

1 AN ACT concerning 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 5-5 as follows:

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

7 Sec. 5-5. Medical services. The Illinois Department, by
8 rule, shall determine the quantity and quality of and the rate
9 of reimbursement for the medical assistance for which payment
10 will be authorized, and the medical services to be provided,
11 which may include all or part of the following: (1) inpatient
12 hospital services; (2) outpatient hospital services; (3) other
13 laboratory and X-ray services; (4) skilled nursing home
14 services; (5) physicians' services whether furnished in the
15 office, the patient's home, a hospital, a skilled nursing home,
16 or elsewhere; (6) medical care, or any other type of remedial
17 care furnished by licensed practitioners; (7) home health care
18 services; (8) private duty nursing service; (9) clinic
19 services; (10) dental services, including prevention and
20 treatment of periodontal disease and dental caries disease for
21 pregnant women; (11) physical therapy and related services;
22 (12) prescribed drugs, dentures, and prosthetic devices; and
23 eyeglasses prescribed by a physician skilled in the diseases of

1 the eye, or by an optometrist, whichever the person may select;
2 (13) other diagnostic, screening, preventive, and
3 rehabilitative services; (14) transportation and such other
4 expenses as may be necessary; (15) medical treatment of sexual
5 assault survivors, as defined in Section 1a of the Sexual
6 Assault Survivors Emergency Treatment Act, for injuries
7 sustained as a result of the sexual assault, including
8 examinations and laboratory tests to discover evidence which
9 may be used in criminal proceedings arising from the sexual
10 assault; (16) the diagnosis and treatment of sickle cell
11 anemia; and (17) any other medical care, and any other type of
12 remedial care recognized under the laws of this State, but not
13 including abortions, or induced miscarriages or premature
14 births, unless, in the opinion of a physician, such procedures
15 are necessary for the preservation of the life of the woman
16 seeking such treatment, or except an induced premature birth
17 intended to produce a live viable child and such procedure is
18 necessary for the health of the mother or her unborn child. The
19 Illinois Department, by rule, shall prohibit any physician from
20 providing medical assistance to anyone eligible therefor under
21 this Code where such physician has been found guilty of
22 performing an abortion procedure in a wilful and wanton manner
23 upon a woman who was not pregnant at the time such abortion
24 procedure was performed. The term "any other type of remedial
25 care" shall include nursing care and nursing home service for
26 persons who rely on treatment by spiritual means alone through

1 prayer for healing.

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

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

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

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

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

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

4 The Illinois Department shall authorize the provision of,
5 and shall authorize payment for, screening by low-dose
6 mammography for the presence of occult breast cancer for women
7 35 years of age or older who are eligible for medical
8 assistance under this Article, as follows: a baseline mammogram
9 for women 35 to 39 years of age and an annual mammogram for
10 women 40 years of age or older. All screenings shall include a
11 physical breast exam, instruction on self-examination and
12 information regarding the frequency of self-examination and
13 its value as a preventative tool. As used in this Section,
14 "low-dose mammography" means the x-ray examination of the
15 breast using equipment dedicated specifically for mammography,
16 including the x-ray tube, filter, compression device, image
17 receptor, and cassettes, with an average radiation exposure
18 delivery of less than one rad mid-breast, with 2 views for each
19 breast.

20 The Department of Healthcare and Family Services shall
21 authorize the provision of, and shall authorize payment for,
22 treatment of cancer by means of proton therapy or neutron
23 therapy at stand-alone clinics.

24 Any medical or health care provider shall immediately
25 recommend, to any pregnant woman who is being provided prenatal
26 services and is suspected of drug abuse or is addicted as

1 defined in the Alcoholism and Other Drug Abuse and Dependency
2 Act, referral to a local substance abuse treatment provider
3 licensed by the Department of Human Services or to a licensed
4 hospital which provides substance abuse treatment services.
5 The Department of Healthcare and Family Services ~~Public Aid~~
6 shall assure coverage for the cost of treatment of the drug
7 abuse or addiction for pregnant recipients in accordance with
8 the Illinois Medicaid Program in conjunction with the
9 Department of Human Services.

10 All medical providers providing medical assistance to
11 pregnant women under this Code shall receive information from
12 the Department on the availability of services under the Drug
13 Free Families with a Future or any comparable program providing
14 case management services for addicted women, including
15 information on appropriate referrals for other social services
16 that may be needed by addicted women in addition to treatment
17 for addiction.

18 The Illinois Department, in cooperation with the
19 Departments of Human Services (as successor to the Department
20 of Alcoholism and Substance Abuse) and Public Health, through a
21 public awareness campaign, may provide information concerning
22 treatment for alcoholism and drug abuse and addiction, prenatal
23 health care, and other pertinent programs directed at reducing
24 the number of drug-affected infants born to recipients of
25 medical assistance.

26 Neither the ~~Illinois~~ Department of Healthcare and Family

1 Services ~~Public Aid~~ nor the Department of Human Services shall
2 sanction the recipient solely on the basis of her substance
3 abuse.

