

1 AMENDMENT TO SENATE BILL 1621

2 AMENDMENT NO. _____. Amend Senate Bill 1621 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Disabilities Services Act of 2003.

6 Section 5. Purpose. It is the purpose of this Act to
7 create an advisory committee to develop and implement a
8 disabilities services implementation plan as provided in
9 Section 20 to ensure compliance by the State of Illinois with
10 the Americans with Disabilities Act and the decision in
11 *Olmstead v. L.C.*, 119 S.Ct. 2176 (1999).

12 Section 10. Application of Act; definitions.

13 (a) This Act applies to persons with disabilities. The
14 disabilities included are defined for purposes of this Act as
15 follows:

16 "Disability" means a disability as defined by the
17 Americans with Disabilities Act of 1990 that is attributable
18 to a developmental disability, a mental illness, or a
19 physical disability, or combination of those.

20 "Developmental disability" means a disability that is
21 attributable to mental retardation or a related condition. A

1 related condition must meet all of the following conditions:

2 (1) It must be attributable to cerebral palsy,
3 epilepsy, or any other condition (other than mental
4 illness) found to be closely related to mental
5 retardation because that condition results in impairment
6 of general intellectual functioning or adaptive behavior
7 similar to that of individuals with mental retardation,
8 and requires treatment or services similar to those
9 required for those individuals. For purposes of this
10 Section autism shall be considered a related condition.

11 (2) It must be manifested before the individual
12 reaches age 22.

13 (3) It must be likely to continue indefinitely.

14 (4) It must result in substantial functional
15 limitations in 3 or more of the following areas of major
16 life activity: self-care, language, learning, mobility,
17 self-direction, and capacity for independent living.

18 "Mental Illness" means a mental or emotional disorder
19 verified by a diagnosis contained in the Diagnostic and
20 Statistical Manual of Mental Disorders-Fourth Edition,
21 published by the American Psychiatric Association (DSM-IV) or
22 International Classification of Diseases, 9th Revision,
23 Clinical Modification (ICD-9-CM) or its successor that
24 substantially impairs a person's cognitive, emotional, or
25 behavioral functioning, or any combination of those,
26 excluding (i) conditions that may be the focus of clinical
27 attention but are not of sufficient duration or severity to
28 be categorized as a mental illness, such as parent-child
29 relational problems, partner-relational problems, sexual
30 abuse of a child, bereavement, academic problems,
31 phase-of-life problems, and occupational problems
32 (collectively, "V codes"), (ii) organic disorders such as
33 substance intoxication dementia, substance withdrawal
34 dementia, Alzheimer's disease, vascular dementia, dementia

1 due to HIV infection, and dementia due to Creutzfeld-Jakob
2 disease and disorders associated with known or unknown
3 physical conditions such as hallucinosis, amnesic disorders
4 and delirium, and psychoactive substance-induced organic
5 disorders, and (iii) a developmental disability, a substance
6 abuse disorder, or an abnormality manifested only by repeated
7 criminal or otherwise anti-social conduct.

8 "Mental retardation" means significantly sub-average
9 general intellectual functioning existing concurrently with
10 deficits in adaptive behavior and manifested before the age
11 of 22 years.

12 "Physical disability" means a disability as defined by
13 the Americans with Disabilities Act of 1990 that meets the
14 following criteria:

15 (1) It is attributable to a physical impairment.

16 (2) It results in a substantial functional
17 limitation in any of the following areas of major life
18 activity: (i) self-care, (ii) receptive and expressive
19 language, (iii) learning, (iv) mobility, (v)
20 self-direction, (vi) capacity for independent living, and
21 (vii) economic sufficiency.

22 (3) It reflects the person's need for a combination
23 and sequence of special, interdisciplinary, or general
24 care, treatment, or other services that are of lifelong
25 or of extended duration and must be individually planned
26 and coordinated.

27 (b) In this Act:

28 "Chronological age-appropriate services" means services,
29 activities, and strategies for persons with disabilities that
30 are representative of the lifestyle activities of nondisabled
31 peers of similar age in the community.

