

1 AMENDMENT TO HOUSE BILL 270

2 AMENDMENT NO. _____. Amend House Bill 270 by replacing
3 the title with the following:

4 "AN ACT in relation to public aid."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois Public Aid Code is amended by
8 changing Section 5-2 as follows:

9 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

10 Sec. 5-2. Classes of Persons Eligible. Medical
11 assistance under this Article shall be available to any of
12 the following classes of persons in respect to whom a plan
13 for coverage has been submitted to the Governor by the
14 Illinois Department and approved by him:

15 1. Recipients of basic maintenance grants under Articles
16 III and IV.

17 2. Persons otherwise eligible for basic maintenance
18 under Articles III and IV but who fail to qualify thereunder
19 on the basis of need, and who have insufficient income and
20 resources to meet the costs of necessary medical care,
21 including but not limited to the following:

1 (a) All persons otherwise eligible for basic
2 maintenance under Article III but who fail to qualify
3 under that Article on the basis of need and who meet
4 either of the following requirements:

5 (i) their income, as determined by the
6 Illinois Department in accordance with any federal
7 requirements, is equal to or less than 70% in fiscal
8 year 2001, equal to or less than 85% in fiscal year
9 2002, and equal to or less than 100% in fiscal year
10 2003 and thereafter of the nonfarm income official
11 poverty line, as defined by the federal Office of
12 Management and Budget and revised annually in
13 accordance with Section 673(2) of the Omnibus Budget
14 Reconciliation Act of 1981, applicable to families
15 of the same size; or

16 (ii) their income, after the deduction of
17 costs incurred for medical care and for other types
18 of remedial care, is equal to or less than 70% in
19 fiscal year 2001, equal to or less than 85% in
20 fiscal year 2002, and equal to or less than 100% in
21 fiscal year 2003 and thereafter of the nonfarm
22 income official poverty line, as defined in item (i)
23 of this subparagraph (a).

24 (b) All persons who would be determined eligible
25 for such basic maintenance under Article IV by
26 disregarding the maximum earned income permitted by
27 federal law.

28 3. Persons who would otherwise qualify for Aid to the
29 Medically Indigent under Article VII.

30 4. Persons not eligible under any of the preceding
31 paragraphs who fall sick, are injured, or die, not having
32 sufficient money, property or other resources to meet the
33 costs of necessary medical care or funeral and burial
34 expenses.

1 5. (a) Women during pregnancy, after the fact of
2 pregnancy has been determined by medical diagnosis, and
3 during the 60-day period beginning on the last day of the
4 pregnancy, together with their infants and children born
5 after September 30, 1983, whose income and resources are
6 insufficient to meet the costs of necessary medical care
7 to the maximum extent possible under Title XIX of the
8 Federal Social Security Act.

9 (b) The Illinois Department and the Governor shall
10 provide a plan for coverage of the persons eligible under
11 paragraph 5(a) by April 1, 1990. Such plan shall provide
12 ambulatory prenatal care to pregnant women during a
13 presumptive eligibility period and establish an income
14 eligibility standard that is equal to 133% of the nonfarm
15 income official poverty line, as defined by the federal
16 Office of Management and Budget and revised annually in
17 accordance with Section 673(2) of the Omnibus Budget
18 Reconciliation Act of 1981, applicable to families of the
19 same size, provided that costs incurred for medical care
20 are not taken into account in determining such income
21 eligibility.

22 (c) The Illinois Department may conduct a
23 demonstration in at least one county that will provide
24 medical assistance to pregnant women, together with their
25 infants and children up to one year of age, where the
26 income eligibility standard is set up to 185% of the
27 nonfarm income official poverty line, as defined by the
28 federal Office of Management and Budget. The Illinois
29 Department shall seek and obtain necessary authorization
30 provided under federal law to implement such a
31 demonstration. Such demonstration may establish resource
32 standards that are not more restrictive than those
33 established under Article IV of this Code.

34 6. Persons under the age of 18 who fail to qualify as

1 dependent under Article IV and who have insufficient income
2 and resources to meet the costs of necessary medical care to
3 the maximum extent permitted under Title XIX of the Federal
4 Social Security Act.

