

1 AN ACT in relation to 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 5-2 as follows:

6 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

12 1. Recipients of basic maintenance grants under Articles
13 III and IV.

14 2. Persons otherwise eligible for basic maintenance
15 under Articles III and IV but who fail to qualify thereunder
16 on the basis of need, and who have insufficient income and
17 resources to meet the costs of necessary medical care,
18 including but not limited to the following:

19 (a) All persons otherwise eligible for basic
20 maintenance under Article III but who fail to qualify
21 under that Article on the basis of need and who meet
22 either of the following requirements:

23 (i) their income, as determined by the
24 Illinois Department in accordance with any federal
25 requirements, is equal to or less than 70% in fiscal
26 year 2001, equal to or less than 85% in fiscal year
27 2002 and until a date to be determined by the
28 Department by rule, and equal to or less than 100%
29 beginning on the date determined by the Department
30 by rule, of the nonfarm income official poverty
31 line, as defined by the federal Office of Management

1 and Budget and revised annually in accordance with
2 Section 673(2) of the Omnibus Budget Reconciliation
3 Act of 1981, applicable to families of the same
4 size; or

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

15 (b) All persons who would be determined eligible
16 for such basic maintenance under Article IV by
17 disregarding the maximum earned income permitted by
18 federal law.

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

21 4. Persons not eligible under any of the preceding
22 paragraphs who fall sick, are injured, or die, not having
23 sufficient money, property or other resources to meet the
24 costs of necessary medical care or funeral and burial
25 expenses.

26 5. (a) Women during pregnancy, after the fact of
27 pregnancy has been determined by medical diagnosis, and
28 during the 60-day period beginning on the last day of the
29 pregnancy, together with their infants and children born
30 after September 30, 1983, whose income and resources are
31 insufficient to meet the costs of necessary medical care
32 to the maximum extent possible under Title XIX of the
33 Federal Social Security Act.

34 (b) The Illinois Department and the Governor shall

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

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

25 6. Persons under the age of 18 who fail to qualify as
26 dependent under Article IV and who have insufficient income
27 and resources to meet the costs of necessary medical care to
28 the maximum extent permitted under Title XIX of the Federal
29 Social Security Act.

30 7. Persons who are 18 years of age or younger and would
31 qualify as disabled as defined under the Federal Supplemental
32 Security Income Program, provided medical service for such
33 persons would be eligible for Federal Financial
34 Participation, and provided the Illinois Department

1 determines that:

2 (a) the person requires a level of care provided by
3 a hospital, skilled nursing facility, or intermediate
4 care facility, as determined by a physician licensed to
5 practice medicine in all its branches;

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

9 (c) the estimated amount which would be expended
10 for care outside the institution is not greater than the
11 estimated amount which would be expended in an
12 institution.

13 8. Persons who become ineligible for basic maintenance
14 assistance under Article IV of this Code in programs
15 administered by the Illinois Department due to employment
16 earnings and persons in assistance units comprised of adults
17 and children who become ineligible for basic maintenance
18 assistance under Article VI of this Code due to employment
19 earnings. The plan for coverage for this class of persons
20 shall:

21 (a) extend the medical assistance coverage for up
22 to 12 months following termination of basic maintenance
23 assistance; and

24 (b) offer persons who have initially received 6
25 months of the coverage provided in paragraph (a) above,
26 the option of receiving an additional 6 months of
27 coverage, subject to the following:

28 (i) such coverage shall be pursuant to
29 provisions of the federal Social Security Act;

30 (ii) such coverage shall include all services
31 covered while the person was eligible for basic
32 maintenance assistance;

33 (iii) no premium shall be charged for such
34 coverage; and

1 (iv) such coverage shall be suspended in the
2 event of a person's failure without good cause to
3 file in a timely fashion reports required for this
4 coverage under the Social Security Act and coverage
5 shall be reinstated upon the filing of such reports
6 if the person remains otherwise eligible.

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

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

20 11. Persons with disabilities who are employed and
21 eligible for Medicaid, pursuant to Section
22 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
23 provided by the Illinois Department by rule. The Department
24 of Public Aid's rules must authorize eligibility for medical
25 assistance under this paragraph 11 for persons whose income
26 is less than or equal to 400% of the poverty guidelines
27 updated annually in the Federal Register by the United States
28 Department of Health and Human Services under authority of
29 section 673(2) of the Omnibus Budget Reconciliation Act of
30 1981. The Department may authorize eligibility for persons
31 whose income is greater than 400% of those poverty
32 guidelines.

33 12. Subject to federal approval, persons who are
34 eligible for medical assistance coverage under applicable

1 provisions of the federal Social Security Act and the federal
2 Breast and Cervical Cancer Prevention and Treatment Act of
3 2000. Those eligible persons are defined to include, but not
4 be limited to, the following persons:

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

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

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

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

25 The eligibility of any such person for medical assistance
26 under this Article is not affected by the payment of any
27 grant under the Senior Citizens and Disabled Persons Property
28 Tax Relief and Pharmaceutical Assistance Act or any
29 distributions or items of income described under subparagraph
30 (X) of paragraph (2) of subsection (a) of Section 203 of the
31 Illinois Income Tax Act. The Department shall by rule
32 establish the amounts of assets to be disregarded in
33 determining eligibility for medical assistance, which shall
34 at a minimum equal the amounts to be disregarded under the

1 Federal Supplemental Security Income Program. The amount of
2 assets of a single person to be disregarded shall not be less
3 than \$2,000, and the amount of assets of a married couple to
4 be disregarded shall not be less than \$3,000.

5 To the extent permitted under federal law, any person
6 found guilty of a second violation of Article VIII A shall be
7 ineligible for medical assistance under this Article, as
8 provided in Section 8A-8.

9 The eligibility of any person for medical assistance
10 under this Article shall not be affected by the receipt by
11 the person of donations or benefits from fundraisers held for
12 the person in cases of serious illness, as long as neither
13 the person nor members of the person's family have actual
14 control over the donations or benefits or the disbursement of
15 the donations or benefits.

16 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
17 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff. 7-3-01;
18 92-597, eff. 6-28-02.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.