



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB6658

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

215 ILCS 106/20
215 ILCS 106/23 new
215 ILCS 170/22 new
215 ILCS 170/23 new
305 ILCS 5/11-4

from Ch. 23, par. 11-4

Amends the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, and the Illinois Public Aid Code. Provides that to be eligible for benefits under the Covering ALL KIDS Health Insurance Act, an individual who is otherwise eligible must be either a United States citizen or included in one of certain specified categories of non-citizens. Makes conforming changes to provisions concerning eligibility for benefits under the Children's Health Insurance Program. Prohibits the State from giving or offering money or a gas card or other valuable thing to a person for the purpose of inducing the person to apply for benefits under the Children's Health Insurance Program Act or the Covering ALL KIDS Health Insurance Act or for medical assistance under the Illinois Public Aid Code. Effective July 1, 2009.

LRB095 21725 DRJ 51936 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Children's Health Insurance Program Act is
5 amended by changing Section 20 and by adding Section 23 as
6 follows:

7 (215 ILCS 106/20)

8 Sec. 20. Eligibility.

9 (a) To be eligible for this Program, a person must be a
10 person who has a child eligible under this Act and who is
11 eligible under a waiver of federal requirements pursuant to an
12 application made pursuant to subdivision (a)(1) of Section 40
13 of this Act or who is a child who:

14 (1) is a child who is not eligible for medical
15 assistance;

16 (2) is a child whose annual household income, as
17 determined by the Department, is above 133% of the federal
18 poverty level and at or below 200% of the federal poverty
19 level;

20 (3) is a resident of the State of Illinois; and

21 (4) is a child who is either a United States citizen or
22 included in one of the following categories of
23 non-citizens:

1 (A) unmarried dependent children of either a
2 United States Veteran honorably discharged or a person
3 on active military duty;

4 (B) refugees under Section 207 of the Immigration
5 and Nationality Act;

6 (C) asylees under Section 208 of the Immigration
7 and Nationality Act;

8 (D) persons for whom deportation has been withheld
9 under Section 243(h) of the Immigration and
10 Nationality Act;

11 (E) persons granted conditional entry under
12 Section 203(a)(7) of the Immigration and Nationality
13 Act as in effect prior to April 1, 1980;

14 (F) persons lawfully admitted for permanent
15 residence under the Immigration and Nationality Act;
16 ~~and~~

17 (G) parolees, for at least one year, under Section
18 212(d)(5) of the Immigration and Nationality Act;

19 (H) nationals of Cuba or Haiti admitted after April
20 21, 1980;

21 (I) Amerasians from Vietnam, admitted through the
22 Orderly Departure Program beginning on March 20, 1988;

23 (J) persons identified by the federal Office of
24 Refugee Resettlement (ORR) as victims of trafficking;

25 (K) children of persons legally residing in the
26 United States who were members of a Hmong or Highland

1 Laotian tribe when the tribe helped United States
2 personnel by taking part in a military or rescue
3 operation during the Vietnam era (between August 5,
4 1965 and May 7, 1975);

5 (L) American Indians born in Canada under Section
6 289 of the Immigration and Nationality Act and members
7 of an Indian tribe as defined in Section 4e of the
8 Indian Self-Determination and Education Assistance
9 Act; and

10 (M) persons who are a child of a U.S. citizen or a
11 child of a legal permanent resident (LPR) who have been
12 battered or subjected to extreme cruelty by the U.S.
13 citizen or LPR or a member of that relative's family
14 who lived with them, who no longer live with the abuser
15 or plan to live separately within one month of receipt
16 of assistance and whose need for assistance is due, at
17 least in part, to the abuse.

18 Those children who are in the categories set forth in
19 subdivisions (4)(F) and (4)(G) of this subsection, who enter
20 the United States on or after August 22, 1996, shall not be
21 eligible for 5 years beginning on the date the child entered
22 the United States.

23 (b) A child who is determined to be eligible for assistance
24 may remain eligible for 12 months, provided the child maintains
25 his or her residence in the State, has not yet attained 19
26 years of age, and is not excluded pursuant to subsection (c). A

1 child who has been determined to be eligible for assistance
2 must reapply or otherwise establish eligibility at least
3 annually. An eligible child shall be required, as determined by
4 the Department by rule, to report promptly those changes in
5 income and other circumstances that affect eligibility. The
6 eligibility of a child may be redetermined based on the
7 information reported or may be terminated based on the failure
8 to report or failure to report accurately. A child's
9 responsible relative or caretaker may also be held liable to
10 the Department for any payments made by the Department on such
11 child's behalf that were inappropriate. An applicant shall be
12 provided with notice of these obligations.

13 (c) A child shall not be eligible for coverage under this
14 Program if:

15 (1) the premium required pursuant to Section 30 of this
16 Act has not been paid. If the required premiums are not
17 paid the liability of the Program shall be limited to
18 benefits incurred under the Program for the time period for
19 which premiums had been paid. If the required monthly
20 premium is not paid, the child shall be ineligible for
21 re-enrollment for a minimum period of 3 months.
22 Re-enrollment shall be completed prior to the next covered
23 medical visit and the first month's required premium shall
24 be paid in advance of the next covered medical visit. The
25 Department shall promulgate rules regarding grace periods,
26 notice requirements, and hearing procedures pursuant to

1 this subsection;

2 (2) the child is an inmate of a public institution or a
3 patient in an institution for mental diseases; or

4 (3) the child is a member of a family that is eligible
5 for health benefits covered under the State of Illinois
6 health benefits plan on the basis of a member's employment
7 with a public agency.