32 "Comprehensive evaluation" means procedures used by
33 qualified professionals selectively with an individual to
34 determine whether a person has a disability and the nature

1 and extent of the services that the person with a disability
2 needs.

3 "Department" means the Department on Aging, the
4 Department of Human Services, the Department of Public
5 Health, the Department of Public Aid, the University of
6 Illinois Division of Specialized Care for Children, the
7 Department of Children and Family Services, and the Illinois
8 State Board of Education, where appropriate, as designated in
9 the implementation plan developed under Section 20.

10 "Family" means a natural, adoptive, or foster parent or
11 parents or other person or persons responsible for the care
12 of an individual with a disability in a family setting.

13 "Family or individual support" means those resources and
14 services that are necessary to maintain an individual with a
15 disability within the family home or his or her own home.
16 These services may include, but are not limited to, cash
17 subsidy, respite care, and counseling services.

18 "Independent service coordination" means a social service
19 that enables persons with developmental disabilities and
20 their families to locate, use, and coordinate resources and
21 opportunities in their communities on the basis of individual
22 need. Independent service coordination is independent of
23 providers of services and funding sources and is designed to
24 ensure accessibility, continuity of care, and accountability
25 and to maximize the potential of persons with developmental
26 disabilities for independence, productivity, and integration
27 into the community. Independent service coordination
28 includes, at a minimum: (i) outreach to identify eligible
29 individuals; (ii) assessment and periodic reassessment to
30 determine each individual's strengths, functional
31 limitations, and need for specific services; (iii)
32 participation in the development of a comprehensive
33 individual service or treatment plan; (iv) referral to and
34 linkage with needed services and supports; (v) monitoring to

1 ensure the delivery of appropriate services and to determine
2 individual progress in meeting goals and objectives; and (vi)
3 advocacy to assist the person in obtaining all services for
4 which he or she is eligible or entitled.

5 "Individual service or treatment plan" means a recorded
6 assessment of the needs of a person with a disability, a
7 description of the services recommended, the goals of each
8 type of element of service, an anticipated timetable for the
9 accomplishment of the goals, and a designation of the
10 qualified professionals responsible for the implementation of
11 the plan.

12 "Least restrictive environment" means an environment that
13 represents the least departure from the normal patterns of
14 living and that effectively meets the needs of the person
15 receiving the service.

16 Section 15. Services. Services shall be provided in
17 accordance with the individual service or treatment plan
18 developed for an individual under this Section. The
19 individual shall initially be screened for potential
20 eligibility by the appropriate State agency and, if the
21 individual is deemed probably eligible for a disability
22 service or program, a comprehensive evaluation of the
23 individual shall be conducted to determine the services and
24 programs appropriate for that individual. The array of
25 available services shall be described in the Disabilities
26 Services Implementation Plan required under this Act and may
27 include, but need not be limited to:

28 (1) Comprehensive evaluation and diagnosis. A
29 person with a suspected disability who is applying for
30 Department-authorized disability services must receive,
31 after an initial screening and a determination of
32 probable eligibility for a disability service or program,
33 a comprehensive diagnosis and evaluation, including an

1 assessment of skills, abilities, and potential for
2 residential and work placement, adapted to his or her
3 primary language, cultural background, and ethnic origin.
4 All components of a comprehensive evaluation must be
5 administered by a qualified professional, as defined by
6 rule.

7 (2) Individual service or treatment plan. A person
8 with a disability shall receive services in accordance
9 with a current individual service or treatment plan. A
10 person with a disability who is receiving services shall
11 be provided periodic reevaluation and review of the
12 individual service or treatment plan, at least annually,
13 in order to measure progress, to modify or change
14 objectives if necessary, and to provide guidance and
15 remediation techniques.

16 A person with a disability and his or her guardian
17 have the right to participate in the planning and
18 decision-making process regarding the person's individual
19 service or treatment plan and to be informed in writing,
20 or in that person's mode of communication, of progress at
21 reasonable time intervals. Each person must be given the
22 opportunity to make decisions and exercise options
23 regarding the plan, consistent with the person's
24 capabilities. Family members and other representatives of
25 the person with a disability must be allowed, encouraged,
26 and supported to participate as well, if the person with
27 a disability consents to that participation.

