

1 AN ACT to revise the Illinois Public Aid Code.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 ARTICLE 1. REVISORY PROVISIONS

5 Section 1-5. Purpose. The purpose of this Act is to
6 revise the Illinois Public Aid Code by making the references
7 to certain terms used in that Code more specific, by
8 resectioning certain Sections of that Code, and by
9 incorporating into that Code certain provisions of the
10 Department of Public Aid Law of the Civil Administrative Code
11 of Illinois, making only nonsubstantive and technical
12 changes.

13 Section 1-10. Prior law.

14 (a) A provision revised and continued in the Illinois
15 Public Aid Code by the amendatory provisions of this Act
16 shall be construed as a continuation of the prior law and not
17 as a new or different law.

18 (b) A citation in an Act other than the Illinois Public
19 Aid Code to a Section of that Code that is resectioned and
20 continued in that Code by the amendatory provisions of this
21 Act shall be construed to be a citation to that renumbered
22 and continued provision in that Code.

23 Section 1-15. Other Acts of the General Assembly. If
24 any other Act of the General Assembly changes, adds, or
25 repeals a provision of prior law that is resectioned and
26 continued in the Illinois Public Aid Code or incorporated
27 into the Illinois Public Aid Code by the amendatory
28 provisions of this Act, then that change, addition, or repeal
29 in the other Act shall be construed together with the

1 Illinois Public Aid Code as amended by this Act.

2 Section 1-20. Matters of form.

3 (a) The parenthetical citation before a new Section in
4 the form "(XX ILCS XX/XX new)" (i) is an informational
5 reference to the citation of the new Section in the Illinois
6 Compiled Statutes and (ii) is not part of the text of the
7 law.

8 (b) The parenthetical citation before a new Section in
9 the form "(was XX ILCS XX/XX)" (i) is an informational
10 reference to the prior law from which the new Section is
11 derived and (ii) is not part of the text of the law.

12 (c) In the text of a new Section, (i) matter that is
13 stricken indicates a deletion from the prior law and (ii)
14 matter that is underscored indicates an addition to the prior
15 law. The purpose of striking and underscoring in this manner
16 is to clearly indicate all changes to prior laws that are
17 being resectioned and continued in the Illinois Public Aid
18 Code or that are being incorporated into the Illinois Public
19 Aid Code. Matter in the text of a new Section that is not
20 underscored or stricken is matter being continued in the
21 Illinois Public Aid Code, or being added to the Illinois
22 Public Aid Code from the prior law, with no changes.

23 (d) The parenthetical citation after a Section in the
24 form "(Source: Laws 19XX, p. XX)" or "(Source: P.A. XX-XXXX)"
25 (i) is an informational reference to the most recent sources
26 of the continued text in the Session Laws of Illinois and
27 (ii) is not part of the text of the law.

28 Section 1-25. Home rule; mandates. No provision
29 incorporated into the Illinois Public Aid Code by the
30 amendatory provisions of this Act (i) is a denial of or
31 limitation on home rule powers if no denial or limitation
32 existed under prior law or (ii) creates a State mandate under

1 the State Mandates Act if no mandate existed under prior law.

2 Section 1-30. Captions. The language contained in the
3 Section and subsection captions in the Illinois Public Aid
4 Code:

5 (1) is intended only as a general description that
6 is not a part of the substantive provisions of that Code;

7 (2) does not take precedence over the content of
8 the substantive provisions of that Code; and

9 (3) shall not be used in construing the meaning of
10 the substantive provisions of that Code.

11 ARTICLE 5. AMENDATORY PROVISIONS

12 Section 5-5. The Illinois Public Aid Code is amended by
13 changing and, in part, by resectioning Sections 1-1, 1-6,
14 1-7, 1-8, 1-11, 2-11, 2-16, 3-1, 3-1a, 3-1.2, 3-1.4, 3-2,
15 3-3, 3-4, 3-5, 3-5a, 3-8, 3-9, 3-10.1, 3-10.4, 3-10.5,
16 3-10.6, 3-10.7, 3-10.9, 3-10.10, 3-11, 3-13, 3-14, 4-0.5,
17 4-1, 4-1.2, 4-1.2a, 4-1.2c, 4-1.6, 4-1.7, 4-1.10, 4-1.12,
18 4-2, 4-3a, 4-4.1, 4-7, 4-8, 4-9, 4-10, 4-12, 4-17, 4-21,
19 4-22, 5-1.1, 5-1.2, 5-2, 5-2.1a, 5-2.2, 5-2.3, 5-4, 5-4.1,
20 5-4.2, 5-4.20, 5-4.21, 5-4.22, 5-4.23, 5-4.24, 5-4.25,
21 5-4.26, 5-4.27, 5-4.28, 5-4.30, 5-4.31, 5-4.32, 5-4.33,
22 5-4.34, 5-4.35, 5-4.36, 5-4.37, 5-4.38, 5-5, 5-5.01a, 5-5.02,
23 5-5.03, 5-5.1, 5-5.2, 5-5.3, 5-5.4, 5-5.5, 5-5.5a, 5-5.6a,
24 5-5.6b, 5-5.8, 5-5.8a, 5-5.11, 5-5.12, 5-5.12a, 5-5.13,
25 5-5.15, 5-5.17, 5-5.18, 5-5.19, 5-5.20, 5-5.21, 5-5a, 5-5b,
26 5-5c, 5-6, 5-7, 5-8, 5-9, 5-11, 5-11.1, 5-12, 5-13, 5-13.2,
27 5-14, 5-15, 5-15.5, 5-16, 5-16.1, 5-16.2, 5-16.4, 5-16.5,
28 5-16.6, 5-16.9, 5-16.10, 5-16.11, 5-16.12, 5-17, 5-19, 5-20,
29 5-21, 5-22, 5A-2, 5A-3, 5A-4, 5A-5, 5A-6, 5A-7, 5A-8, 5A-9,
30 5B-4, 5B-5, 5B-6, 5B-7, 5B-8, 5C-3, 5C-4, 5C-5, 5C-6, 5C-7,
31 5E-10, 6-1, 6-1.2, 6-1.3, 6-1.3a, 6-1.6, 6-1.7, 6-2, 6-2.1,

