



Sen. Donne E. Trotter

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09300SB2367sam002

LRB093 19989 DRJ 48988 a

1 AMENDMENT TO SENATE BILL 2367

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2367 by replacing  
3 the title with the following:

4 "AN ACT in relation to health."; and

5

6 by replacing everything after the enacting clause with the  
7 following:

8 "Section 5. The Children's Health Insurance Program Act is  
9 amended by changing Section 40 as follows:

10 (215 ILCS 106/40)

11 Sec. 40. Waivers.

12 (a) The Department shall request any necessary waivers of  
13 federal requirements in order to allow receipt of federal  
14 funding for:

15 (1) the coverage of families with eligible children  
16 under this Act; and

17 (2) for the coverage of children who would otherwise be  
18 eligible under this Act, but who have health insurance.

19 (b) The failure of the responsible federal agency to  
20 approve a waiver for children who would otherwise be eligible  
21 under this Act but who have health insurance shall not prevent  
22 the implementation of any Section of this Act provided that  
23 there are sufficient appropriated funds.

24 (c) Eligibility of a person under an approved waiver due to

1 the relationship with a child pursuant to Article V of the  
2 Illinois Public Aid Code or this Act shall be limited to such a  
3 person whose countable income is determined by the Department  
4 to be at or below such income eligibility standard as the  
5 Department by rule shall establish. The income level  
6 established by the Department shall not be below 90% of the  
7 federal poverty level. Such persons who are determined to be  
8 eligible must reapply, or otherwise establish eligibility, at  
9 least annually. An eligible person shall be required, as  
10 determined by the Department by rule, to report promptly those  
11 changes in income and other circumstances that affect  
12 eligibility. The eligibility of a person may be redetermined  
13 based on the information reported or may be terminated based on  
14 the failure to report or failure to report accurately. A person  
15 may also be held liable to the Department for any payments made  
16 by the Department on such person's behalf that were  
17 inappropriate. An applicant shall be provided with notice of  
18 these obligations.

19 (d) Subject to specific appropriation, the Department  
20 shall provide outreach grants to community organizations to  
21 enroll families in the program under this Section.

22 (Source: P.A. 92-597, eff. 6-28-02; 93-63, eff. 6-30-03.)

23 Section 10. The Illinois Public Aid Code is amended by  
24 changing Section 5-5 as follows:

25 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

26 Sec. 5-5. Medical services. The Illinois Department, by  
27 rule, shall determine the quantity and quality of and the rate  
28 of reimbursement for the medical assistance for which payment  
29 will be authorized, and the medical services to be provided,  
30 which may include all or part of the following: (1) inpatient  
31 hospital services; (2) outpatient hospital services; (3) other  
32 laboratory and X-ray services; (4) skilled nursing home

1 services; (5) physicians' services whether furnished in the  
2 office, the patient's home, a hospital, a skilled nursing home,  
3 or elsewhere; (6) medical care, or any other type of remedial  
4 care furnished by licensed practitioners; (7) home health care  
5 services; (8) private duty nursing service; (9) clinic  
6 services; (10) dental services, including prevention and  
7 treatment of periodontal disease and dental caries disease for  
8 pregnant women; (11) physical therapy and related services;  
9 (12) prescribed drugs, dentures, and prosthetic devices; and  
10 eyeglasses prescribed by a physician skilled in the diseases of  
11 the eye, or by an optometrist, whichever the person may select;  
12 (13) other diagnostic, screening, preventive, and  
13 rehabilitative services; (14) transportation and such other  
14 expenses as may be necessary; (15) medical treatment of sexual  
15 assault survivors, as defined in Section 1a of the Sexual  
16 Assault Survivors Emergency Treatment Act, for injuries  
17 sustained as a result of the sexual assault, including  
18 examinations and laboratory tests to discover evidence which  
19 may be used in criminal proceedings arising from the sexual  
20 assault; (16) the diagnosis and treatment of sickle cell  
21 anemia; and (17) any other medical care, and any other type of  
22 remedial care recognized under the laws of this State, but not  
23 including abortions, or induced miscarriages or premature  
24 births, unless, in the opinion of a physician, such procedures  
25 are necessary for the preservation of the life of the woman  
26 seeking such treatment, or except an induced premature birth  
27 intended to produce a live viable child and such procedure is  
28 necessary for the health of the mother or her unborn child. The  
29 Illinois Department, by rule, shall prohibit any physician from  
30 providing medical assistance to anyone eligible therefor under  
31 this Code where such physician has been found guilty of  
32 performing an abortion procedure in a wilful and wanton manner  
33 upon a woman who was not pregnant at the time such abortion  
34 procedure was performed. The term "any other type of remedial

1 care" shall include nursing care and nursing home service for  
2 persons who rely on treatment by spiritual means alone through  
3 prayer for healing.

