



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB6636

by Rep. Gary Hannig

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-394 new  
305 ILCS 5/5-5.26 new

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois and the Illinois Public Aid Code. Requires the Department of Public Health (IDPH), subject to appropriation, to establish a program of services for persons with multiple sclerosis (MS) to help those persons stay in their homes and out of institutions. Provides that to be eligible for the program, a person must have applied for benefits under the Department of Human Services' Home Services Program (HSP) and must have been determined ineligible for that program because his or her retirement or life insurance assets exceeded the applicable limits. Provides for an asset limit of \$17,500 for the IDPH program but exempts retirement or life insurance assets up to \$500,000. Requires the Department of Healthcare and Family Services to apply for a federal waiver for Medicaid eligibility for HSP services for persons with MS who are over age 60 and who have retirement or life insurance assets up to \$500,000. Provides that neither the Governor nor any agency or agency head under the jurisdiction of the Governor has any rulemaking authority under the amendatory Act, but that the Governor may suggest rules by filing them with the General Assembly and requesting that the General Assembly authorize such rulemaking by law, enact the suggested rules into law, or take other appropriate action in the General Assembly's discretion. Effective July 1, 2008.

LRB095 20918 DRJ 49848 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Department of Public Health Powers and  
5 Duties Law of the Civil Administrative Code of Illinois is  
6 amended by adding Section 2310-394 as follows:

7 (20 ILCS 2310/2310-394 new)

8 Sec. 2310-394. Multiple sclerosis; home services.

9 (a) Subject to appropriation, the Department shall create a  
10 program of services for persons with multiple sclerosis to help  
11 those persons stay in their homes and out of institutions. The  
12 Department shall collaborate with consumers to develop a  
13 program of services that is consumer directed.

14 (1) There shall be meaningful consumer participation  
15 in all aspects of program design, review, and improvement.

16 (2) A review committee shall be established, comprised  
17 of consumers and other stakeholders. The committee shall  
18 meet at least once a year to evaluate the program,  
19 including quality assurance data, and shall submit program  
20 recommendations to the Department.

21 (3) Consumers shall have control in the selection,  
22 management, and termination of providers.

23 (4) Providers shall be educated about

1 consumer-directed services and multiple sclerosis.

2 (b) To be eligible for the program, a person must meet the  
3 following requirements:

4 (1) He or she must have a current diagnosis of multiple  
5 sclerosis.

6 (2) He or she must have applied for benefits under the  
7 Home Services Program operated by the Department of Human  
8 Services and must have been determined not eligible for  
9 benefits under that program because his or her retirement  
10 assets or life insurance assets, or both, exceeded the  
11 limits applicable to that program.

12 (3) He or she must have assets not exceeding \$17,500.  
13 In determining whether a person's assets meet this  
14 requirement, the Department must disregard retirement  
15 assets or life insurance assets, or both, up to a total of  
16 \$500,000.

17 (c) This Section does not create any new entitlement to a  
18 service, program, or benefit, but does not affect any  
19 entitlement to a service, program, or benefit created by any  
20 other law.

21 (d) Notwithstanding any other rulemaking authority that  
22 may exist, neither the Governor nor any agency or agency head  
23 under the jurisdiction of the Governor has any authority to  
24 make or promulgate rules to implement or enforce the provisions  
25 of this amendatory Act of the 95th General Assembly. If,  
26 however, the Governor believes that rules are necessary to

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

19 Section 10. The Illinois Public Aid Code is amended by  
20 adding Section 5-5.26 as follows:

21 (305 ILCS 5/5-5.26 new)

22 Sec. 5-5.26. Multiple sclerosis; home services; waiver.  
23 The Department of Healthcare and Family Services shall apply  
24 for a waiver of federal law and regulations to the extent

1 necessary to claim federal financial participation for medical  
2 assistance for services provided under the Department of Human  
3 Services' Home Services Program for persons with multiple  
4 sclerosis who are over 60 years of age and have retirement  
5 assets or life insurance assets, or both, that do not exceed a  
6 total of \$500,000.

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

1 meanings contained in Sections 1-20 and 1-25 of the Illinois  
2 Administrative Procedure Act to the extent that such  
3 definitions apply to agencies or agency heads under the  
4 jurisdiction of the Governor.

5 Section 99. Effective date. This Act takes effect July 1,  
6 2008.