



Health Care Availability and Access Committee

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09500HB4634ham001

LRB095 14693 DRJ 47843 a

1 AMENDMENT TO HOUSE BILL 4634

2 AMENDMENT NO. _____. Amend House Bill 4634 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Public Aid Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2205-15 as follows:

7 (20 ILCS 2205/2205-15 new)

8 Sec. 2205-15. Prostate and testicular cancer diagnostic
9 evaluation and treatment program.

10 (a) Subject to appropriation, the Department of Healthcare
11 and Family Services shall establish a prostate and testicular
12 cancer diagnostic evaluation and treatment program. A person is
13 eligible for diagnostic evaluation and, if that evaluation is
14 positive for the respective cancer, treatment services under
15 the program if he meets all of the following conditions:

1 (1) He has been screened for prostate or testicular
2 cancer in a manner approved by the Department, including,
3 but not limited to, by means of participation in the
4 screening program established under Section 2310-397 of
5 the Department of Public Health Powers and Duties Law of
6 the Civil Administrative Code of Illinois.

7 (2) He continues to need that treatment. A person shall
8 be considered to need treatment if, in the opinion of his
9 treating physician licensed to practice medicine in all its
10 branches, he requires therapy directed toward cure or
11 palliation of prostate or testicular cancer, including
12 recurrent metastatic cancer that is a known or presumed
13 complication of prostate or testicular cancer and
14 complications resulting from the treatment modalities
15 themselves. Covered diagnostic evaluation shall include,
16 but is not limited to, initial and follow-up ultrasound
17 biopsies, pelvic CT Scans, bone scans, follow-up PSA
18 (Prostate Specific Antigen) testing, and DRE (Digital
19 Rectal Examination) as recommended by the treating
20 physician.

21 (3) He is uninsured for prostate or testicular cancer
22 diagnostic evaluation and treatment, that is, he does not
23 have creditable coverage, as defined under the Health
24 Insurance Portability and Accountability Act, for that
25 treatment.

26 (4) He meets the citizenship requirements set forth in

1 89 Ill. Adm. Code 120.310 and the residence requirements
2 set forth in 89 Ill. Adm. Code 120.311.

3 (5) He furnishes a Social Security number as described
4 in 89 Ill. Adm. Code 120.327.

5 (6) He cooperates in establishing his eligibility to
6 participate in the program as described in 89 Ill. Adm.
7 Code 120.308.

8 A person's assets are exempt from consideration in
9 determining his eligibility for diagnostic evaluation and
10 treatment services under this Section.

11 (b) Notwithstanding any other provision of law, the
12 Department of Healthcare and Family Services (i) does not have
13 a claim against the estate of a deceased recipient of
14 diagnostic evaluation or treatment services under this Section
15 or against the estate of a recipient's deceased spouse and (ii)
16 does not have a lien against any homestead property or other
17 legal or equitable real property interest owned by a recipient
18 of diagnostic evaluation or treatment services under this
19 Section.

20 (c) A person who enters a nursing facility for the purpose
21 of receiving services that qualify as treatment under this
22 Section must provide the Department with income information
23 sufficient to enable the Department to calculate a group care
24 credit as established in 89 Ill. Adm. Code 120.40 and 120.60.

25 (d) A person applying for or receiving diagnostic
26 evaluation and treatment services under this Section has the

1 appeal rights described in 89 Ill. Adm. Code 102.80 through
2 102.83 in the case of applicants for or recipients of
3 assistance under the Illinois Public Aid Code.

4 (e) Notwithstanding any other rulemaking authority that
5 may exist, neither the Governor nor any agency or agency head
6 under the jurisdiction of the Governor has any authority to
7 make or promulgate rules to implement or enforce the provisions
8 of this amendatory Act of the 95th General Assembly. If,
9 however, the Governor believes that rules are necessary to
10 implement or enforce the provisions of this amendatory Act of
11 the 95th General Assembly, the Governor may suggest rules to
12 the General Assembly by filing them with the Clerk of the House
13 and Secretary of the Senate and by requesting that the General
14 Assembly authorize such rulemaking by law, enact those
15 suggested rules into law, or take any other appropriate action
16 in the General Assembly's discretion. Nothing contained in this
17 amendatory Act of the 95th General Assembly shall be
18 interpreted to grant rulemaking authority under any other
19 Illinois statute where such authority is not otherwise
20 explicitly given. For the purposes of this amendatory Act of
21 the 95th General Assembly, "rules" is given the meaning
22 contained in Section 1-70 of the Illinois Administrative
23 Procedure Act, and "agency" and "agency head" are given the
24 meanings contained in Sections 1-20 and 1-25 of the Illinois
25 Administrative Procedure Act to the extent that such
26 definitions apply to agencies or agency heads under the

1 jurisdiction of the Governor.