28 (3) Nondiscriminatory access to services. A person
29 with a disability may not be denied program services
30 because of sex, ethnic origin, marital status, ability to
31 pay (except where contrary to law), or criminal record.
32 Specific program eligibility requirements with regard to
33 disability, level of need, age, and other matters may be
34 established by the Department by rule. The Department

1 may set priorities for the provision of services and for
2 determining the need and eligibility for services in
3 accordance with available funding.

4 (4) Family or individual support. A person with a
5 disability must be provided family or individual support
6 services, or both, whenever possible and appropriate, to
7 prevent unnecessary out-of-home placement and to foster
8 independent living skills when authorized for such
9 services.

10 (5) Residential choices and options. A person with
11 a disability who requires residential placement in a
12 supervised or supported setting must be provided choices
13 among various residential options when authorized for
14 those services. The placement must be offered in the
15 least restrictive environment appropriate to the
16 individual.

17 (6) Education. A person with a disability has the
18 right to a free, appropriate public education as provided
19 in both State and federal law. Each local educational
20 agency must prepare persons with disabilities for adult
21 living. In anticipation of adulthood, each person with a
22 disability has the right to a transition plan developed
23 and ready for implementation before the person's exit by
24 no later than the school year in which the person reaches
25 age 14, consistent with the requirements of the federal
26 Individuals with Disabilities Education Act and Article
27 XIV of the School Code.

28 (7) Vocational training. A person with a
29 disability must be provided vocational training, when
30 appropriate, that contributes to the person's
31 independence and employment potential. This training
32 should include strategies and activities in programs that
33 lead to employment and reemployment in the least
34 restrictive environment appropriate to the individual.

1 (8) Employment. A person with a disability has the
2 right to be employed free from discrimination, pursuant
3 to the Constitution and laws of this State.

4 (9) Independent service coordination. A person with
5 a developmental disability who is receiving direct
6 services from the Department must be provided independent
7 service coordination when needed.

8 (10) Mental health supports. Individuals with a
9 disability must be provided needed mental health supports
10 such as psychological rehabilitation, psychiatric and
11 medication coverage, day treatment, care management, and
12 crisis services.

13 (11) Due process. A person with a disability
14 retains the rights of citizenship. Any person aggrieved
15 by a decision of a department regarding services
16 provided under this Act must be given an opportunity to
17 present complaints at a due process hearing before an
18 impartial hearing officer designated by the director of
19 that department. Any person aggrieved by a final
20 administrative decision rendered following the due
21 process hearing may seek judicial review of that decision
22 pursuant to the Administrative Review Law. The term
23 "administrative decision" is defined as in Section 3-101
24 of the Code of Civil Procedure. Attorney's fees and costs
25 may be awarded to a prevailing complainant in any due
26 process hearing or action for judicial review under this
27 Act.

28 The right to a hearing under this item (11) is in
29 addition to any other rights under federal, State, or
30 local laws, however nothing in this Section shall be
31 construed as requiring the establishment of a new due
32 process hearing procedure if one already exists for a
33 particular service or program.

1 Section 20. Implementation.

2 (a) The Governor shall appoint an advisory committee to
3 assist in the development and implementation of a
4 Disabilities Services Implementation Plan that will ensure
5 compliance by the State of Illinois with the Americans with
6 Disabilities Act and the decision in *Olmstead v. L.C.*, 119
7 S.Ct. 2176 (1999). The advisory committee shall be known as
8 the Illinois Disabilities Services Advisory Committee and
9 shall be composed of no more than 33 members, including:
10 persons who have a physical disability, a developmental
11 disability, or a mental illness; senior citizens; advocates
12 for persons with physical disabilities; advocates for
13 persons with developmental disabilities; advocates for
14 persons with mental illness; advocates for senior citizens;
15 representatives of providers of services to persons with
16 physical disabilities, developmental disabilities, and mental
17 illness; representatives of providers of services to senior
18 citizens; and representatives of organized labor.