4 Notwithstanding any other provision of this Section, a  
5 comprehensive tobacco use cessation program that includes  
6 purchasing prescription drugs or prescription medical devices  
7 approved by the Food and Drug administration shall be covered  
8 under the medical assistance program under this Article for  
9 persons who are otherwise eligible for assistance under this  
10 Article.

11 Notwithstanding any other provision of this Code, the  
12 Illinois Department may not require, as a condition of payment  
13 for any laboratory test authorized under this Article, that a  
14 physician's handwritten signature appear on the laboratory  
15 test order form. The Illinois Department may, however, impose  
16 other appropriate requirements regarding laboratory test order  
17 documentation.

18 The Illinois Department of Public Aid shall provide the  
19 following services to persons eligible for assistance under  
20 this Article who are participating in education, training or  
21 employment programs operated by the Department of Human  
22 Services as successor to the Department of Public Aid:

23 (1) dental services, which shall include but not be  
24 limited to prosthodontics; and

25 (2) eyeglasses prescribed by a physician skilled in the  
26 diseases of the eye, or by an optometrist, whichever the  
27 person may select.

28 The Illinois Department, by rule, may distinguish and  
29 classify the medical services to be provided only in accordance  
30 with the classes of persons designated in Section 5-2.

31 The Illinois Department shall authorize the provision of,  
32 and shall authorize payment for, screening by low-dose  
33 mammography for the presence of occult breast cancer for women  
34 35 years of age or older who are eligible for medical

1 assistance under this Article, as follows: a baseline mammogram  
2 for women 35 to 39 years of age and an annual mammogram for  
3 women 40 years of age or older. All screenings shall include a  
4 physical breast exam, instruction on self-examination and  
5 information regarding the frequency of self-examination and  
6 its value as a preventative tool. As used in this Section,  
7 "low-dose mammography" means the x-ray examination of the  
8 breast using equipment dedicated specifically for mammography,  
9 including the x-ray tube, filter, compression device, image  
10 receptor, and cassettes, with an average radiation exposure  
11 delivery of less than one rad mid-breast, with 2 views for each  
12 breast.

13 Any medical or health care provider shall immediately  
14 recommend, to any pregnant woman who is being provided prenatal  
15 services and is suspected of drug abuse or is addicted as  
16 defined in the Alcoholism and Other Drug Abuse and Dependency  
17 Act, referral to a local substance abuse treatment provider  
18 licensed by the Department of Human Services or to a licensed  
19 hospital which provides substance abuse treatment services.  
20 The Department of Public Aid shall assure coverage for the cost  
21 of treatment of the drug abuse or addiction for pregnant  
22 recipients in accordance with the Illinois Medicaid Program in  
23 conjunction with the Department of Human Services.

24 All medical providers providing medical assistance to  
25 pregnant women under this Code shall receive information from  
26 the Department on the availability of services under the Drug  
27 Free Families with a Future or any comparable program providing  
28 case management services for addicted women, including  
29 information on appropriate referrals for other social services  
30 that may be needed by addicted women in addition to treatment  
31 for addiction.

32 The Illinois Department, in cooperation with the  
33 Departments of Human Services (as successor to the Department  
34 of Alcoholism and Substance Abuse) and Public Health, through a

1 public awareness campaign, may provide information concerning  
2 treatment for alcoholism and drug abuse and addiction, prenatal  
3 health care, and other pertinent programs directed at reducing  
4 the number of drug-affected infants born to recipients of  
5 medical assistance.

6 Neither the Illinois Department of Public Aid nor the  
7 Department of Human Services shall sanction the recipient  
8 solely on the basis of her substance abuse.

9 The Illinois Department shall establish such regulations  
10 governing the dispensing of health services under this Article  
11 as it shall deem appropriate. The Department should seek the  
12 advice of formal professional advisory committees appointed by  
13 the Director of the Illinois Department for the purpose of  
14 providing regular advice on policy and administrative matters,  
15 information dissemination and educational activities for  
16 medical and health care providers, and consistency in  
17 procedures to the Illinois Department.