2 Section 10. The Department of Public Health Powers and
3 Duties Law of the Civil Administrative Code of Illinois is
4 amended by changing Section 2310-397 as follows:

5 (20 ILCS 2310/2310-397) (was 20 ILCS 2310/55.90)

6 Sec. 2310-397. Prostate and testicular cancer program.

7 (a) The Department, subject to appropriation or other
8 available funding, shall conduct a program to promote awareness
9 and early detection of prostate and testicular cancer. The
10 program may include, but need not be limited to:

11 (1) Dissemination of information regarding the
12 incidence of prostate and testicular cancer, the risk
13 factors associated with prostate and testicular cancer,
14 and the benefits of early detection and treatment.

15 (2) Promotion of information and counseling about
16 treatment options, including: identification of the
17 methods for the treatment of prostate and testicular cancer
18 that meet current clinical standards; information
19 concerning the advantages, disadvantages, and risks
20 associated with those treatment methods; and information
21 concerning the availability of public and private sources
22 of payment for diagnostic evaluation and the treatment of
23 prostate and testicular cancer.

24 (3) Establishment and promotion of referral services

1 (including referrals for diagnostic evaluation and
2 treatment services) and screening programs.

3 Beginning July 1, 2004, the program must include the
4 development and dissemination, through print and broadcast
5 media, of public service announcements that publicize the
6 importance of prostate and testicular cancer screening for men
7 ~~over age 40.~~

8 (b) Subject to appropriation or other available funding, a
9 Prostate and Testicular Cancer Screening Program shall be
10 established in the Department of Public Health.

11 (1) The Program shall apply to the following persons
12 and entities:

13 (A) uninsured and underinsured men over the age of
14 40 who are at risk for prostate cancer, or younger men
15 upon the advice of a physician or upon the request of
16 the patient ~~50 years of age and older;~~

17 (B) (blank); ~~uninsured and underinsured men~~
18 ~~between 40 and 50 years of age who are at high risk for~~
19 ~~prostate cancer, upon the advice of a physician or upon~~
20 ~~the request of the patient; and~~

21 (B-5) uninsured and underinsured men 14 years of
22 age and older who are at risk for testicular cancer, or
23 younger men upon the advice of a physician or upon the
24 request of the patient; and

25 (C) non-profit organizations providing assistance
26 to persons described in subparagraphs (A) and (B).

1 (5) The Department or any entity funded by the Program
2 shall collect personal and medical information necessary
3 to administer the Program from any individual applying for
4 services under the Program. The information shall be
5 confidential and shall not be disclosed other than for
6 purposes directly connected with the administration of the
7 Program or except as otherwise provided by law or pursuant
8 to prior written consent of the subject of the information.

9 (6) The Department or any entity funded by the program
10 may disclose the confidential information to medical
11 personnel and fiscal intermediaries of the State to the
12 extent necessary to administer the Program, and to other
13 State public health agencies or medical researchers if the
14 confidential information is necessary to carry out the
15 duties of those agencies or researchers in the
16 investigation, control, or surveillance of prostate and
17 testicular cancer.

18 (c) The Department shall adopt rules to implement the
19 Prostate and Testicular Cancer Screening Program in accordance
20 with the Illinois Administrative Procedure Act.

21 (d) Implementation of the changes made by this amendatory
22 Act of the 95th General Assembly is subject to appropriation.

23 (e) Notwithstanding any other rulemaking authority that
24 may exist, neither the Governor nor any agency or agency head
25 under the jurisdiction of the Governor has any authority to
26 make or promulgate rules to implement or enforce the provisions

1 of this amendatory Act of the 95th General Assembly. If,
2 however, the Governor believes that rules are necessary to
3 implement or enforce the provisions of this amendatory Act of
4 the 95th General Assembly, the Governor may suggest rules to
5 the General Assembly by filing them with the Clerk of the House
6 and Secretary of the Senate and by requesting that the General
7 Assembly authorize such rulemaking by law, enact those
8 suggested rules into law, or take any other appropriate action
9 in the General Assembly's discretion. Nothing contained in this
10 amendatory Act of the 95th General Assembly shall be
11 interpreted to grant rulemaking authority under any other
12 Illinois statute where such authority is not otherwise
13 explicitly given. For the purposes of this amendatory Act of
14 the 95th General Assembly, "rules" is given the meaning
15 contained in Section 1-70 of the Illinois Administrative
16 Procedure Act, and "agency" and "agency head" are given the
17 meanings contained in Sections 1-20 and 1-25 of the Illinois
18 Administrative Procedure Act to the extent that such
19 definitions apply to agencies or agency heads under the
20 jurisdiction of the Governor.

21 (Source: P.A. 92-16, eff. 6-28-01; 93-122, 1-1-04.)".