1 6-6, 6-7, 6-9, 6-10, 6-11, 6-12, 8A-2.5, 8A-4, 8A-4A, 8A-5,
2 8A-5A, 8A-7, 8A-7.1, 8A-8, 8A-9, 8A-11, 8A-12, 8A-16, 9-1,
3 9-2, 9-3, 9-4, 9-5, 9-6, 9-6.1, 9-7, 9-8, 9-9, 9-11, 9A-3,
4 9A-4, 9A-7, 9A-8, 9A-8.1, 9A-9, 9A-10, 9A-11, 9A-11.5, 9A-14,
5 10-1, 10-3, 10-3.1, 10-3.2, 10-3.3, 10-3.4, 10-4, 10-5, 10-6,
6 10-7, 10-8, 10-8.1, 10-9, 10-10, 10-10.1, 10-10.2, 10-10.3,
7 10-10.4, 10-10.5, 10-11, 10-11.1, 10-11.2, 10-12, 10-12.1,
8 10-13, 10-13.1, 10-13.2, 10-13.3, 10-13.4, 10-13.5, 10-13.6,
9 10-13.7, 10-13.8, 10-13.9, 10-13.10, 10-14, 10-14.1, 10-15,
10 10-16, 10-16.4, 10-16.6, 10-17.1, 10-17.2, 10-17.3, 10-17.4,
11 10-17.5, 10-17.6, 10-17.7, 10-17.8, 10-17.9, 10-17.11, 10-18,
12 10-19, 10-20, 10-21, 10-23, 10-24.5, 10-24.45, 10-25,
13 10-25.5, 10-26, 10-26.2, 10-26.5, 10-27, 11-2, 11-2.1, 11-3,
14 11-3.2, 11-3.3, 11-4, 11-5, 11-6, 11-6.1, 11-6.2, 11-7, 11-8,
15 11-8.1, 11-8.2, 11-8.3, 11-8.4, 11-8.7, 11-9, 11-12, 11-13,
16 11-14.5, 11-15, 11-16, 11-17, 11-19, 11-20, 11-20.1, 11-22,
17 11-22a, 11-22b, 11-22c, 11-26, 11-26.1, 11-27, 11-28, 11-29,
18 11-31, 12-2, 12-3, 12-4, 12-4.1, 12-4.3, 12-4.4, 12-4.5,
19 12-4.6, 12-4.7, 12-4.7b, 12-4.7c, 12-4.7d, 12-4.8, 12-4.8a,
20 12-4.9, 12-4.10, 12-4.11, 12-4.12, 12-4.14, 12-4.16, 12-4.17,
21 12-4.18, 12-4.19, 12-4.20, 12-4.20a, 12-4.20c, 12-4.20d,
22 12-4.21, 12-4.22, 12-4.23, 12-4.24, 12-4.24a, 12-4.25,
23 12-4.25a, 12-4.25b, 12-4.25c, 12-4.26, 12-4.27, 12-4.29,
24 12-4.30, 12-4.33, 12-4.34, 12-4.35, 12-4.103, 12-5, 12-8,
25 12-8.1, 12-9, 12-9.1, 12-10, 12-10.1, 12-10.2, 12-10.2a,
26 12-10.3, 12-10.5, 12-10.6, 12-12, 12-12.1, 12-13, 12-13.05,
27 12-13.2, 12-19, 12-19.1, 12-19.3, 12-19.5, 12-21, 12-21.6,
28 12-21.7, 12-21.8, 12-21.10, 12-21.11, 12-21.12, 12-21.14,
29 12-21.16, 12-21.17, 12-21.18, 14-1, 14-2, 14-3, 14-4, 14-5,
30 14-6, 14-7, 14-8, 14-9, 14-10, 15-2, 15-3, 15-4, 15-5, 15-6,
31 15-7, and 15-8 and by adding Sections 2-6.5 and 2-18 as
32 follows:

33 (305 ILCS 5/1-1) (from Ch. 23, par. 1-1)

1 Sec. 1-1. Public purpose ~~Aims-in-providing-finaneial--aid~~
 2 ~~and--serviees.~~ The purpose of this Code is to assist in the
 3 alleviation and prevention of poverty and thereby to protect
 4 and promote the health and welfare of all the people of this
 5 State.

6 To accomplish this purpose, this Code authorizes
 7 financial aid and social welfare services for persons in need
 8 thereof by reason of unemployment, illness, or other cause
 9 depriving them of the means of a livelihood compatible with
 10 health and well-being, and provides for the development, use
 11 and coordination of all resources in this State, governmental
 12 and private.

13 The ~~Illinois~~ Department of Public Aid and the Department
 14 of Human Services shall establish such standards of financial
 15 aid and services as will encourage and assist applicants and
 16 recipients to maintain a livelihood compatible with health
 17 and well being and to develop their self-reliance and realize
 18 their capacities for self-care, self-support, and responsible
 19 citizenship.

