



Sen. Dale A. Righter

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LRB098 15783 KTG 57091 a

1 AMENDMENT TO SENATE BILL 3415

2 AMENDMENT NO. _____. Amend Senate Bill 3415 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 11-5.2 and 11-5.3 as follows:

6 (305 ILCS 5/11-5.2)

7 Sec. 11-5.2. Income, Residency, and Identity Verification
8 System. The General Assembly finds that the Department of Human
9 Services has made every reasonable effort to utilize State
10 employees to perform eligibility determinations and
11 redeterminations on applicants and recipients of assistance
12 provided under Article V of this Code. However, the General
13 Assembly declares that there exist conditions in the State that
14 require the Department of Healthcare and Family Services to
15 procure a vendor to verify eligibility.

16 (a) The Department shall ensure that its proposed

1 integrated eligibility system shall include the computerized
2 functions of income, residency, and identity eligibility
3 verification to verify eligibility, eliminate duplication of
4 medical assistance, and deter fraud. The Governor or his or her
5 designee shall meet with the exclusive representative as that
6 term is defined in the Illinois Public Labor Relations Act
7 within 14 days after the effective date of this amendatory Act
8 of the 98th General Assembly for the purpose of discussing the
9 reasons for a potential proposal to subcontract bargaining unit
10 work under this Section. Beginning on the 15th day after the
11 effective date of this amendatory Act of the 98th General
12 Assembly, the Department of Human Services shall begin the
13 process of determining whether or not labor relations between
14 the State of Illinois and the Department of Human Services'
15 public employees are currently governed by a collective
16 bargaining agreement as authorized by the Illinois Public Labor
17 Relations Act and shall make a final determination by the 16th
18 day after the effective date of this amendatory Act. Until the
19 integrated eligibility system is operational and in order to
20 achieve greater efficiency and economy, if, after review of
21 existing bargaining agreements the Department of Human
22 Services determines that relations between the State of
23 Illinois and the Department of Human Services' public employees
24 are currently governed by a collective bargaining agreement,
25 the Department shall ~~may~~ enter into a contract with the vendor
26 selected pursuant to Section 11-5.3 as necessary to obtain the

1 electronic data matching described in this Section. This
2 contract shall be exempt from the Illinois Procurement Code
3 pursuant to subsection (h) of Section 1-10 of that Code.

4 Prior to fulfilling their obligations under this
5 subsection, the Department of Human Services and the Department
6 of Healthcare and Family Services shall comply with all notice
7 and procedural requirements mandated by any labor agreement, if
8 any exists.

9 Prior to issuing a request for services pursuant to their
10 obligations under this subsection, the Department of Human
11 Services and the Department of Healthcare and Family Services
12 shall provide advance notice, which shall not be less than 45
13 days, except in emergency situations, in writing, to the
14 exclusive representative as that term is defined in the
15 Illinois Public Labor Relations Act.

16 (b) Prior to awarding medical assistance at application
17 under Article V of this Code, the Department shall, to the
18 extent such databases are available to the Department, conduct
19 data matches using the name, date of birth, address, and Social
20 Security Number of each applicant or recipient or responsible
21 relative of an applicant or recipient against the following:

22 (1) Income tax information.

23 (2) Employer reports of income and unemployment
24 insurance payment information maintained by the Department
25 of Employment Security.

26 (3) Earned and unearned income, citizenship and death,

1 and other relevant information maintained by the Social
2 Security Administration.

3 (4) Immigration status information maintained by the
4 United States Citizenship and Immigration Services.

5 (5) Wage reporting and similar information maintained
6 by states contiguous to this State.

7 (6) Employment information maintained by the
8 Department of Employment Security in its New Hire Directory
9 database.

10 (7) Employment information maintained by the United
11 States Department of Health and Human Services in its
12 National Directory of New Hires database.

13 (8) Veterans' benefits information maintained by the
14 United States Department of Health and Human Services, in
15 coordination with the Department of Health and Human
16 Services and the Department of Veterans' Affairs, in the
17 federal Public Assistance Reporting Information System
18 (PARIS) database.

19 (9) Residency information maintained by the Illinois
20 Secretary of State.

21 (10) A database which is substantially similar to or a
22 successor of a database described in this Section that
23 contains information relevant for verifying eligibility
24 for medical assistance.

25 (c) (Blank).

26 (d) If a discrepancy results between information provided

1 by an applicant, recipient, or responsible relative and
2 information contained in one or more of the databases or
3 information tools listed under subsection (b) ~~or (e)~~ of this
4 Section or subsection (c) of Section 11-5.3 and that
5 discrepancy calls into question the accuracy of information
6 relevant to a condition of eligibility provided by the
7 applicant, recipient, or responsible relative, the Department
8 or its contractor shall review the applicant's or recipient's
9 case using the following procedures:

10 (1) If the information discovered under subsection (b)
11 ~~(e)~~ of this Section or subsection (c) of Section 11-5.3
12 does not result in the Department finding the applicant or
13 recipient ineligible for assistance under Article V of this
14 Code, the Department shall finalize the determination or
15 redetermination of eligibility.

