

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 State Finance Act is amended by changing  
5 Sections 6z-52 and 6z-81 as follows:

6 (30 ILCS 105/6z-52)

7 Sec. 6z-52. Drug Rebate Fund.

8 (a) There is created in the State Treasury a special fund  
9 to be known as the Drug Rebate Fund.

10 (b) The Fund is created for the purpose of receiving and  
11 disbursing moneys in accordance with this Section.  
12 Disbursements from the Fund shall be made, subject to  
13 appropriation, only as follows:

14 (1) For payments ~~to pharmacies~~ for reimbursement or  
15 coverage for prescription drugs and other pharmacy  
16 products provided to a recipient of medical assistance  
17 under aid under Article V of the Illinois Public Aid Code,  
18 ~~or~~ the Children's Health Insurance Program Act, the  
19 Covering ALL KIDS Health Insurance Act, the Veterans'  
20 Health Insurance Program Act of 2008, and the Senior  
21 Citizens and Disabled Persons Property Tax Relief and  
22 Pharmaceutical Assistance Act.

23 (2) For reimbursement of moneys collected by the

1 Department of Healthcare and Family Services (formerly  
2 Illinois Department of Public Aid) through error or  
3 mistake.

4 (3) For payments of any amounts that are reimbursable  
5 to the federal government resulting from a payment into  
6 this Fund.

7 (c) The Fund shall consist of the following:

8 (1) Upon notification from the Director of Healthcare  
9 and Family Services, the Comptroller shall direct and the  
10 Treasurer shall transfer the net State share (disregarding  
11 the reduction in net State share attributable to the  
12 American Recovery and Reinvestment Act of 2009 or any other  
13 federal economic stimulus program) of all moneys received  
14 by the Department of Healthcare and Family Services  
15 (formerly Illinois Department of Public Aid) from drug  
16 rebate agreements with pharmaceutical manufacturers  
17 pursuant to Title XIX of the federal Social Security Act,  
18 including any portion of the balance in the Public Aid  
19 Recoveries Trust Fund on July 1, 2001 that is attributable  
20 to such receipts.

21 (2) All federal matching funds received by the Illinois  
22 Department as a result of expenditures made by the  
23 Department that are attributable to moneys deposited in the  
24 Fund.

25 (3) Any premium collected by the Illinois Department  
26 from participants under a waiver approved by the federal

1 government relating to provision of pharmaceutical  
2 services.

3 (4) All other moneys received for the Fund from any  
4 other source, including interest earned thereon.

5 (Source: P.A. 95-331, eff. 8-21-07; 96-8, eff. 4-28-09.)

6 (30 ILCS 105/6z-81)

7 Sec. 6z-81. Healthcare Provider Relief Fund.

8 (a) There is created in the State treasury a special fund  
9 to be known as the Healthcare Provider Relief Fund.

10 (b) The Fund is created for the purpose of receiving and  
11 disbursing moneys in accordance with this Section.  
12 Disbursements from the Fund shall be made only as follows:

13 (1) Subject to appropriation, for payment by the  
14 Department of Healthcare and Family Services or by the  
15 Department of Human Services of medical bills and related  
16 expenses, including administrative expenses, for which the  
17 State is responsible under Titles XIX and XXI of the Social  
18 Security Act, the Illinois Public Aid Code, the Children's  
19 Health Insurance Program Act, the Covering ALL KIDS Health  
20 Insurance Act, and the Senior Citizens and Disabled Persons  
21 Property Tax Relief and Pharmaceutical Assistance Act.

22 (2) For repayment of funds borrowed from other State  
23 funds or from outside sources, including interest thereon.

24 (c) The Fund shall consist of the following:

25 (1) Moneys received by the State from short-term

1 borrowing pursuant to the Short Term Borrowing Act on or  
2 after the effective date of this amendatory Act of the 96th  
3 General Assembly.

4 (2) All federal matching funds received by the Illinois  
5 Department of Healthcare and Family Services as a result of  
6 expenditures made by the Department that are attributable  
7 to moneys deposited in the Fund.