20 The maintenance and strengthening of the family unit
 21 shall be a principal consideration in the administration of
 22 this Code. All public aid policies shall be formulated and
 23 administered to achieve this end.

24 (Source: P.A. 89-507, eff. 7-1-97.)

25 (305 ILCS 5/1-6) (from Ch. 23, par. 1-6)

26 Sec. 1-6. Eligibility; unemployment benefits.
 27 Notwithstanding any provisions of this Code to the contrary,
 28 a person, if eligible, shall be required to file for
 29 unemployment compensation benefits as a condition for
 30 qualifying for public assistance benefits under programs of
 31 aid to the aged, blind, or disabled, aid to families with
 32 dependent children, and aid to families with dependent
 33 children--unemployed, which are administered by the ~~Illinois~~

1 Department of Human Services, or general assistance programs
2 administered by some other public agency.
3 (Source: P.A. 89-507, eff. 7-1-97.)

4 (305 ILCS 5/1-7) (from Ch. 23, par. 1-7)
5 Sec. 1-7. Items excluded from consideration in
6 determining eligibility for or level of aid.

7 (a) For purposes of determining eligibility for
8 assistance under this Code, the ~~Illinois~~ Department of Public
9 Aid, the Department of Human Services, county departments,
10 and local governmental units shall exclude from consideration
11 restitution payments, including all income and resources
12 derived therefrom, made to persons of Japanese or Aleutian
13 ancestry pursuant to the federal Civil Liberties Act of 1988
14 and the Aleutian and Pribilof Island Restitution Act, P.L.
15 100-383.

16 (b) For purposes of any program or form of assistance
17 where a person's income or assets are considered in
18 determining eligibility or level of assistance, whether under
19 this Code or another authority, neither the State of Illinois
20 nor any entity or person administering a program wholly or
21 partially financed by the State of Illinois or any of its
22 political subdivisions shall include restitution payments,
23 including all income and resources derived therefrom, made
24 pursuant to the federal Civil Liberties Act of 1988 and the
25 Aleutian and Pribilof Island Restitution Act, P.L. 100-383,
26 in the calculation of income or assets for determining
27 eligibility or level of assistance.

28 (c) For purposes of determining eligibility for or the
29 amount of assistance under this Code, except for the
30 determination of eligibility for payments or programs under
31 the TANF employment, education, and training programs and the
32 Food Stamp Employment and Training Program, the ~~Illinois~~
33 Department of Public Aid, the Department of Human Services,

1 county departments, and local governmental units shall
2 exclude from consideration any financial assistance received
3 under any student aid program administered by an agency of
4 this State or the federal government, by a person who is
5 enrolled as a full-time or part-time student of any public or
6 private university, college, or community college in this
7 State.

8 (Source: P.A. 92-111, eff. 1-1-02.)

9 (305 ILCS 5/1-8)

10 Sec. 1-8. Fugitives ineligible.

11 (a) The following persons are not eligible for aid under
12 this Code, or federal food stamps or federal food stamp
13 benefits:

14 (1) A person who has fled from the jurisdiction of
15 any court of record of this or any other state or of the
16 United States to avoid prosecution for a felony or to
17 avoid giving testimony in any criminal proceeding
18 involving the alleged commission of a felony.

19 (2) A person who has fled to avoid imprisonment in
20 a correctional facility of this or any other state or the
21 United States for having committed a felony.

22 (3) A person who has escaped from a correctional
23 facility of this or any other state or the United States
24 if the person was incarcerated for having committed a
25 felony.

26 (4) A person who is violating a condition of
27 probation or parole imposed under federal or State law.

28 In this Section, "felony" means a violation of a penal
29 statute of this or any other state or the United States for
30 which a sentence to death or to a term of imprisonment in a
31 penitentiary for one year or more is provided.

32 To implement this Section, the ~~Illinois~~ Department of
33 Public Aid and the Department of Human Services may exchange

1 necessary information with an appropriate law enforcement
2 agency of this or any other state, a political subdivision of
3 this or any other state, or the United States.

4 (b) (Blank).

5 (Source: P.A. 92-111, eff. 1-1-02.)

6 (305 ILCS 5/1-11)

7 Sec. 1-11. Citizenship. To the extent not otherwise
8 provided in this Code or federal law, all clients who receive
9 cash or medical assistance under Article III, IV, V, or VI of
10 this Code must meet the citizenship requirements as
11 established in this Section. To be eligible for assistance an
12 individual, who is otherwise eligible, must be either a
13 United States citizen or included in one of the following
14 categories of non-citizens:

15 (1) United States veterans honorably discharged and
16 persons on active military duty, and the spouse and
17 unmarried dependent children of these persons;

18 (2) Refugees under Section 207 of the Immigration
19 and Nationality Act;

20 (3) Asylees under Section 208 of the Immigration
21 and Nationality Act;

22 (4) Persons for whom deportation has been withheld
23 under Section 243(h) of the Immigration and Nationality
24 Act;

25 (5) Persons granted conditional entry under Section
26 203(a)(7) of the Immigration and Nationality Act as in
27 effect prior to April 1, 1980;

28 (6) Persons lawfully admitted for permanent
29 residence under the Immigration and Nationality Act; and

30 (7) Parolees, for at least one year, under Section
31 212(d)(5) of the Immigration and Nationality Act.

32 Those persons who are in the categories set forth in
33 subdivisions 6 and 7 of this Section, who enter the United

1 States on or after August 22, 1996, shall not be eligible for
2 5 years beginning on the date the person entered the United
3 States.

