



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5204

Introduced 2/3/2010, by Rep. Dan Reitz - Rich Brauer - Frank J. Mautino - Joseph M. Lyons - Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-13.1

Amends the Illinois Public Aid Code. Provides that the Department of Healthcare and Family Services Inspector General may issue shields or other distinctive identification to his or her employees not exercising the powers of a peace officer if the Inspector General determines that a shield or distinctive identification is needed by an employee to carry out his or her responsibilities.

LRB096 19899 KTG 35359 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 Illinois Public Aid Code is amended by  
5 changing Section 12-13.1 as follows:

6 (305 ILCS 5/12-13.1)

7 Sec. 12-13.1. Inspector General.

8 (a) The Governor shall appoint, and the Senate shall  
9 confirm, an Inspector General who shall function within the  
10 Illinois Department of Public Aid (now Healthcare and Family  
11 Services) and report to the Governor. The term of the Inspector  
12 General shall expire on the third Monday of January, 1997 and  
13 every 4 years thereafter.

14 (b) In order to prevent, detect, and eliminate fraud,  
15 waste, abuse, mismanagement, and misconduct, the Inspector  
16 General shall oversee the Department of Healthcare and Family  
17 Services' integrity functions, which include, but are not  
18 limited to, the following:

19 (1) Investigation of misconduct by employees, vendors,  
20 contractors and medical providers, except for allegations  
21 of violations of the State Officials and Employees Ethics  
22 Act which shall be referred to the Office of the Governor's  
23 Executive Inspector General for investigation.

1           (2) Audits of medical providers related to ensuring  
2 that appropriate payments are made for services rendered  
3 and to the recovery of overpayments.

4           (3) Monitoring of quality assurance programs generally  
5 related to the medical assistance program and specifically  
6 related to any managed care program.

7           (4) Quality control measurements of the programs  
8 administered by the Department of Healthcare and Family  
9 Services.

10          (5) Investigations of fraud or intentional program  
11 violations committed by clients of the Department of  
12 Healthcare and Family Services.

13          (6) Actions initiated against contractors or medical  
14 providers for any of the following reasons:

15               (A) Violations of the medical assistance program.

16               (B) Sanctions against providers brought in  
17 conjunction with the Department of Public Health or the  
18 Department of Human Services (as successor to the  
19 Department of Mental Health and Developmental  
20 Disabilities).

21               (C) Recoveries of assessments against hospitals  
22 and long-term care facilities.

23               (D) Sanctions mandated by the United States  
24 Department of Health and Human Services against  
25 medical providers.

26               (E) Violations of contracts related to any managed

1 care programs.

2 (7) Representation of the Department of Healthcare and  
3 Family Services at hearings with the Illinois Department of  
4 Professional Regulation in actions taken against  
5 professional licenses held by persons who are in violation  
6 of orders for child support payments.

7 (b-5) At the request of the Secretary of Human Services,  
8 the Inspector General shall, in relation to any function  
9 performed by the Department of Human Services as successor to  
10 the Department of Public Aid, exercise one or more of the  
11 powers provided under this Section as if those powers related  
12 to the Department of Human Services; in such matters, the  
13 Inspector General shall report his or her findings to the  
14 Secretary of Human Services.

15 (c) The Inspector General shall have access to all  
16 information, personnel and facilities of the Department of  
17 Healthcare and Family Services and the Department of Human  
18 Services (as successor to the Department of Public Aid), their  
19 employees, vendors, contractors and medical providers and any  
20 federal, State or local governmental agency that are necessary  
21 to perform the duties of the Office as directly related to  
22 public assistance programs administered by those departments.  
23 No medical provider shall be compelled, however, to provide  
24 individual medical records of patients who are not clients of  
25 the Medical Assistance Program. State and local governmental  
26 agencies are authorized and directed to provide the requested

1 information, assistance or cooperation.

2 (d) The Inspector General shall serve as the Department of  
3 Healthcare and Family Services' primary liaison with law  
4 enforcement, investigatory and prosecutorial agencies,  
5 including but not limited to the following:

6 (1) The Department of State Police.