8 (3) All federal matching funds received by the Illinois  
9 Department of Healthcare and Family Services as a result of  
10 federal approval of Title XIX State plan amendment  
11 transmittal number 07-09.

12 (4) All other moneys received for the Fund from any  
13 other source, including interest earned thereon.

14 (Source: P.A. 96-820, eff. 11-18-09.)

15 Section 10. The Illinois Public Aid Code is amended by  
16 changing Sections 12-5, 12-9, and 12-10.4 as follows:

17 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

18 Sec. 12-5. Appropriations; uses; federal grants; report to  
19 General Assembly. From the sums appropriated by the General  
20 Assembly, the Illinois Department shall order for payment by  
21 warrant from the State Treasury grants for public aid under  
22 Articles III, IV, and V, including grants for funeral and  
23 burial expenses, and all costs of administration of the  
24 Illinois Department and the County Departments relating

1 thereto. Moneys appropriated to the Illinois Department for  
2 public aid under Article VI may be used, with the consent of  
3 the Governor, to co-operate with federal, State, and local  
4 agencies in the development of work projects designed to  
5 provide suitable employment for persons receiving public aid  
6 under Article VI. The Illinois Department, with the consent of  
7 the Governor, may be the agent of the State for the receipt and  
8 disbursement of federal funds or commodities for public aid  
9 purposes under Article VI and for related purposes in which the  
10 co-operation of the Illinois Department is sought by the  
11 federal government, and, in connection therewith, may make  
12 necessary expenditures from moneys appropriated for public aid  
13 under any Article of this Code and for administration. The  
14 Illinois Department, with the consent of the Governor, may be  
15 the agent of the State for the receipt and disbursement of  
16 federal funds pursuant to the Immigration Reform and Control  
17 Act of 1986 and may make necessary expenditures from monies  
18 appropriated to it for operations, administration, and grants,  
19 including payment to the Health Insurance Reserve Fund for  
20 group insurance costs at the rate certified by the Department  
21 of Central Management Services. All amounts received by the  
22 Illinois Department pursuant to the Immigration Reform and  
23 Control Act of 1986 shall be deposited in the Immigration  
24 Reform and Control Fund. All amounts received into the  
25 Immigration Reform and Control Fund as reimbursement for  
26 expenditures from the General Revenue Fund shall be transferred

1 to the General Revenue Fund.

2 All grants received by the Illinois Department for programs  
3 funded by the Federal Social Services Block Grant shall be  
4 deposited in the Social Services Block Grant Fund. All funds  
5 received into the Social Services Block Grant Fund as  
6 reimbursement for expenditures from the General Revenue Fund  
7 shall be transferred to the General Revenue Fund. All funds  
8 received into the Social Services Block Grant fund for  
9 reimbursement for expenditure out of the Local Initiative Fund  
10 shall be transferred into the Local Initiative Fund. Any other  
11 federal funds received into the Social Services Block Grant  
12 Fund shall be transferred to the Special Purposes Trust Fund.  
13 All federal funds received by the Illinois Department as  
14 reimbursement for Employment and Training Programs for  
15 expenditures made by the Illinois Department from grants,  
16 gifts, or legacies as provided in Section 12-4.18 or made by an  
17 entity other than the Illinois Department shall be deposited  
18 into the Employment and Training Fund, except that federal  
19 funds received as reimbursement as a result of the  
20 appropriation made for the costs of providing adult education  
21 to public assistance recipients under the "Adult Education,  
22 Public Assistance Fund" shall be deposited into the General  
23 Revenue Fund; provided, however, that all funds, except those  
24 that are specified in an interagency agreement between the  
25 Illinois Community College Board and the Illinois Department,  
26 that are received by the Illinois Department as reimbursement