4 The Illinois Department of Public Aid may, by rule, cover
5 prenatal care or emergency medical care for non-citizens who
6 are not otherwise eligible under this Section. Local
7 governmental units which do not receive State funds may
8 impose their own citizenship requirements and are authorized
9 to provide any benefits and impose any citizenship
10 requirements as are allowed under the Personal Responsibility
11 and Work Opportunity Reconciliation Act of 1996 (P.L.
12 104-193).

13 (Source: P.A. 90-17, eff. 7-1-97.)

14 (305 ILCS 5/2-6.5 new)

15 Sec. 2-6.5. "Medicaid". Unless the context requires
16 otherwise, "Medicaid" means the program of medical assistance
17 under Article V.

18 (305 ILCS 5/2-11) (from Ch. 23, par. 2-11)

19 Sec. 2-11. "Family unit": Husband and wife and a child
20 or children under age 21. Spouses and parents of children
21 under age 21 constitute "legally responsible relatives" or
22 "responsible relatives" wherever those terms may be used in
23 this Code in respect to their support obligation enforceable
24 by court action or an administrative order of the Illinois
25 Department of Public Aid, as provided in Article X, or
26 enforceable through other State or Federal laws.

27 The support obligation of other persons defined as
28 "legally responsible relatives" in this Section prior to
29 October 6, 1969 for aid extended to their dependents prior to
30 that date shall remain unimpaired.

31 (Source: P.A. 79-474.)

1 (305 ILCS 5/2-16) (from Ch. 23, par. 2-16)

2 Sec. 2-16. "Service provider": A person or corporation
3 who furnishes medical, educational, psychiatric, vocational
4 or rehabilitative services to a recipient under this Code,
5 but excluding an employee of the Illinois Department of
6 Public Aid or the Department of Human Services or a county
7 department.

8 (Source: P.A. 82-555.)

9 (305 ILCS 5/2-18 new)

10 Sec. 2-18. Terms used in connection with determination
11 and enforcement of support responsibility. Unless the
12 context requires otherwise or unless otherwise provided in
13 this Code:

14 "Arrearage", "delinquency", "obligee", "obligor", "order
15 for support", and "payor" are defined as in the Income
16 Withholding for Support Act.

17 "Support order" means an order for support.

18 (305 ILCS 5/3-1) (from Ch. 23, par. 3-1)

19 Sec. 3-1. Eligibility requirements. Financial aid in
20 meeting basic maintenance requirements for a livelihood
21 compatible with health and well-being shall be given under
22 this Article to or in behalf of aged, blind, or disabled
23 persons who meet the eligibility conditions of Sections 3-1.1
24 through 3-1.7. Financial aid under this Article shall be
25 available only for persons who are receiving Supplemental
26 Security Income (SSI) or who have been found ineligible for
27 SSI on the basis of income.

28 "Aged person" means a person who has attained age 65, as
29 demonstrated by such evidence of age as the Illinois
30 Department of Human Services may by rule prescribe.

31 "Blind person" means a person who has no vision or whose
32 vision with corrective glasses is so defective as to prevent

1 the performance of ordinary duties or tasks for which
2 eyesight is essential. The Illinois Department of Human
3 Services shall define blindness in terms of ophthalmic
4 measurements or ocular conditions. For purposes of this Act,
5 an Illinois Disabled Person Identification Card issued
6 pursuant to the Illinois Identification Card Act, indicating
7 that the person thereon named has a Type 3 disability shall
8 be evidence that such person is a blind person within the
9 meaning of this Section; however, such a card shall not
10 qualify such person for aid as a blind person under this Act,
11 and eligibility for aid as a blind person shall be determined
12 as provided in this Act.

13 "Disabled person" means a person age 18 or over who has a
14 physical or mental impairment, disease, or loss which is of a
15 permanent nature and which substantially impairs his ability
16 to perform labor or services or to engage in useful
17 occupations for which he is qualified, as determined by rule
18 and regulation of the Illinois Department of Human Services.
19 For purposes of this Act, an Illinois Disabled Person
20 Identification Card issued pursuant to The Illinois
21 Identification Card Act, indicating that the person thereon
22 named has a Type 1 or 2, Class 2 disability shall be evidence
23 that such person is a disabled person under this Section;
24 however, such a card shall not qualify such person for aid as
25 a disabled person under this Act, and eligibility for aid as
26 a disabled person shall be determined as provided in this
27 Act. If federal law or regulation permit or require the
28 inclusion of blind or disabled persons whose blindness or
29 disability is not of the degree specified in the foregoing
30 definitions, or permit or require the inclusion of disabled
31 persons under age 18 or aged persons under age 65, the
32 Illinois Department of Human Services, upon written approval
33 of the Governor, may provide by rule that all aged, blind or
34 disabled persons toward whose aid federal funds are available

1 be eligible for assistance under this Article as is given to
2 those who meet the foregoing definitions of blind person and
3 disabled person or aged person.

4 (Source: P.A. 89-21, eff. 7-1-95.)

5 (305 ILCS 5/3-1a) (from Ch. 23, par. 3-1a)

6 Sec. 3-1a. Interim Assistance.

7 (a) (Blank).

8 (b) The ~~Illinois~~ Department of Human Services may
9 establish, by rule, an advocacy program to help clients
10 pursue Supplemental Security Income applications and, if the
11 client is found ineligible for Supplemental Security Income
12 initially, to help the client pursue the Supplemental
13 Security Income reconsideration and appeal process. This
14 program may be limited to specific geographic areas.

15 (Source: P.A. 92-111, eff. 1-1-02.)

