



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2367

Introduced 2/3/2004, by Donne E. Trotter

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-4

from Ch. 23, par. 5-4

Amends the Illinois Public Aid Code. Makes technical changes in a Section concerning the amount and nature of medical assistance.

LRB093 19989 DRJ 45733 b

1 AN ACT concerning Medicaid.

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 5-4 as follows:

6 (305 ILCS 5/5-4) (from Ch. 23, par. 5-4)

7 Sec. 5-4. Amount and nature of medical assistance. The
8 amount and nature of medical assistance shall be determined by
9 the county departments ~~County Departments~~ in accordance with
10 the standards, rules, and regulations of the Illinois
11 Department of Public Aid, with due regard to the requirements
12 and conditions in each case, including contributions available
13 from legally responsible relatives. However, the amount and
14 nature of such medical assistance shall not be affected by the
15 payment of any grant under the Senior Citizens and Disabled
16 Persons Property Tax Relief and Pharmaceutical Assistance Act
17 or any distributions or items of income described under
18 subparagraph (X) of paragraph (2) of subsection (a) of Section
19 203 of the Illinois Income Tax Act. The amount and nature of
20 medical assistance shall not be affected by the receipt of
21 donations or benefits from fundraisers in cases of serious
22 illness, as long as neither the person nor members of the
23 person's family have actual control over the donations or
24 benefits or the disbursement of the donations or benefits.

25 In determining the income and assets available to the
26 institutionalized spouse and to the community spouse, the
27 Illinois Department of Public Aid shall follow the procedures
28 established by federal law. The community spouse resource
29 allowance shall be established and maintained at the maximum
30 level permitted pursuant to Section 1924(f)(2) of the Social
31 Security Act, as now or hereafter amended, or an amount set
32 after a fair hearing, whichever is greater. The monthly

1 maintenance allowance for the community spouse shall be
2 established and maintained at the maximum level permitted
3 pursuant to Section 1924(d)(3)(C) of the Social Security Act,
4 as now or hereafter amended. Subject to the approval of the
5 Secretary of the United States Department of Health and Human
6 Services, the provisions of this Section shall be extended to
7 persons who but for the provision of home or community-based
8 services under Section 4.02 of the Illinois Act on the Aging,
9 would require the level of care provided in an institution, as
10 is provided for in federal law.

11 The Department of Human Services shall notify in writing
12 each institutionalized spouse who is a recipient of medical
13 assistance under this Article, and each such person's community
14 spouse, of the changes in treatment of income and resources,
15 including provisions for protecting income for a community
16 spouse and permitting the transfer of resources to a community
17 spouse, required by enactment of the federal Medicare
18 Catastrophic Coverage Act of 1988 (Public Law 100-360). The
19 notification shall be in language likely to be easily
20 understood by those persons. The Department of Human Services
21 also shall reassess the amount of medical assistance for which
22 each such recipient is eligible as a result of the enactment of
23 that federal Act, whether or not a recipient requests such a
24 reassessment.

25 (Source: P.A. 90-655, eff. 7-30-98; 91-676, eff. 12-23-99.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.