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

9 (215 ILCS 106/23 new)

10 Sec. 23. Certain inducements prohibited. The State may not
11 give or offer money or a gas card or other valuable thing to a
12 person for the purpose of inducing the person to apply for
13 benefits under this Act.

14 Section 10. The Covering ALL KIDS Health Insurance Act is
15 amended by adding Sections 22 and 23 as follows:

16 (215 ILCS 170/22 new)

17 Sec. 22. Citizenship.

18 (a) To the extent not otherwise provided in this Act or
19 federal law, all individuals who receive benefits under this
20 Act must meet the citizenship requirements as established in
21 this Section. To be eligible for benefits, an individual who is
22 otherwise eligible must be either a United States citizen or
23 included in one of the following categories of non-citizens:

1 (1) United States veterans honorably discharged and
2 persons on active military duty, and the spouse and
3 unmarried dependent children of these persons.

4 (2) Refugees under Section 207 of the Immigration and
5 Nationality Act.

6 (3) Asylees under Section 208 of the Immigration and
7 Nationality Act.

8 (4) Persons for whom deportation has been withheld
9 under Section 243(h) of the Immigration and Nationality
10 Act.

11 (5) Persons granted conditional entry under Section
12 203(a)(7) of the Immigration and Nationality Act as in
13 effect prior to April 1, 1980.

14 (6) Persons lawfully admitted for permanent residence
15 under the Immigration and Nationality Act.

16 (7) Parolees, for at least one year, under Section
17 212(d)(5) of the Immigration and Nationality Act.

18 (8) Nationals of Cuba or Haiti admitted after April 21,
19 1980.

20 (9) Amerasians from Vietnam, admitted through the
21 Orderly Departure Program beginning on March 20, 1988.

22 (10) Persons identified by the federal Office of
23 Refugee Resettlement (ORR) as victims of trafficking.

24 (11) Children of persons legally residing in the United
25 States who were members of a Hmong or Highland Laotian
26 tribe when the tribe helped United States personnel by

1 taking part in a military or rescue operation during the
2 Vietnam era (between August 5, 1965 and May 7, 1975).

3 (12) American Indians born in Canada under Section 289
4 of the Immigration and Nationality Act and members of an
5 Indian tribe as defined in Section 4e of the Indian
6 Self-Determination and Education Assistance Act.

7 (13) Persons who are a child of a U.S. citizen or a
8 child of a legal permanent resident (LPR) who have been
9 battered or subjected to extreme cruelty by the U.S.
10 citizen or LPR or a member of that relative's family who
11 lived with them, who no longer live with the abuser or plan
12 to live separately within one month of receipt of
13 assistance and whose need for assistance is due, at least
14 in part, to the abuse.

15 (b) Those persons who are in the categories set forth in
16 paragraphs (6) and (7) of subsection (a), who enter the United
17 States on or after August 22, 1996, shall not be eligible for 5
18 years beginning on the date the person entered the United
19 States.

20 (215 ILCS 170/23 new)

21 Sec. 23. Certain inducements prohibited. The State may not
22 give or offer money or a gas card or other valuable thing to a
23 person for the purpose of inducing the person to apply for
24 benefits under this Act.

1 Section 15. The Illinois Public Aid Code is amended by
2 changing Section 11-4 as follows:

3 (305 ILCS 5/11-4) (from Ch. 23, par. 11-4)

4 Sec. 11-4. Applications; assistance in making
5 applications. An application for public assistance shall be
6 deemed an application for all such benefits to which any person
7 may be entitled except to the extent that the applicant
8 expressly declines in writing to apply for particular benefits.
9 The Illinois Department shall provide information in writing
10 about all benefits provided under this Code to any person
11 seeking public assistance. The Illinois Department shall also
12 provide information in writing and orally to all applicants
13 about an election to have financial aid deposited directly in a
14 recipient's savings account or checking account or in any
15 electronic benefits account or accounts as provided in Section
16 11-3.1, to the extent that those elections are actually
17 available, including information on any programs administered
18 by the State Treasurer to facilitate or encourage the
19 distribution of financial aid by direct deposit or electronic
20 benefits transfer. The Illinois Department shall determine the
21 applicant's eligibility for cash assistance, medical
22 assistance and food stamps unless the applicant expressly
23 declines in writing to apply for particular benefits. The
24 Illinois Department shall adopt policies and procedures to
25 facilitate timely changes between programs that result from

1 changes in categorical eligibility factors.

2 The County departments, local governmental units and the
3 Illinois Department shall assist applicants for public
4 assistance to properly complete their applications. Such
5 assistance shall include, but not be limited to, assistance in
6 securing evidence in support of their eligibility.

7 The State may not give or offer money or a gas card or
8 other valuable thing to a person for the purpose of inducing
9 the person to apply for benefits under Article V of this Code.

10 (Source: P.A. 88-232.)

11 Section 99. Effective date. This Act takes effect July 1,
12 2009.