16 (305 ILCS 5/3-1.2) (from Ch. 23, par. 3-1.2)

17 Sec. 3-1.2. Need. Income available to the person, when
18 added to contributions in money, substance, or services from
19 other sources, including contributions from legally
20 responsible relatives, must be insufficient to equal the
21 grant amount established by Department of Human Services
22 regulation for such person.

23 In determining earned income to be taken into account,
24 consideration shall be given to any expenses reasonably
25 attributable to the earning of such income. If federal law or
26 regulations permit or require exemption of earned or other
27 income and resources, the ~~Illinois~~ Department of Human
28 Services shall provide by rule and regulation that the amount
29 of income to be disregarded be increased (1) to the maximum
30 extent so required and (2) to the maximum extent permitted by
31 federal law or regulation in effect as of the date this
32 Amendatory Act becomes law. The ~~Illinois~~ Department may also

1 provide by rule and regulation that the amount of resources
2 to be disregarded be increased to the maximum extent so
3 permitted or required.

4 In determining the resources of an individual or any
5 dependents, the Department of Human Services shall exclude
6 from consideration the value of funeral and burial spaces,
7 grave markers and other funeral and burial merchandise,
8 funeral and burial insurance the proceeds of which can only
9 be used to pay the funeral and burial expenses of the insured
10 and funds specifically set aside for the funeral and burial
11 arrangements of the individual or his or her dependents,
12 including prepaid funeral and burial plans, to the same
13 extent that such items are excluded from consideration under
14 the federal Supplemental Security Income program.

15 The homestead shall be exempt from consideration except
16 to the extent that it meets the income and shelter needs of
17 the person. "Homestead" means the dwelling house and
18 contiguous real estate owned and occupied by the person,
19 regardless of its value.

20 Occasional or irregular gifts in cash, goods or services
21 from persons who are not legally responsible relatives which
22 are of nominal value or which do not have significant effect
23 in meeting essential requirements shall be disregarded. The
24 eligibility of any applicant for or recipient of public aid
25 under this Article is not affected by the payment of any
26 grant under the "Senior Citizens and Disabled Persons
27 Property Tax Relief and Pharmaceutical Assistance Act" or any
28 distributions or items of income described under subparagraph
29 (X) of paragraph (2) of subsection (a) of Section 203 of the
30 Illinois Income Tax Act.

31 The ~~Illinois~~ Department of Human Services may, after
32 appropriate investigation, establish and implement a
33 consolidated standard to determine need and eligibility for
34 and amount of benefits under this Article or a uniform cash

1 supplement to the federal Supplemental Security Income
2 program for all or any part of the then current recipients
3 under this Article; provided, however, that the establishment
4 or implementation of such a standard or supplement shall not
5 result in reductions in benefits under this Article for the
6 then current recipients of such benefits.

7 (Source: P.A. 91-676, eff. 12-23-99.)

8 (305 ILCS 5/3-1.4) (from Ch. 23, par. 3-1.4)

9 Sec. 3-1.4. Residents of public institutions. Residents
10 of municipal, county, state or national institutions for
11 persons with mental illness or persons with a developmental
12 disability or for the tuberculous, or residents of a home or
13 other institution maintained by such governmental bodies when
14 not in need of institutional care because of sickness,
15 convalescence, infirmity, or chronic illness, and inmates of
16 penal or correctional institutions maintained by such
17 governmental bodies, may qualify for aid under this Article
18 only after they have ceased to be residents or inmates, but
19 they may apply in advance of their discharge. Applications
20 received from residents scheduled for discharge from such
21 institutions shall be processed by the Department of Human
22 Services in an expeditious manner. For persons whose
23 applications are approved, the date of eligibility shall be
24 the date of release from the institution.

25 A person shall not be deemed a resident of a State
26 institution for persons with mental illness or persons with a
27 developmental disability within the meaning of this Section
28 if he or she has been conditionally discharged by the
29 Department of Mental Health and Developmental Disabilities or
30 the Department of Human Services (acting as successor to the
31 Department of Mental Health and Developmental Disabilities)
32 and is no longer residing in the institution.

33 Recipients of benefits under this Article who become

1 residents of such institutions shall be permitted a period of
2 up to 30 days in such institutions without suspension or
3 termination of eligibility; if residency in an institution
4 extends beyond 30 days the eligibility for all benefits
5 except Aid to Families with Dependent Children shall be
6 suspended. Benefits shall be restored, effective on the date
7 of discharge or release, for persons who are residents of
8 institutions. Within a reasonable time after the discharge
9 of a person who was a resident of an institution, the
10 Department of Human Services shall redetermine the
11 eligibility of such person.

12 The Department of Human Services shall provide for
13 procedures to expedite the determination of disability of
14 persons scheduled to be discharged from facilities operated
15 by the Department.

16 If federal law or regulations governing grants under this
17 Article permit the inclusion of persons who are residents of
18 institutions designated in this Section beyond the period
19 authorized herein, the Illinois Department of Human Services,
20 upon a determination that the appropriations for public aid
21 are sufficient for such purpose, and upon approval of the
22 Governor, may provide by general and uniform rule for the
23 waiver of the provisions of this Section which would
24 otherwise disqualify such person for aid under this Article.
25 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

26 (305 ILCS 5/3-2) (from Ch. 23, par. 3-2)

27 Sec. 3-2. Conditions for basic maintenance grants to
28 persons receiving institutional care. A resident of a public
29 or private home or institution maintained for the care of
30 persons who are sick, convalescent, infirm or chronically
31 ill, may, if otherwise qualified, be granted financial aid
32 for basic maintenance, subject to the rules and regulations
33 of the Illinois Department of Human Services, if the

1 facilities of the home or institution are in conformity with
2 standards prescribed by the Department of Public Health for
3 safeguarding the health, safety, and comfort of the residents
4 thereof, and provide such services as may be prescribed by
5 the Illinois Department of Human Services for enhancing their
6 rehabilitation or increasing their capacity for self-care.