16 (2) If the information discovered results in the
17 Department finding the applicant or recipient ineligible
18 for assistance, the Department shall provide notice as set
19 forth in Section 11-7 of this Article.

20 (3) If the information discovered is insufficient to
21 determine that the applicant or recipient is eligible or
22 ineligible, the Department shall provide written notice to
23 the applicant or recipient which shall describe in
24 sufficient detail the circumstances of the discrepancy,
25 the information or documentation required, the manner in
26 which the applicant or recipient may respond, and the

1 consequences of failing to take action. The applicant or
2 recipient shall have 10 business days to respond.

3 (4) If the applicant or recipient does not respond to
4 the notice, the Department shall deny assistance for
5 failure to cooperate, in which case the Department shall
6 provide notice as set forth in Section 11-7. Eligibility
7 for assistance shall not be established until the
8 discrepancy has been resolved.

9 (5) If an applicant or recipient responds to the
10 notice, the Department shall determine the effect of the
11 information or documentation provided on the applicant's
12 or recipient's case and shall take appropriate action.
13 Written notice of the Department's action shall be provided
14 as set forth in Section 11-7 of this Article.

15 (6) Suspected cases of fraud shall be referred to the
16 Department's Inspector General.

17 (e) The Department shall adopt any rules necessary to
18 implement this Section.

19 (Source: P.A. 97-689, eff. 6-14-12; revised 11-12-13.)

20 (305 ILCS 5/11-5.3)

21 Sec. 11-5.3. Procurement of vendor to verify eligibility
22 for assistance under Article V.

23 (a) No later than 70 ~~60~~ days after the effective date of
24 this amendatory Act of the 98th ~~97th~~ General Assembly, the
25 Chief Procurement Officer for General Services, in

1 consultation with the Department of Healthcare and Family
2 Services, shall conduct and complete any procurement necessary
3 to procure a vendor to verify eligibility for assistance under
4 Article V of this Code. Such authority shall include procuring
5 a vendor to assist the Chief Procurement Officer in conducting
6 the procurement. The Chief Procurement Officer and the
7 Department shall jointly negotiate final contract terms with a
8 vendor selected by the Chief Procurement Officer. Within 30
9 days of selection of an eligibility verification vendor, the
10 Department of Healthcare and Family Services shall enter into a
11 contract with the selected vendor. The Department of Healthcare
12 and Family Services and the Department of Human Services shall
13 cooperate with and provide any information requested by the
14 Chief Procurement Officer to conduct the procurement.

15 (b) Notwithstanding any other provision of law, any
16 procurement or contract necessary to comply with this Section
17 shall be exempt from: (i) the Illinois Procurement Code
18 pursuant to Section 1-10(h) of the Illinois Procurement Code,
19 except that bidders shall comply with the disclosure
20 requirement in Sections 50-10.5(a) through (d), 50-13, 50-35,
21 and 50-37 of the Illinois Procurement Code and a vendor awarded
22 a contract under this Section shall comply with Section 50-37
23 of the Illinois Procurement Code; (ii) any administrative rules
24 of this State pertaining to procurement or contract formation;
25 and (iii) any State or Department policies or procedures
26 pertaining to procurement, contract formation, contract award,

1 and Business Enterprise Program approval.

2 (c) Upon becoming operational, the contractor shall
3 conduct data matches using the name, date of birth, address,
4 and Social Security Number of each applicant and recipient
5 against public records to verify eligibility. The contractor,
6 upon preliminary determination that an enrollee is eligible or
7 ineligible, shall notify the Department, except that the
8 contractor shall not make preliminary determinations regarding
9 the eligibility of persons residing in long term care
10 facilities whose income and resources were at or below the
11 applicable financial eligibility standards at the time of their
12 last review. Within 20 business days of such notification, the
13 Department shall accept the recommendation or reject it with a
14 stated reason. The Department shall retain final authority over
15 eligibility determinations. The contractor shall keep a record
16 of all preliminary determinations of ineligibility
17 communicated to the Department. Within 30 days of the end of
18 each calendar quarter, the Department and contractor shall file
19 a joint report on a quarterly basis to the Governor, the
20 Speaker of the House of Representatives, the Minority Leader of
21 the House of Representatives, the Senate President, and the
22 Senate Minority Leader. The report shall include, but shall not
23 be limited to, monthly recommendations of preliminary
24 determinations of eligibility or ineligibility communicated by
25 the contractor, the actions taken on those preliminary
26 determinations by the Department, and the stated reasons for

1 those recommendations that the Department rejected.

2 (d) An eligibility verification vendor contract shall be
3 awarded for an initial 2-year period with up to a maximum of 2
4 one-year renewal options. Nothing in this Section shall compel
5 the award of a contract to a vendor that fails to meet the
6 needs of the Department. A contract with a vendor to assist in
7 the procurement shall be awarded for a period of time not to
8 exceed 6 months.

9 (e) The provisions of this Section shall be administered in
10 compliance with federal law.

11 (Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."