19 In addition, the following State officials shall serve on
20 the committee as ex-officio non-voting members: the Secretary
21 of Human Services or his or her designee; the State
22 Superintendent of Education or his or her designee; the
23 Director of Aging or his or her designee; the Executive
24 Director of the Illinois Housing Development Authority or his
25 or her designee; the Director of Public Aid or his or her
26 designee; and the Director of Employment Security or his or
27 her designee.

28 The advisory committee shall select officers, including a
29 chair and a vice-chair.

30 The advisory committee shall meet at least quarterly and
31 shall keep official meeting minutes. Committee members shall
32 not be compensated but shall be paid for their expenses
33 related to attendance at meetings.

34 (b) The implementation plan must include, but need not

1 be limited to, the following:

2 (1) Establishing procedures for completing
3 comprehensive evaluations, including provisions for
4 Department review and approval of need determinations.
5 The Department may utilize independent evaluators and
6 targeted or sample reviews during this review and
7 approval process, as it deems appropriate.

8 (2) Establishing procedures for the development of
9 an individual service or treatment plan for each person
10 with a disability, including provisions for Department
11 review and authorization.

12 (3) Identifying core services to be provided by
13 agencies of the State of Illinois or other agencies.

14 (4) Establishing minimum standards for
15 individualized services.

16 (5) Establishing minimum standards for residential
17 services in the least restrictive environment.

18 (6) Establishing minimum standards for vocational
19 services.

20 (7) Establishing due process hearing procedures.

21 (8) Establishing minimum standards for family
22 support services.

23 (9) Securing financial resources necessary to
24 fulfill the purposes and requirements of this Act,
25 including but not limited to obtaining approval and
26 implementing waivers or demonstrations authorized under
27 federal law.

28 (c) The Governor, with the assistance of the Illinois
29 Disabilities Services Advisory Committee and the Secretary of
30 Human Services, is responsible for the completion of the
31 implementation plan. The Governor must submit a report to the
32 General Assembly by November 1, 2004, which must include the
33 following:

34 (1) The implementation plan.

1 (2) A description of current and planned programs
2 and services necessary to meet the requirements of the
3 individual service or treatment plans required by this
4 Act, together with the actions to be taken by the State
5 of Illinois to ensure that those plans will be
6 implemented. This description shall include a report of
7 related program and service improvements or expansions
8 implemented by the Department since the effective date of
9 this Act.

10 (3) The estimated costs of current and planned
11 programs and services to be provided under the
12 implementation plan.

13 (4) A report on the number of persons with
14 disabilities who may be eligible to receive services
15 under this Act, together with a report on the number of
16 persons who are currently receiving those services.

17 (5) Any proposed changes in State policies, laws,
18 or regulations necessary to fulfill the purposes and
19 requirements of this Act.

20 (d) The Governor, with the assistance of the Secretary
21 of Human Services, shall annually update the implementation
22 plan and report changes to the General Assembly by July 1 of
23 each year. Initial implementation of the plan is required by
24 July 1, 2005. The requirement of annual updates and reports
25 expires in 2008, unless otherwise extended by the General
26 Assembly.

27 Section 25. Appropriations. Services shall be provided
28 under this Act to the extent that appropriations are made
29 available by the General Assembly for the programs and
30 services indicated in the implementation plan.

31 Section 30. Entitlements. This Act does not create any
32 new entitlement to a service, program, or benefit, but shall

1 not be construed to affect any entitlement to a service,
2 program, or benefit created by any other law.