7 (Source: Laws 1967, p. 122.)

8 (305 ILCS 5/3-3) (from Ch. 23, par. 3-3)

9 Sec. 3-3. Examination as to blindness. For all purposes,
10 the Illinois Department of Human Services may accept
11 determinations as to blindness performed under the auspices
12 of the federal Social Security Administration and properly
13 certified to the Department.

14 (Source: P.A. 89-21, eff. 7-1-95.)

15 (305 ILCS 5/3-4) (from Ch. 23, par. 3-4)

16 Sec. 3-4. Examination as to disability. For all purposes,
17 the Illinois Department of Human Services may accept
18 determinations as to disability performed under the auspices
19 of the federal Social Security Administration and properly
20 certified to the Department.

21 (Source: P.A. 89-21, eff. 7-1-95.)

22 (305 ILCS 5/3-5) (from Ch. 23, par. 3-5)

23 Sec. 3-5. Amount of aid. The amount and nature of
24 financial aid granted to or in behalf of aged, blind, or
25 disabled persons shall be determined in accordance with the
26 standards, grant amounts, rules and regulations of the
27 Illinois Department of Human Services. Due regard shall be
28 given to the requirements and conditions existing in each
29 case, and to the amount of property owned and the income,
30 money contributions, and other support, and resources
31 received or obtainable by the person, from whatever source.

1 However, the amount and nature of any financial aid is not
2 affected by the payment of any grant under the "Senior
3 Citizens and Disabled Persons Property Tax Relief and
4 Pharmaceutical Assistance Act" or any distributions or items
5 of income described under subparagraph (X) of paragraph (2)
6 of subsection (a) of Section 203 of the Illinois Income Tax
7 Act. The aid shall be sufficient, when added to all other
8 income, money contributions and support, to provide the
9 person with a grant in the amount established by Department
10 of Human Services regulation for such a person, based upon
11 standards providing a livelihood compatible with health and
12 well-being.

13 (Source: P.A. 91-676, eff. 12-23-99.)

14 (305 ILCS 5/3-5a) (from Ch. 23, par. 3-5a)

15 Sec. 3-5a. Protective payments to substitute payee. If
16 the person, by reason of his physical or mental condition, is
17 unable to manage funds, or if, for any reason, he
18 persistently mismanages the grant to the detriment of his
19 best interests, the county department, in accordance with the
20 rules and regulations of the Illinois Department of Human
21 Services, may make a protective payment by designating a
22 person who is interested in or concerned with the person's
23 welfare to receive the grant in his behalf.

24 The substitute payee shall serve without compensation and
25 assume the obligation of seeing that the grant is expended
26 for the recipient's benefit. He may spend the grant for the
27 recipient, or supervise the recipient in its use, depending
28 upon the circumstances in the case, and shall make such
29 monthly reports to the county department as the county
30 department and the Illinois Department of Human Services may
31 require.

32 The county department shall terminate the protective
33 payment when it has made a determination that the grant will

1 be used for the recipient's welfare.

2 A substitute payee may be removed, in accordance with the
3 rules and regulations of the Illinois Department of Human
4 Services, for unsatisfactory service. Such removal may be
5 effected without hearing. The decision shall not be
6 appealable to the Illinois Department of Human Services nor
7 shall it be reviewable in the courts.

8 The county department shall conduct such periodic reviews
9 as may be required by the Illinois Department of Human
10 Services to determine whether there is a continuing need for
11 a protective payment. If it appears that the need for such
12 payment is likely to continue beyond a reasonable period, the
13 county department shall take action for appointment by the
14 circuit court of a guardian or legal representative for the
15 purpose of receiving and managing the public aid grant.

16 The person shall be advised, in advance of a
17 determination to make a protective payment, that he may
18 appeal the decision to the Illinois Department of Human
19 Services under the provisions of Section 11-8 of Article XI.
20 (Source: Laws 1967, p. 2324.)

21 (305 ILCS 5/3-8) (from Ch. 23, par. 3-8)

22 Sec. 3-8. Funeral and burial. If the estate of a
23 deceased recipient is insufficient to pay for funeral and
24 burial expenses, and if no other resources, including
25 assistance from legally responsible relatives, are available
26 for such purposes, there shall be paid, in accordance with
27 the standards, rules and regulations of the Illinois
28 Department of Human Services, such reasonable amounts as may
29 be necessary to meet costs of the funeral, burial space, and
30 cemetery charges, or to reimburse any person not financially
31 responsible for the deceased who has voluntarily made
32 expenditures for such costs.

33 (Source: P.A. 90-372, eff. 7-1-98.)

1 (305 ILCS 5/3-9) (from Ch. 23, par. 3-9)

2 Sec. 3-9. Claim against the estate of a deceased
3 recipient. On the death of a person who has been a recipient,
4 the total amount paid under this Article shall be filed and
5 allowed as a claim against that person's estate or as a claim
6 against the estate of that person's surviving spouse. No
7 claim of the State, however, shall be enforced against any
8 real estate while it is occupied as a homestead by the
9 recipient's surviving spouse, or a relative of the recipient
10 as defined by the rules and regulations of the Illinois
11 Department of Human Services, if no claims by other creditors
12 have been filed against the estate, or, if such claims have
13 been filed, they remain dormant for failure of prosecution or
14 failure of the claimant to compel administration of the
15 estate for the purpose of payment. "Homestead", as used in
16 this Section, means the dwelling house and contiguous real
17 estate occupied by a surviving spouse, or defined relative of
18 the recipient, regardless of the value of the property.