1 under Title IV-A of the Social Security Act for expenditures  
2 that are made by the Illinois Community College Board or any  
3 public community college of this State shall be credited to a  
4 special account that the State Treasurer shall establish and  
5 maintain within the Employment and Training Fund for the  
6 purpose of segregating the reimbursements received for  
7 expenditures made by those entities. As reimbursements are  
8 deposited into the Employment and Training Fund, the Illinois  
9 Department shall certify to the State Comptroller and State  
10 Treasurer the amount that is to be credited to the special  
11 account established within that Fund as a reimbursement for  
12 expenditures under Title IV-A of the Social Security Act made  
13 by the Illinois Community College Board or any of the public  
14 community colleges. All amounts credited to the special account  
15 established and maintained within the Employment and Training  
16 Fund as provided in this Section shall be held for transfer to  
17 the TANF Opportunities Fund as provided in subsection (d) of  
18 Section 12-10.3, and shall not be transferred to any other fund  
19 or used for any other purpose.

20 Eighty percent of the federal financial participation  
21 funds received by the Illinois Department under the Title IV-A  
22 Emergency Assistance program as reimbursement for expenditures  
23 made from the Illinois Department of Children and Family  
24 Services appropriations for the costs of providing services in  
25 behalf of Department of Children and Family Services clients  
26 shall be deposited into the DCFS Children's Services Fund.

1 All federal funds, except those covered by the foregoing 3  
2 paragraphs, received as reimbursement for expenditures from  
3 the General Revenue Fund shall be deposited in the General  
4 Revenue Fund for administrative and distributive expenditures  
5 properly chargeable by federal law or regulation to aid  
6 programs established under Articles III through XII and Titles  
7 IV, XVI, XIX and XX of the Federal Social Security Act. Any  
8 other federal funds received by the Illinois Department under  
9 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by  
10 Section 12-10 of this Code to be paid into the Special Purposes  
11 Trust Fund shall be deposited into the Special Purposes Trust  
12 Fund. Any other federal funds received by the Illinois  
13 Department pursuant to the Child Support Enforcement Program  
14 established by Title IV-D of the Social Security Act shall be  
15 deposited in the Child Support Enforcement Trust Fund as  
16 required under Section 12-10.2 or in the Child Support  
17 Administrative Fund as required under Section 12-10.2a of this  
18 Code. Any other federal funds received by the Illinois  
19 Department for medical assistance program expenditures made  
20 under Title XIX of the Social Security Act and Article V of  
21 this Code that are required by Section 5-4.21 of this Code to  
22 be paid into the Medicaid Developmentally Disabled Provider  
23 Participation Fee Trust Fund shall be deposited into the  
24 Medicaid Developmentally Disabled Provider Participation Fee  
25 Trust Fund. Any other federal funds received by the Illinois  
26 Department for medical assistance program expenditures made

1 under Title XIX of the Social Security Act and Article V of  
2 this Code that are required by Section 5-4.31 of this Code to  
3 be paid into the Medicaid Long Term Care Provider Participation  
4 Fee Trust Fund shall be deposited into the Medicaid Long Term  
5 Care Provider Participation Fee Trust Fund. Any other federal  
6 funds received by the Illinois Department for hospital  
7 inpatient, hospital ambulatory care, and disproportionate  
8 share hospital expenditures made under Title XIX of the Social  
9 Security Act and Article V of this Code that are required by  
10 Section 14-2 of this Code to be paid into the Hospital Services  
11 Trust Fund shall be deposited into the Hospital Services Trust  
12 Fund. Any other federal funds received by the Illinois  
13 Department for expenditures made under Title XIX of the Social  
14 Security Act and Articles V and VI of this Code that are  
15 required by Section 15-2 of this Code to be paid into the  
16 County Provider Trust Fund shall be deposited into the County  
17 Provider Trust Fund. Any other federal funds received by the  
18 Illinois Department for hospital inpatient, hospital  
19 ambulatory care, and disproportionate share hospital  
20 expenditures made under Title XIX of the Social Security Act  
21 and Article V of this Code that are required by Section 5A-8 of  
22 this Code to be paid into the Hospital Provider Fund shall be  
23 deposited into the Hospital Provider Fund. Any other federal  
24 funds received by the Illinois Department for medical  
25 assistance program expenditures made under Title XIX of the  
26 Social Security Act and Article V of this Code that are

