



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Christine Radogno

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-4.1

from Ch. 23, par. 5-4.1

Amends the Illinois Public Aid Code. Increases the maximum allowable co-payment for dental, optical services and supplies, chiropractic services, podiatry services and encounter rate clinic services from \$2 to \$3. Establishes a maximum allowable co-payment of \$2 for emergency room services that are not defined in 42CFR447.53(b)(4). Requires the Department of Public Aid to seek a waiver from the U.S. Secretary of Health and Human Services under Title XIX, Section 1916(a)(3) of the Social Security Act.

SRS093 00168 GLC 40038 b

1 AN ACT concerning 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 5-4.1 as follows:

6 (305 ILCS 5/5-4.1) (from Ch. 23, par. 5-4.1)

7 Sec. 5-4.1. Co-payments.

8 (a) The Department may by rule provide that recipients
9 under any Article of this Code shall pay a fee as a co-payment
10 for services. Co-payments may not exceed \$3 for brand name
11 drugs, \$1 for other pharmacy services other than for generic
12 drugs, ~~and~~ \$2 for physicians services, \$3 for dental services,
13 optical services and supplies, chiropractic services, podiatry
14 services, and encounter rate clinic services, and \$2 for
15 emergency room services not defined in 42CFR447.53(b)(4).

16 There shall be no co-payment for generic drugs. Co-payments may
17 not exceed \$3 for hospital outpatient and clinic services.
18 Provided, however, that any such rule must provide that no
19 co-payment requirement can exist for renal dialysis, radiation
20 therapy, cancer chemotherapy, or insulin, and other products
21 necessary on a recurring basis, the absence of which would be
22 life threatening, or where co-payment expenditures for
23 required services and/or medications for chronic diseases that
24 the Illinois Department shall by rule designate shall cause an
25 extensive financial burden on the recipient, and provided no
26 co-payment shall exist for emergency room encounters which are
27 for medical emergencies.

28 (b) The Department shall submit a waiver to the U.S.
29 Secretary of Health and Human Services under Title XIX Section
30 1916(a)(3) of the Social Security Act to impose a copayment of
31 up to double the "nominal" copayment amounts determined under
32 42CFR447.54(a)(3).

1 (Source: P.A. 92-597, eff. 6-28-02; 93-593, eff. 8-25-03.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.