19 The transfer of money, personal property or other
20 personal assets, or any interest therein, by a present or
21 former recipient into a joint tenancy account in a bank or
22 other institution or depository shall be prima facie evidence
23 of an intent to defeat the claim against his estate. The
24 transfer may be voided in an appropriate legal action, or the
25 Illinois Department of Human Services may consider the
26 recipient's interest in the joint tenancy account as an asset
27 of his estate for the purpose of the claim provided by this
28 Section.

29 The Illinois Department of Human Services may, by rule,
30 defer or waive the enforcement of its claim hereunder if the
31 deceased recipient is survived by a dependent spouse and
32 minor child or children, or if rehabilitative training for
33 employment or other means of self-support for the surviving
34 spouse or children is feasible and the deferment or waiver of

1 the claim would facilitate achievement of self-support status
2 and prevent or reduce the likelihood of return to dependency
3 upon public aid.

4 The estate claim herein provided is in addition to the
5 lien claim established in Section 3-10.

6 (Source: P.A. 88-85.)

7 (305 ILCS 5/3-10.1) (from Ch. 23, par. 3-10.1)

8 Sec. 3-10.1. Execution of notice of lien. The county
9 department of the county in which the recipient resides shall
10 execute a notice of lien which shall contain the name and
11 address of the recipient, a legal description of the
12 property, the fact that a lien is being claimed for aid paid
13 under this Article, and such other information as the
14 Illinois Department of Human Services may by rule prescribe.

15 The notice shall designate the County Superintendent of
16 Public Aid in his official capacity, and his successors in
17 office, as the holder of the lien and shall be executed by
18 the County Superintendent, in his official capacity, and
19 shall be acknowledged substantially in the following form:

20 "State of Illinois, County of (name of county): I (give
21 name of the officer and his official title) certify that
22 (name and official title of superintendent of public aid)
23 personally known to me to be the same person whose name is
24 subscribed to the foregoing instrument, appeared before me
25 this day in person and acknowledged that he signed the
26 instrument as required of him by law, for the uses therein
27 set forth."

28 "Dated (insert date).

29

30 Signature of officer (Seal)."

31 (Source: P.A. 91-357, eff. 7-29-99.)

32 (305 ILCS 5/3-10.4) (from Ch. 23, par. 3-10.4)

1 Sec. 3-10.4. Court costs waived. The Illinois Department
2 of Human Service and county departments shall not be required
3 to furnish bond or make a deposit for or pay any costs or
4 fees of any court or officer thereof in any legal proceeding
5 involving the lien.

6 (Source: P.A. 83-889.)

7 (305 ILCS 5/3-10.5) (from Ch. 23, par. 3-10.5)

8 Sec. 3-10.5. Payment to preserve lien. To protect the
9 lien of the State for reimbursement of aid paid under this
10 Article, the Illinois Department of Human Services may, from
11 funds which are available for that purpose, pay or provide
12 for the payment of necessary or essential repairs, purchase
13 tax certificates, pay balances due on land contracts, or pay
14 or cause to be satisfied any prior liens on the property to
15 which the lien hereunder applies.

16 (Source: Laws 1967, p. 122.)

17 (305 ILCS 5/3-10.6) (from Ch. 23, par. 3-10.6)

18 Sec. 3-10.6. Release of lien. The county department,
19 under the rules and regulations of the Illinois Department of
20 Human Services, shall issue a certificate of release of lien
21 upon payment by the recipient, his spouse, heirs at law, next
22 of kin, or personal representatives, of the total amount of
23 aid to which the lien applies, or upon submission of a bond
24 with surety or sureties satisfactory to the Illinois
25 Department of Human Services, conditioned upon payment of
26 such amount. A certificate of release may also be issued upon
27 payment of the value of the property to which the lien
28 applies; in such case, the release shall reserve the
29 Department of Human Services' Illinois-Department's claim for
30 the balance against subsequently discovered assets of the
31 recipient.

32 The Illinois Department of Human Services may also by

1 rule provide for release of the lien in the case of
2 recipients who have dependent spouses and minor children or
3 for whom rehabilitative training for employment or other
4 means of self-support is feasible where release of the lien
5 would facilitate achievement of self-support status and
6 prevent or reduce the likelihood of return to dependency.

7 (Source: Laws 1967, p. 122.)

8 (305 ILCS 5/3-10.7) (from Ch. 23, par. 3-10.7)

9 Sec. 3-10.7. Foreclosure of lien. Upon the death of the
10 recipient, or prior thereto in cases of fraud if the Illinois
11 Department of Human Services deems such action necessary to
12 preserve the security of the lien, the Illinois Department of
13 Human Services, acting in behalf of the State, may foreclose
14 the lien in a judicial proceeding to the same extent and in
15 the same manner as in the enforcement of other liens. The
16 process, practice and procedure for such foreclosure shall be
17 the same as provided in the Civil Practice Law, as amended.

18 If the amount bid for the property at the sale is less
19 than the amount of the lien, or if there are no bidders, the
20 Illinois Department of Human Services may purchase the
21 property for the use of the People of the State of Illinois.
22 Property so acquired may be sold to the highest bidder, after
23 advertisement in the State official newspaper, the sale to be
24 not less than 10 days after the advertisement. Upon a sale,
25 the deed shall be executed by the Illinois Department of
26 Human Services for the use of the People of the State of
27 Illinois, and shall be signed by the Secretary of Human
28 Services Director.