1 required by Section 5B-8 of this Code to be paid into the  
2 Long-Term Care Provider Fund shall be deposited into the  
3 Long-Term Care Provider Fund. Any other federal funds received  
4 by the Illinois Department for medical assistance program  
5 expenditures made under Title XIX of the Social Security Act  
6 and Article V of this Code that are required by Section 5C-7 of  
7 this Code to be paid into the Developmentally Disabled Care  
8 Provider Fund shall be deposited into the Developmentally  
9 Disabled Care Provider Fund. Any other federal funds received  
10 by the Illinois Department for trauma center adjustment  
11 payments that are required by Section 5-5.03 of this Code and  
12 made under Title XIX of the Social Security Act and Article V  
13 of this Code shall be deposited into the Trauma Center Fund.  
14 Any other federal funds received by the Illinois Department as  
15 reimbursement for expenses for early intervention services  
16 paid from the Early Intervention Services Revolving Fund shall  
17 be deposited into that Fund.

18 The Illinois Department shall report to the General  
19 Assembly at the end of each fiscal quarter the amount of all  
20 funds received and paid into the Social Service Block Grant  
21 Fund and the Local Initiative Fund and the expenditures and  
22 transfers of such funds for services, programs and other  
23 purposes authorized by law. Such report shall be filed with the  
24 Speaker, Minority Leader and Clerk of the House, with the  
25 President, Minority Leader and Secretary of the Senate, with  
26 the Chairmen of the House and Senate Appropriations Committees,

1 the House Human Resources Committee and the Senate Public  
2 Health, Welfare and Corrections Committee, or the successor  
3 standing Committees of each as provided by the rules of the  
4 House and Senate, respectively, with the Legislative Research  
5 Unit and with the State Government Report Distribution Center  
6 for the General Assembly as is required under paragraph (t) of  
7 Section 7 of the State Library Act shall be deemed sufficient  
8 to comply with this Section.

9 (Source: P.A. 93-632, eff. 2-1-04; 94-91, eff. 7-1-05.)

10 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

11 Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The  
12 Public Aid Recoveries Trust Fund shall consist of (1)  
13 recoveries by the Department of Healthcare and Family Services  
14 (formerly Illinois Department of Public Aid) authorized by this  
15 Code in respect to applicants or recipients under Articles III,  
16 IV, V, and VI, including recoveries made by the Department of  
17 Healthcare and Family Services (formerly Illinois Department  
18 of Public Aid) from the estates of deceased recipients, (2)  
19 recoveries made by the Department of Healthcare and Family  
20 Services (formerly Illinois Department of Public Aid) in  
21 respect to applicants and recipients under the Children's  
22 Health Insurance Program Act, the Covering ALL KIDS Health  
23 Insurance Act, and the Senior Citizens and Disabled Persons  
24 Property Tax Relief and Pharmaceutical Assistance Act, and (3)  
25 federal funds received on behalf of and earned by State

1 universities and local governmental entities for services  
2 provided to applicants or recipients covered under this Code,  
3 the Children's Health Insurance Program Act, the Covering ALL  
4 KIDS Health Insurance Act, and the Senior Citizens and Disabled  
5 Persons Property Tax Relief and Pharmaceutical Assistance Act,  
6 and (4) all other moneys received to the Fund, including  
7 interest thereon. The Fund shall be held as a special fund in  
8 the State Treasury.