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

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

22 The sponsor must negotiate formal written contracts with
23 medical providers for physician services, inpatient and
24 outpatient hospital care, home health services, treatment for
25 alcoholism and substance abuse, and other services determined
26 necessary by the Illinois Department by rule for delivery by

1 Partnerships. Physician services must include prenatal and
2 obstetrical care. The Illinois Department shall reimburse
3 medical services delivered by Partnership providers to clients
4 in target areas according to provisions of this Article and the
5 Illinois Health Finance Reform Act, except that:

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

11 (2) The Department may elect to consider and negotiate
12 financial incentives to encourage the development of
13 Partnerships and the efficient delivery of medical care.

14 (3) Persons receiving medical services through
15 Partnerships may receive medical and case management
16 services above the level usually offered through the
17 medical assistance program.

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

1 Nothing in this Section shall limit the free choice of
2 practitioners, hospitals, and other providers of medical
3 services by clients. In order to ensure patient freedom of
4 choice, the Illinois Department shall immediately promulgate
5 all rules and take all other necessary actions so that provided
6 services may be accessed from therapeutically certified
7 optometrists to the full extent of the Illinois Optometric
8 Practice Act of 1987 without discriminating between service
9 providers.

10 The Department shall apply for a waiver from the United
11 States Health Care Financing Administration to allow for the
12 implementation of Partnerships under this Section.

13 The Illinois Department shall require health care
14 providers to maintain records that document the medical care
15 and services provided to recipients of Medical Assistance under
16 this Article. The Illinois Department shall require health care
17 providers to make available, when authorized by the patient, in
18 writing, the medical records in a timely fashion to other
19 health care providers who are treating or serving persons
20 eligible for Medical Assistance under this Article. All
21 dispensers of medical services shall be required to maintain
22 and retain business and professional records sufficient to
23 fully and accurately document the nature, scope, details and
24 receipt of the health care provided to persons eligible for
25 medical assistance under this Code, in accordance with
26 regulations promulgated by the Illinois Department. The rules

1 and regulations shall require that proof of the receipt of
2 prescription drugs, dentures, prosthetic devices and
3 eyeglasses by eligible persons under this Section accompany
4 each claim for reimbursement submitted by the dispenser of such
5 medical services. No such claims for reimbursement shall be
6 approved for payment by the Illinois Department without such
7 proof of receipt, unless the Illinois Department shall have put
8 into effect and shall be operating a system of post-payment
9 audit and review which shall, on a sampling basis, be deemed
10 adequate by the Illinois Department to assure that such drugs,
11 dentures, prosthetic devices and eyeglasses for which payment
12 is being made are actually being received by eligible
13 recipients. Within 90 days after the effective date of this
14 amendatory Act of 1984, the Illinois Department shall establish
15 a current list of acquisition costs for all prosthetic devices
16 and any other items recognized as medical equipment and
17 supplies reimbursable under this Article and shall update such
18 list on a quarterly basis, except that the acquisition costs of
19 all prescription drugs shall be updated no less frequently than
20 every 30 days as required by Section 5-5.12.

21 The rules and regulations of the Illinois Department shall
22 require that a written statement including the required opinion
23 of a physician shall accompany any claim for reimbursement for
24 abortions, or induced miscarriages or premature births. This
25 statement shall indicate what procedures were used in providing
26 such medical services.

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

10 The Illinois Department may require that all dispensers of
11 medical services desiring to participate in the medical
12 assistance program established under this Article disclose,
13 under such terms and conditions as the Illinois Department may
14 by rule establish, all inquiries from clients and attorneys
15 regarding medical bills paid by the Illinois Department, which
16 inquiries could indicate potential existence of claims or liens
17 for the Illinois Department.

18 Enrollment of a vendor that provides non-emergency medical
19 transportation, defined by the Department by rule, shall be
20 conditional for 180 days. During that time, the Department of
21 Healthcare and Family Services ~~Public Aid~~ may terminate the
22 vendor's eligibility to participate in the medical assistance
23 program without cause. That termination of eligibility is not
24 subject to the Department's hearing process.

25 The Illinois Department shall establish policies,
26 procedures, standards and criteria by rule for the acquisition,

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

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

22 The Illinois Department shall develop and operate, in
23 cooperation with other State Departments and agencies and in
24 compliance with applicable federal laws and regulations,
25 appropriate and effective systems of health care evaluation and
26 programs for monitoring of utilization of health care services

1 and facilities, as it affects persons eligible for medical
2 assistance under this Code.

3 The Illinois Department shall report annually to the
4 General Assembly, no later than the second Friday in April of
5 1979 and each year thereafter, in regard to:

6 (a) actual statistics and trends in utilization of
7 medical services by public aid recipients;

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

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

12 (d) efforts at utilization review and control by the
13 Illinois Department.

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

1 (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02;
2 92-789, eff. 8-6-02; 93-632, eff. 2-1-04; 93-841, eff. 7-30-04;
3 93-981, eff. 8-23-04; revised 12-15-05.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.