18 The Illinois Department may develop and contract with  
19 Partnerships of medical providers to arrange medical services  
20 for persons eligible under Section 5-2 of this Code.  
21 Implementation of this Section may be by demonstration projects  
22 in certain geographic areas. The Partnership shall be  
23 represented by a sponsor organization. The Department, by rule,  
24 shall develop qualifications for sponsors of Partnerships.  
25 Nothing in this Section shall be construed to require that the  
26 sponsor organization be a medical organization.

27 The sponsor must negotiate formal written contracts with  
28 medical providers for physician services, inpatient and  
29 outpatient hospital care, home health services, treatment for  
30 alcoholism and substance abuse, and other services determined  
31 necessary by the Illinois Department by rule for delivery by  
32 Partnerships. Physician services must include prenatal and  
33 obstetrical care. The Illinois Department shall reimburse  
34 medical services delivered by Partnership providers to clients

1 in target areas according to provisions of this Article and the  
2 Illinois Health Finance Reform Act, except that:

3 (1) Physicians participating in a Partnership and  
4 providing certain services, which shall be determined by  
5 the Illinois Department, to persons in areas covered by the  
6 Partnership may receive an additional surcharge for such  
7 services.

8 (2) The Department may elect to consider and negotiate  
9 financial incentives to encourage the development of  
10 Partnerships and the efficient delivery of medical care.

11 (3) Persons receiving medical services through  
12 Partnerships may receive medical and case management  
13 services above the level usually offered through the  
14 medical assistance program.

15 Medical providers shall be required to meet certain  
16 qualifications to participate in Partnerships to ensure the  
17 delivery of high quality medical services. These  
18 qualifications shall be determined by rule of the Illinois  
19 Department and may be higher than qualifications for  
20 participation in the medical assistance program. Partnership  
21 sponsors may prescribe reasonable additional qualifications  
22 for participation by medical providers, only with the prior  
23 written approval of the Illinois Department.

24 Nothing in this Section shall limit the free choice of  
25 practitioners, hospitals, and other providers of medical  
26 services by clients. In order to ensure patient freedom of  
27 choice, the Illinois Department shall immediately promulgate  
28 all rules and take all other necessary actions so that provided  
29 services may be accessed from therapeutically certified  
30 optometrists to the full extent of the Illinois Optometric  
31 Practice Act of 1987 without discriminating between service  
32 providers.

33 The Department shall apply for a waiver from the United  
34 States Health Care Financing Administration to allow for the

1 implementation of Partnerships under this Section.

2 The Illinois Department shall require health care  
3 providers to maintain records that document the medical care  
4 and services provided to recipients of Medical Assistance under  
5 this Article. The Illinois Department shall require health care  
6 providers to make available, when authorized by the patient, in  
7 writing, the medical records in a timely fashion to other  
8 health care providers who are treating or serving persons  
9 eligible for Medical Assistance under this Article. All  
10 dispensers of medical services shall be required to maintain  
11 and retain business and professional records sufficient to  
12 fully and accurately document the nature, scope, details and  
13 receipt of the health care provided to persons eligible for  
14 medical assistance under this Code, in accordance with  
15 regulations promulgated by the Illinois Department. The rules  
16 and regulations shall require that proof of the receipt of  
17 prescription drugs, dentures, prosthetic devices and  
18 eyeglasses by eligible persons under this Section accompany  
19 each claim for reimbursement submitted by the dispenser of such  
20 medical services. No such claims for reimbursement shall be  
21 approved for payment by the Illinois Department without such  
22 proof of receipt, unless the Illinois Department shall have put  
23 into effect and shall be operating a system of post-payment  
24 audit and review which shall, on a sampling basis, be deemed  
25 adequate by the Illinois Department to assure that such drugs,  
26 dentures, prosthetic devices and eyeglasses for which payment  
27 is being made are actually being received by eligible  
28 recipients. Within 90 days after the effective date of this  
29 amendatory Act of 1984, the Illinois Department shall establish  
30 a current list of acquisition costs for all prosthetic devices  
31 and any other items recognized as medical equipment and  
32 supplies reimbursable under this Article and shall update such  
33 list on a quarterly basis, except that the acquisition costs of  
34 all prescription drugs shall be updated no less frequently than



1 every 30 days as required by Section 5-5.12.

