

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 Department of Public Health Powers and  
5 Duties Law of the Civil Administrative Code of Illinois is  
6 amended by changing Section 2310-315 as follows:

7 (20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

8 Sec. 2310-315. Prevention and treatment of AIDS. To perform  
9 the following in relation to the prevention and treatment of  
10 acquired immunodeficiency syndrome (AIDS):

11 (1) Establish a State AIDS Control Unit within the  
12 Department as a separate administrative subdivision, to  
13 coordinate all State programs and services relating to the  
14 prevention, treatment, and amelioration of AIDS.

15 (2) Conduct a public information campaign for physicians,  
16 hospitals, health facilities, public health departments, law  
17 enforcement personnel, public employees, laboratories, and the  
18 general public on acquired immunodeficiency syndrome (AIDS)  
19 and promote necessary measures to reduce the incidence of AIDS  
20 and the mortality from AIDS. This program shall include, but  
21 not be limited to, the establishment of a statewide hotline and  
22 a State AIDS information clearinghouse that will provide  
23 periodic reports and releases to public officials, health

1 professionals, community service organizations, and the  
2 general public regarding new developments or procedures  
3 concerning prevention and treatment of AIDS.

4 (3) (Blank).

5 (4) Establish alternative blood test services that are not  
6 operated by a blood bank, plasma center or hospital. The  
7 Department shall prescribe by rule minimum criteria, standards  
8 and procedures for the establishment and operation of such  
9 services, which shall include, but not be limited to  
10 requirements for the provision of information, counseling and  
11 referral services that ensure appropriate counseling and  
12 referral for persons whose blood is tested and shows evidence  
13 of exposure to the human immunodeficiency virus (HIV) or other  
14 identified causative agent of acquired immunodeficiency  
15 syndrome (AIDS).

16 (5) Establish regional and community service networks of  
17 public and private service providers or health care  
18 professionals who may be involved in AIDS research, prevention  
19 and treatment.

20 (6) Provide grants to individuals, organizations or  
21 facilities to support the following:

22 (A) Information, referral, and treatment services.

23 (B) Interdisciplinary workshops for professionals  
24 involved in research and treatment.

25 (C) Establishment and operation of a statewide  
26 hotline.

1 (D) Establishment and operation of alternative testing  
2 services.

3 (E) Research into detection, prevention, and  
4 treatment.

5 (F) Supplementation of other public and private  
6 resources.

7 (G) Implementation by long-term care facilities of  
8 Department standards and procedures for the care and  
9 treatment of persons with AIDS and the development of  
10 adequate numbers and types of placements for those persons.

11 (7) (Blank).

12 (8) Accept any gift, donation, bequest, or grant of funds  
13 from private or public agencies, including federal funds that  
14 may be provided for AIDS control efforts.

15 (9) Develop and implement, in consultation with the  
16 Long-Term Care Facility Advisory Board, standards and  
17 procedures for long-term care facilities that provide care and  
18 treatment of persons with AIDS, including appropriate  
19 infection control procedures. The Department shall work  
20 cooperatively with organizations representing those facilities  
21 to develop adequate numbers and types of placements for persons  
22 with AIDS and shall advise those facilities on proper  
23 implementation of its standards and procedures.

24 (10) The Department shall create and administer a training  
25 program for State employees who have a need for understanding  
26 matters relating to AIDS in order to deal with or advise the

1 public. The training shall include information on the cause and  
2 effects of AIDS, the means of detecting it and preventing its  
3 transmission, the availability of related counseling and  
4 referral, and other matters that may be appropriate. The  
5 training may also be made available to employees of local  
6 governments, public service agencies, and private agencies  
7 that contract with the State; in those cases the Department may  
8 charge a reasonable fee to recover the cost of the training.

9 (11) Approve tests or testing procedures used in  
10 determining exposure to HIV or any other identified causative  
11 agent of AIDS.

12 (12) Provide prescription drug benefits counseling for  
13 persons with HIV or AIDS.

14 (13) Continue to administer the AIDS Drug Assistance  
15 Program that provides drugs to prolong the lives of low income  
16 Persons with Acquired Immunodeficiency Syndrome (AIDS) or  
17 Human Immunodeficiency Virus (HIV) infection who are not  
18 eligible under Article V of the Illinois Public Aid Code for  
19 Medical Assistance, as provided under Title 77, Chapter 1,  
20 Subchapter (k), Part 692, Section 692.10 of the Illinois  
21 Administrative Code, effective August 1, 2000, except that the  
22 financial qualification for that program shall be that the  
23 anticipated gross monthly income shall be at or below ~~above~~  
24 500% of the most recent Federal Poverty Guidelines published  
25 annually by the United States Department of Health and Human  
26 Services for the size of the household. Notwithstanding the

1 preceding sentence, the Department of Public Health may  
2 determine the income eligibility standard for the AIDS Drug  
3 Assistance Program each year and may set the standard at more  
4 than 500% of the Federal Poverty Guidelines for the size of the  
5 household, provided that moneys appropriated to the Department  
6 for the program are sufficient to cover the increased cost of  
7 implementing the higher income eligibility standard.  
8 Rulemaking authority to implement this amendatory Act of the  
9 95th General Assembly, if any, is conditioned on the rules  
10 being adopted in accordance with all provisions of the Illinois  
11 Administrative Procedure Act and all rules and procedures of  
12 the Joint Committee on Administrative Rules; any purported rule  
13 not so adopted, for whatever reason, is unauthorized.

14 (14) In order to implement the provisions of Public Act  
15 95-7, the Department must expand HIV testing in health care  
16 settings where undiagnosed individuals are likely to be  
17 identified. The Department must purchase rapid HIV kits and  
18 make grants for technical assistance, staff to conduct HIV  
19 testing and counseling, and related purposes. The Department  
20 must make grants to (i) facilities serving patients that are  
21 uninsured at high rates, (ii) facilities located in areas with  
22 a high prevalence of HIV or AIDS, (iii) facilities that have a  
23 high likelihood of identifying individuals who are undiagnosed  
24 with HIV or AIDS, or (iv) any combination of items (i), (ii),  
25 and (iii).

26 (Source: P.A. 94-909, eff. 6-23-06; 95-744, eff. 7-18-08.)

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