

1 AMENDMENT TO HOUSE BILL 2384

2 AMENDMENT NO. _____. Amend House Bill 2384 by replacing
3 the title with the following:

4 "AN ACT in relation to human needs."; and

5 on page 1, after line 16, by inserting the following:

6 "Section 10. The Illinois Public Aid Code is amended by
7 changing Section 5-2 as follows:

8 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

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

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

21 (a) All persons otherwise eligible for basic

1 maintenance under Article III but who fail to qualify
2 under that Article on the basis of need and who meet
3 either of the following requirements:

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

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

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

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

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

34 5. (a) Women during pregnancy, after the fact of

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

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

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

33 6. Persons under the age of 18 who fail to qualify as
34 dependent under Article IV and who have insufficient income

1 and resources to meet the costs of necessary medical care to
2 the maximum extent permitted under Title XIX of the Federal
3 Social Security Act.

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

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

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

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

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

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

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

1 coverage, subject to the following:

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

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

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

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

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

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

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

32 12. Subject to federal approval, for the receipt of
33 family planning services, persons whose income is less than
34 200% of the poverty guidelines updated annually in the

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

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

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

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

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

34 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;

1 91-712, eff. 7-1-00; revised 6-26-00.)".