2 The rules and regulations of the Illinois Department shall  
3 require that a written statement including the required opinion  
4 of a physician shall accompany any claim for reimbursement for  
5 abortions, or induced miscarriages or premature births. This  
6 statement shall indicate what procedures were used in providing  
7 such medical services.

8 The Illinois Department shall require all dispensers of  
9 medical services, other than an individual practitioner or  
10 group of practitioners, desiring to participate in the Medical  
11 Assistance program established under this Article to disclose  
12 all financial, beneficial, ownership, equity, surety or other  
13 interests in any and all firms, corporations, partnerships,  
14 associations, business enterprises, joint ventures, agencies,  
15 institutions or other legal entities providing any form of  
16 health care services in this State under this Article.

17 The Illinois Department may require that all dispensers of  
18 medical services desiring to participate in the medical  
19 assistance program established under this Article disclose,  
20 under such terms and conditions as the Illinois Department may  
21 by rule establish, all inquiries from clients and attorneys  
22 regarding medical bills paid by the Illinois Department, which  
23 inquiries could indicate potential existence of claims or liens  
24 for the Illinois Department.

25 Enrollment of a vendor that provides non-emergency medical  
26 transportation, defined by the Department by rule, shall be  
27 conditional for 180 days. During that time, the Department of  
28 Public Aid may terminate the vendor's eligibility to  
29 participate in the medical assistance program without cause.  
30 That termination of eligibility is not subject to the  
31 Department's hearing process.

32 The Illinois Department shall establish policies,  
33 procedures, standards and criteria by rule for the acquisition,  
34 repair and replacement of orthotic and prosthetic devices and

1 durable medical equipment. Such rules shall provide, but not be  
2 limited to, the following services: (1) immediate repair or  
3 replacement of such devices by recipients without medical  
4 authorization; and (2) rental, lease, purchase or  
5 lease-purchase of durable medical equipment in a  
6 cost-effective manner, taking into consideration the  
7 recipient's medical prognosis, the extent of the recipient's  
8 needs, and the requirements and costs for maintaining such  
9 equipment. Such rules shall enable a recipient to temporarily  
10 acquire and use alternative or substitute devices or equipment  
11 pending repairs or replacements of any device or equipment  
12 previously authorized for such recipient by the Department.  
13 Rules under clause (2) above shall not provide for purchase or  
14 lease-purchase of durable medical equipment or supplies used  
15 for the purpose of oxygen delivery and respiratory care.

16 The Department shall execute, relative to the nursing home  
17 prescreening project, written inter-agency agreements with the  
18 Department of Human Services and the Department on Aging, to  
19 effect the following: (i) intake procedures and common  
20 eligibility criteria for those persons who are receiving  
21 non-institutional services; and (ii) the establishment and  
22 development of non-institutional services in areas of the State  
23 where they are not currently available or are undeveloped.

24 The Illinois Department shall develop and operate, in  
25 cooperation with other State Departments and agencies and in  
26 compliance with applicable federal laws and regulations,  
27 appropriate and effective systems of health care evaluation and  
28 programs for monitoring of utilization of health care services  
29 and facilities, as it affects persons eligible for medical  
30 assistance under this Code.

31 The Illinois Department shall report annually to the  
32 General Assembly, no later than the second Friday in April of  
33 1979 and each year thereafter, in regard to:

34 (a) actual statistics and trends in utilization of

1 medical services by public aid recipients;

2 (b) actual statistics and trends in the provision of  
3 the various medical services by medical vendors;

4 (c) current rate structures and proposed changes in  
5 those rate structures for the various medical vendors; and

6 (d) efforts at utilization review and control by the  
7 Illinois Department.

8 The period covered by each report shall be the 3 years  
9 ending on the June 30 prior to the report. The report shall  
10 include suggested legislation for consideration by the General  
11 Assembly. The filing of one copy of the report with the  
12 Speaker, one copy with the Minority Leader and one copy with  
13 the Clerk of the House of Representatives, one copy with the  
14 President, one copy with the Minority Leader and one copy with  
15 the Secretary of the Senate, one copy with the Legislative  
16 Research Unit, and such additional copies with the State  
17 Government Report Distribution Center for the General Assembly  
18 as is required under paragraph (t) of Section 7 of the State  
19 Library Act shall be deemed sufficient to comply with this  
20 Section.

21 (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02;  
22 92-789, eff. 8-6-02; 93-632, eff. 2-1-04.)".