6 months of  
33 coverage, subject to the following:

34 (i) such coverage shall be pursuant to

1 provisions of the federal Social Security Act;

2 (ii) such coverage shall include all services  
3 covered while the person was eligible for basic  
4 maintenance assistance;

5 (iii) no premium shall be charged for such  
6 coverage; and

7 (iv) such coverage shall be suspended in the  
8 event of a person's failure without good cause to  
9 file in a timely fashion reports required for this  
10 coverage under the Social Security Act and coverage  
11 shall be reinstated upon the filing of such reports  
12 if the person remains otherwise eligible.

13 9. Persons with acquired immunodeficiency syndrome  
14 (AIDS) or with AIDS-related conditions with respect to whom  
15 there has been a determination that but for home or  
16 community-based services such individuals would require the  
17 level of care provided in an inpatient hospital, skilled  
18 nursing facility or intermediate care facility the cost of  
19 which is reimbursed under this Article. Assistance shall be  
20 provided to such persons to the maximum extent permitted  
21 under Title XIX of the Federal Social Security Act.

22 10. Participants in the long-term care insurance  
23 partnership program established under the Partnership for  
24 Long-Term Care Act who meet the qualifications for protection  
25 of resources described in Section 25 of that Act.

26 11. Persons with disabilities who are employed and  
27 eligible for Medicaid, pursuant to Section  
28 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as  
29 provided by the Illinois Department by rule.

30 12. Subject to federal approval, persons who are  
31 eligible for medical assistance coverage under applicable  
32 provisions of the federal Social Security Act and the federal  
33 Breast and Cervical Cancer Prevention and Treatment Act of  
34 2000. Those eligible persons are defined to include, but not

1 be limited to, the following persons:

2 (1) persons who have been screened for breast or  
3 cervical cancer under the U.S. Centers for Disease  
4 Control and Prevention Breast and Cervical Cancer Program  
5 established under Title XV of the federal Public Health  
6 Services Act in accordance with the requirements of  
7 Section 1504 of that Act as administered by the Illinois  
8 Department of Public Health; and

9 (2) persons whose screenings under the above  
10 program were funded in whole or in part by funds  
11 appropriated to the Illinois Department of Public Health  
12 for breast or cervical cancer screening.

13 "Medical assistance" under this paragraph 12 shall be  
14 identical to the benefits provided under the State's approved  
15 plan under Title XIX of the Social Security Act. The  
16 Department must request federal approval of the coverage  
17 under this paragraph 12 within 30 days after the effective  
18 date of this amendatory Act of the 92nd General Assembly.

19 13. Persons who are older than 18 years of age and have  
20 received benefits under paragraph 7 of this Section shall  
21 remain eligible for continued benefits at the same level of  
22 care, provided that a physician, licensed to practice  
23 medicine in all its branches, annually determines that the  
24 person requires the level of care provided by a hospital,  
25 skilled nursing facility, or intermediate care facility.  
26 Continued benefits shall not be dependent on the person  
27 meeting eligibility requirements for federal financial  
28 participation. The Department of Human Services must make an  
29 annual report to the Governor and the General Assembly with  
30 respect to the class of persons eligible for medical  
31 assistance under this paragraph 13. The report is due on  
32 January 1 of each year and must cover the State fiscal year  
33 ending on June 30 of the preceding year. The first report is  
34 due on January 1, 2005. The report must include the following

1 information for the fiscal year covered by the report:

2 (a) The number of persons eligible for medical  
3 assistance under this paragraph 13.

4 (b) The number of persons who applied for medical  
5 assistance under this paragraph 13.

6 (c) The number of persons who received medical  
7 assistance under this paragraph 13.

8 (d) The number of persons who were denied medical  
9 assistance under this paragraph 13, together with the  
10 reasons for the denial of assistance.

11 (e) The nature, scope, and cost of services provided  
12 under this paragraph 13.

13 (f) The comparative cost of providing those services  
14 in a hospital, skilled nursing facility, or intermediate  
15 care facility.

16 The Illinois Department and the Governor shall provide a  
17 plan for coverage of the persons eligible under paragraph 7  
18 as soon as possible after July 1, 1984.

19 The eligibility of any such person for medical assistance  
20 under this Article is not affected by the payment of any  
21 grant under the Senior Citizens and Disabled Persons Property  
22 Tax Relief and Pharmaceutical Assistance Act or any  
23 distributions or items of income described under subparagraph  
24 (X) of paragraph (2) of subsection (a) of Section 203 of the  
25 Illinois Income Tax Act. The Department shall by rule  
26 establish the amounts of assets to be disregarded in  
27 determining eligibility for medical assistance, which shall  
28 at a minimum equal the amounts to be disregarded under the  
29 Federal Supplemental Security Income Program. The amount of  
30 assets of a single person to be disregarded shall not be less  
31 than \$2,000, and the amount of assets of a married couple to  
32 be disregarded shall not be less than \$3,000.

33 To the extent permitted under federal law, any person  
34 found guilty of a second violation of Article VIII A shall be



1 ineligible for medical assistance under this Article, as  
2 provided in Section 8A-8.

3 The eligibility of any person for medical assistance  
4 under this Article shall not be affected by the receipt by  
5 the person of donations or benefits from fundraisers held for  
6 the person in cases of serious illness, as long as neither  
7 the person nor members of the person's family have actual  
8 control over the donations or benefits or the disbursement of  
9 the donations or benefits.

10 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;  
11 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff. 7-3-01;  
12 92-597, eff. 6-28-02.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.