5 7. Persons who are 18 years of age or younger and would
6 qualify as disabled as defined under the Federal Supplemental
7 Security Income Program, provided medical service for such
8 persons would be eligible for Federal Financial
9 Participation, and provided the Illinois Department
10 determines that:

11 (a) the person requires a level of care provided by
12 a hospital, skilled nursing facility, or intermediate
13 care facility, as determined by a physician licensed to
14 practice medicine in all its branches;

15 (b) it is appropriate to provide such care outside
16 of an institution, as determined by a physician licensed
17 to practice medicine in all its branches;

18 (c) the estimated amount which would be expended
19 for care outside the institution is not greater than the
20 estimated amount which would be expended in an
21 institution.

22 8. Persons who become ineligible for basic maintenance
23 assistance under Article IV of this Code in programs
24 administered by the Illinois Department due to employment
25 earnings and persons in assistance units comprised of adults
26 and children who become ineligible for basic maintenance
27 assistance under Article VI of this Code due to employment
28 earnings. The plan for coverage for this class of persons
29 shall:

30 (a) extend the medical assistance coverage for up
31 to 12 months following termination of basic maintenance
32 assistance; and

33 (b) offer persons who have initially received 6
34 months of the coverage provided in paragraph (a) above,

1 the option of receiving an additional 6 months of
2 coverage, subject to the following:

3 (i) such coverage shall be pursuant to
4 provisions of the federal Social Security Act;

5 (ii) such coverage shall include all services
6 covered while the person was eligible for basic
7 maintenance assistance;

8 (iii) no premium shall be charged for such
9 coverage; and

10 (iv) such coverage shall be suspended in the
11 event of a person's failure without good cause to
12 file in a timely fashion reports required for this
13 coverage under the Social Security Act and coverage
14 shall be reinstated upon the filing of such reports
15 if the person remains otherwise eligible.

16 9. Persons with acquired immunodeficiency syndrome
17 (AIDS) or with AIDS-related conditions with respect to whom
18 there has been a determination that but for home or
19 community-based services such individuals would require the
20 level of care provided in an inpatient hospital, skilled
21 nursing facility or intermediate care facility the cost of
22 which is reimbursed under this Article. Assistance shall be
23 provided to such persons to the maximum extent permitted
24 under Title XIX of the Federal Social Security Act.

25 10. Participants in the long-term care insurance
26 partnership program established under the Partnership for
27 Long-Term Care Act who meet the qualifications for protection
28 of resources described in Section 25 of that Act.

29 11. Persons with disabilities who are employed and
30 eligible for Medicaid, pursuant to Section
31 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
32 provided by the Illinois Department by rule.

33 12. Subject to federal approval, for the receipt of
34 family planning services, persons whose income is less than

1 200% of the poverty guidelines updated annually in the
2 Federal Register by the U.S. Department of Health and Human
3 Services under authority of 42 U.S.C. 9902(2). The Department
4 must request federal approval of coverage under this
5 paragraph 12 within 30 days after the effective date of this
6 amendatory Act of the 92nd General Assembly.

7 The Illinois Department and the Governor shall provide a
8 plan for coverage of the persons eligible under paragraph 7
9 as soon as possible after July 1, 1984.

10 The eligibility of any such person for medical assistance
11 under this Article is not affected by the payment of any
12 grant under the Senior Citizens and Disabled Persons Property
13 Tax Relief and Pharmaceutical Assistance Act or any
14 distributions or items of income described under subparagraph
15 (X) of paragraph (2) of subsection (a) of Section 203 of the
16 Illinois Income Tax Act. The Department shall by rule
17 establish the amounts of assets to be disregarded in
18 determining eligibility for medical assistance, which shall
19 at a minimum equal the amounts to be disregarded under the
20 Federal Supplemental Security Income Program. The amount of
21 assets of a single person to be disregarded shall not be less
22 than \$2,000, and the amount of assets of a married couple to
23 be disregarded shall not be less than \$3,000.

24 To the extent permitted under federal law, any person
25 found guilty of a second violation of Article VIIIA shall be
26 ineligible for medical assistance under this Article, as
27 provided in Section 8A-8.

28 The eligibility of any person for medical assistance
29 under this Article shall not be affected by the receipt by
30 the person of donations or benefits from fundraisers held for
31 the person in cases of serious illness, as long as neither
32 the person nor members of the person's family have actual
33 control over the donations or benefits or the disbursement of
34 the donations or benefits.

1 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
2 91-712, eff. 7-1-00; revised 6-26-00.)".