9 Disbursements from this Fund shall be only (1) for the  
10 reimbursement of claims collected by the Department of  
11 Healthcare and Family Services (formerly Illinois Department  
12 of Public Aid) through error or mistake, (2) for payment to  
13 persons or agencies designated as payees or co-payees on any  
14 instrument, whether or not negotiable, delivered to the  
15 Department of Healthcare and Family Services (formerly  
16 Illinois Department of Public Aid) as a recovery under this  
17 Section, such payment to be in proportion to the respective  
18 interests of the payees in the amount so collected, (3) for  
19 payments to the Department of Human Services for collections  
20 made by the Department of Healthcare and Family Services  
21 (formerly Illinois Department of Public Aid) on behalf of the  
22 Department of Human Services under this Code, the Children's  
23 Health Insurance Program Act, and the Covering ALL KIDS Health  
24 Insurance Act, (4) for payment of administrative expenses  
25 incurred in performing the activities authorized under this  
26 Code, the Children's Health Insurance Program Act, the Covering

1 ALL KIDS Health Insurance Act, and the Senior Citizens and  
2 Disabled Persons Property Tax Relief and Pharmaceutical  
3 Assistance Act, (5) for payment of fees to persons or agencies  
4 in the performance of activities pursuant to the collection of  
5 monies owed the State that are collected under this Code, the  
6 Children's Health Insurance Program Act, the Covering ALL KIDS  
7 Health Insurance Act, and the Senior Citizens and Disabled  
8 Persons Property Tax Relief and Pharmaceutical Assistance Act,  
9 (6) for payments of any amounts which are reimbursable to the  
10 federal government which are required to be paid by State  
11 warrant by either the State or federal government, and (7) for  
12 payments to State universities and local governmental entities  
13 of federal funds for services provided to applicants or  
14 recipients covered under this Code, the Children's Health  
15 Insurance Program Act, the Covering ALL KIDS Health Insurance  
16 Act, and the Senior Citizens and Disabled Persons Property Tax  
17 Relief and Pharmaceutical Assistance Act. Disbursements from  
18 this Fund for purposes of items (4) and (5) of this paragraph  
19 shall be subject to appropriations from the Fund to the  
20 Department of Healthcare and Family Services (formerly  
21 Illinois Department of Public Aid).

22 The balance in this Fund on the first day of each calendar  
23 quarter, after payment therefrom of any amounts reimbursable to  
24 the federal government, and minus the amount reasonably  
25 anticipated to be needed to make the disbursements during that  
26 quarter authorized by this Section, shall be certified by the

1 Director of Healthcare and Family Services and transferred by  
2 the State Comptroller to the Drug Rebate Fund or the Healthcare  
3 Provider Relief ~~General Revenue~~ Fund in the State Treasury, as  
4 appropriate, within 30 days of the first day of each calendar  
5 quarter. The Director of Healthcare and Family Services may  
6 certify and the State Comptroller shall transfer to the Drug  
7 Rebate Fund amounts on a more frequent basis.

8 On July 1, 1999, the State Comptroller shall transfer the  
9 sum of \$5,000,000 from the Public Aid Recoveries Trust Fund  
10 (formerly the Public Assistance Recoveries Trust Fund) into the  
11 DHS Recoveries Trust Fund.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 (305 ILCS 5/12-10.4)

14 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid  
15 Matching Fund. There is created in the State Treasury the  
16 Juvenile Rehabilitation Services Medicaid Matching Fund.  
17 Deposits to this Fund shall consist of all moneys received from  
18 the federal government for behavioral health services secured  
19 by counties ~~under the Medicaid Rehabilitation Option~~ pursuant  
20 to an agreement with the Department of Healthcare and Family  
21 Services with respect to Title XIX of the Social Security Act  
22 or under the Children's Health Insurance Program pursuant to  
23 the Children's Health Insurance Program Act and Title XXI of  
24 the Social Security Act for minors who are committed to mental  
25 health facilities by the Illinois court system and for

1 residential placements secured by the Department of Juvenile  
2 Justice for minors as a condition of their parole.

3 Disbursements from the Fund shall be made, subject to  
4 appropriation, by the Department of Healthcare and Family  
5 Services for grants to the Department of Juvenile Justice and  
6 those counties which secure behavioral health services ordered  
7 by the courts and which have an interagency agreement with the  
8 Department and submit detailed bills according to standards  
9 determined by the Department.

10 (Source: P.A. 94-696, eff. 6-1-06; 95-331, eff. 8-21-07.)