7 (2) The Federal Bureau of Investigation and other  
8 federal law enforcement agencies.

9 (3) The various Inspectors General of federal agencies  
10 overseeing the programs administered by the Department of  
11 Healthcare and Family Services.

12 (4) The various Inspectors General of any other State  
13 agencies with responsibilities for portions of programs  
14 primarily administered by the Department of Healthcare and  
15 Family Services.

16 (5) The Offices of the several United States Attorneys  
17 in Illinois.

18 (6) The several State's Attorneys.

19 The Inspector General shall meet on a regular basis with  
20 these entities to share information regarding possible  
21 misconduct by any persons or entities involved with the public  
22 aid programs administered by the Department of Healthcare and  
23 Family Services.

24 (e) All investigations conducted by the Inspector General  
25 shall be conducted in a manner that ensures the preservation of  
26 evidence for use in criminal prosecutions. If the Inspector

1 General determines that a possible criminal act relating to  
2 fraud in the provision or administration of the medical  
3 assistance program has been committed, the Inspector General  
4 shall immediately notify the Medicaid Fraud Control Unit. If  
5 the Inspector General determines that a possible criminal act  
6 has been committed within the jurisdiction of the Office, the  
7 Inspector General may request the special expertise of the  
8 Department of State Police. The Inspector General may present  
9 for prosecution the findings of any criminal investigation to  
10 the Office of the Attorney General, the Offices of the several  
11 United States Attorneys in Illinois or the several State's  
12 Attorneys.

13 (f) To carry out his or her duties as described in this  
14 Section, the Inspector General and his or her designees shall  
15 have the power to compel by subpoena the attendance and  
16 testimony of witnesses and the production of books, electronic  
17 records and papers as directly related to public assistance  
18 programs administered by the Department of Healthcare and  
19 Family Services or the Department of Human Services (as  
20 successor to the Department of Public Aid). No medical provider  
21 shall be compelled, however, to provide individual medical  
22 records of patients who are not clients of the Medical  
23 Assistance Program.

24 (g) The Inspector General shall report all convictions,  
25 terminations, and suspensions taken against vendors,  
26 contractors and medical providers to the Department of

1 Healthcare and Family Services and to any agency responsible  
2 for licensing or regulating those persons or entities.

3 (h) The Inspector General shall make annual reports,  
4 findings, and recommendations regarding the Office's  
5 investigations into reports of fraud, waste, abuse,  
6 mismanagement, or misconduct relating to any public aid  
7 programs administered by the Department of Healthcare and  
8 Family Services or the Department of Human Services (as  
9 successor to the Department of Public Aid) to the General  
10 Assembly and the Governor. These reports shall include, but not  
11 be limited to, the following information:

12 (1) Aggregate provider billing and payment  
13 information, including the number of providers at various  
14 Medicaid earning levels.

15 (2) The number of audits of the medical assistance  
16 program and the dollar savings resulting from those audits.

17 (3) The number of prescriptions rejected annually  
18 under the Department of Healthcare and Family Services'  
19 Refill Too Soon program and the dollar savings resulting  
20 from that program.

21 (4) Provider sanctions, in the aggregate, including  
22 terminations and suspensions.

23 (5) A detailed summary of the investigations  
24 undertaken in the previous fiscal year. These summaries  
25 shall comply with all laws and rules regarding maintaining  
26 confidentiality in the public aid programs.

1           (i) Nothing in this Section shall limit investigations by  
2 the Department of Healthcare and Family Services or the  
3 Department of Human Services that may otherwise be required by  
4 law or that may be necessary in their capacity as the central  
5 administrative authorities responsible for administration of  
6 public aid programs in this State.

7           (j) The Inspector General may issue shields or other  
8 distinctive identification to his or her employees not  
9 exercising the powers of a peace officer if the Inspector  
10 General determines that a shield or distinctive identification  
11 is needed by an employee to carry out his or her  
12 responsibilities.

13           (Source: P.A. 95-331, eff. 8-21-07; 96-555, eff. 8-18-09.)