3 Section 75. The Illinois Public Aid Code is amended by
4 changing Section 5-2 as follows:

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

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

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

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

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

22 (i) their income, as determined by the
23 Illinois Department in accordance with any federal
24 requirements, is equal to or less than 70% in fiscal
25 year 2001, equal to or less than 85% in fiscal year
26 2002 and until a date to be determined by the
27 Department by rule, and equal to or less than 100%
28 beginning on the date determined by the Department
29 by rule, of the nonfarm income official poverty
30 line, as defined by the federal Office of Management
31 and Budget and revised annually in accordance with
32 Section 673(2) of the Omnibus Budget Reconciliation

1 Act of 1981, applicable to families of the same
2 size; or

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

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

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

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

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

32 (b) The Illinois Department and the Governor shall
33 provide a plan for coverage of the persons eligible under
34 paragraph 5(a) by April 1, 1990. Such plan shall provide

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

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

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

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

34 (a) the person requires a level of care provided by

1 a hospital, skilled nursing facility, or intermediate
2 care facility, as determined by a physician licensed to
3 practice medicine in all its branches;

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

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

11 Persons who are 16 years of age or older who have
12 received benefits under this subsection shall be reviewed
13 annually to determine appropriate ways to prepare them and
14 their families to transition from the technology dependent,
15 medically fragile, home-based and community-based services
16 waiver to the home-based and community-based services waiver
17 authorized under Title XIX of the federal Social Security Act
18 and administered by the Office of Rehabilitation Services of
19 the Illinois Department of Human Services. The transition
20 shall include:

21 (1) Assessing the person's medical needs, including
22 consultation by a physician licensed to practice medicine
23 in all its branches, and providing information and
24 opportunities to transition from services using
25 registered nurses or licensed practical nurses to
26 services using certified nursing assistants or personal
27 assistants in order to assist the person and his or her
28 family in adjusting to services provided through the
29 adult home-based and community-based services waiver.

30 (2) Assessing the person's needs for educational
31 and vocational planning and linking the person and his or
32 her family to support services that assist the person to
33 transition successfully from the technology dependent,
34 medically fragile model of care to an adult independent

1 living model administered by the Office of Rehabilitation
2 Services.

3 (3) Development of a service plan with timelines
4 for implementation by the person's 21st birthday based on
5 the level of care required for that person. The service
6 plan shall provide services comparable to coverage under
7 this paragraph under a home-based and community-based
8 waiver adult independent living model administered by the
9 Illinois Department of Human Services when the person is
10 no longer eligible for coverage under this paragraph. The
11 service plan may include services at a cost no greater
12 than the Department of Public Aid rate paid for
13 exceptional care services provided in a skilled nursing
14 facility pursuant to Section 5-5.8a.

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

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

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

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

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

1 (iii) no premium shall be charged for such
2 coverage; and

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

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

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

22 11. Persons with disabilities who are employed and
23 eligible for Medicaid, pursuant to Section
24 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
25 provided by the Illinois Department by rule.

26 12. Subject to federal approval, persons who are
27 eligible for medical assistance coverage under applicable
28 provisions of the federal Social Security Act and the federal
29 Breast and Cervical Cancer Prevention and Treatment Act of
30 2000. Those eligible persons are defined to include, but not
31 be limited to, the following persons:

- 32 (1) persons who have been screened for breast or
33 cervical cancer under the U.S. Centers for Disease
34 Control and Prevention Breast and Cervical Cancer Program

1 established under Title XV of the federal Public Health
2 Services Act in accordance with the requirements of
3 Section 1504 of that Act as administered by the Illinois
4 Department of Public Health; and

5 (2) persons whose screenings under the above
6 program were funded in whole or in part by funds
7 appropriated to the Illinois Department of Public Health
8 for breast or cervical cancer screening.

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

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

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

32 To the extent permitted under federal law, any person
33 found guilty of a second violation of Article VIII A shall be
34 ineligible for medical assistance under this Article, as

1 provided in Section 8A-8.

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

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

12 (405 ILCS 80/1-1 rep.)

13 (405 ILCS 80/1-2 rep.)

14 (405 ILCS 80/1-3 rep.)

15 (405 ILCS 80/1-4 rep.)

16 (405 ILCS 80/1-5 rep.)

17 Section 90. The Developmental Disability and Mental
18 Disability Services Act is amended by repealing Sections 1-1,
19 1-2, 1-3, 1-4, and 1-5 (the Developmental Disabilities
20 Services Law).

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."