29 Except in cases of fraud, the Illinois Department of
30 Human Services shall defer foreclosure proceedings on
31 property occupied as a homestead by the recipient, his
32 surviving spouse, or a relative of the recipient as defined
33 by the rules and regulations of the Illinois Department.

1 (Source: P.A. 89-507, eff. 7-1-97.)

2 (305 ILCS 5/3-10.9) (from Ch. 23, par. 3-10.9)

3 Sec. 3-10.9. Redemption. Except as to any sale had by
4 virtue of a judgment of foreclosure in accordance with
5 Article XV of the Code of Civil Procedure, whenever real
6 estate has been or is sold at judicial or judgment sale and
7 the lien thereon in favor of the ~~Illinois~~ Department of Human
8 Services is junior or inferior to the lien so enforced or
9 foreclosed by or through that sale, the right to redeem in
10 any manner under or by virtue of such lien from such sale or
11 from the lien so foreclosed or enforced shall terminate at
12 the end of 12 months from the date upon which there is filed
13 for record in the office of the Recorder for the County in
14 which the lands so sold are situated, if such lands are
15 unregistered, or in the office of the Registrar of Titles for
16 such County, if such lands are registered, a certified copy
17 of the original or duplicate recorded or registered
18 certificate of such sale, such certified copy being endorsed
19 by the Secretary of Human Services ~~Director~~ showing service
20 of a copy of such certificate upon him or her, and upon such
21 service such officer shall make such endorsement. Such
22 service may be by United States registered or certified mail.

23 (Source: P.A. 89-507, eff. 7-1-97.)

24 (305 ILCS 5/3-10.10) (from Ch. 23, par. 3-10.10)

25 Sec. 3-10.10. Sale of property of deceased recipient
26 ~~Order--for--amount--of--lien--Preservation--of--lien.~~ Whenever the
27 court having jurisdiction of the estate of a decedent
28 determines that it is necessary or desirable for the proper
29 administration of the estate to sell real property upon which
30 the State has a lien imposed by this Article, the Court shall
31 enter an order for the total amount of which the State has a
32 lien, as determined by evidence submitted to it by the

1 Illinois Department of Human Services through the appropriate
2 county department or departments.

3 The superiority of such lien shall not be affected
4 thereby and shall be satisfied from the proceeds of sale in
5 the same manner as specified in Section 3-10.7 for
6 foreclosure of the lien. The Illinois Department of Human
7 Services shall have the same power of purchase and subsequent
8 sale as set forth in the second paragraph of Section 3-10.7.
9 The lien may be released by the county department in
10 accordance with the provisions of Section 3-10.6.

11 (Source: Laws 1967, p. 122.)

12 (305 ILCS 5/3-11) (from Ch. 23, par. 3-11)

13 Sec. 3-11. Fraudulent transfer of real property. A
14 transfer of any legal or equitable interest in real property,
15 whether vested, contingent, or inchoate, by a person who is
16 or has been a recipient, including any such transfers prior
17 to application which would have initially disqualified the
18 person as provided in Section 3-1.3, shall, under any of the
19 following conditions, be deemed prima facie fraudulent as to
20 the Illinois Department of Human Services.

21 (1.) Where the deed or assignment has not been
22 recorded or registered by the grantee, trustee, or
23 assignee

24 (2.) When the deed or assignment, even though
25 recorded or registered, fails to state the consideration

26 (3.) When the consideration for the deed or
27 assignment, even though recorded or registered, is not
28 paid

29 (4.) When the consideration for the deed or
30 assignment, even though recorded or registered, does not
31 approximate the fair, cash market value.

32 The Attorney General, upon request of the Illinois
33 Department of Human Services, shall file suit to rescind any

1 such transfer or assignment of real property. Any aid
2 furnished under this Article shall be recoverable in any such
3 proceeding from such person or from his estate.

4 (Source: P.A. 92-111, eff. 1-1-02.)

5 (305 ILCS 5/3-13) (from Ch. 23, par. 3-13)

6 Sec. 3-13. Federal program; declaration of
7 responsibilities. It is the position of this State that the
8 Federal Government should meet its obligation to provide
9 financial aid to those aged, blind or disabled persons
10 eligible under Article III hereof so as to assure those
11 persons a standard of living compatible with health and
12 well-being, including any supplementary aid program provided
13 to meet special or emergency needs, and it is the position of
14 this State that the Federal Government should meet its
15 obligation to provide continuing supplemental nutritional aid
16 for such persons through the federal Food Stamp Program or
17 through full reimbursement for expenditures made in lieu of
18 such Food Stamp Program.

19 (a) The ~~Illinois~~ Department of Human Services may, from
20 federal reimbursements received under this Section, make
21 disbursements to any attorney, or advocate working under the
22 supervision of an attorney, who represents a recipient of
23 assistance under Article VI of this Code in a program
24 administered by the ~~Illinois~~ Department, in an appeal of any
25 claim for federal Supplemental Security Income benefits
26 before an administrative law judge which is decided in favor
27 of such recipient. The amount of such disbursement shall be
28 equal to 25% of the maximum federal Supplemental Security
29 Income grant payable to an individual for a period of one
30 year. No such disbursement shall be made unless a petition
31 and a copy of the favorable decision is submitted by such
32 attorney or advocate to the ~~Illinois~~ Department of Human
33 Services within 60 days of the date of such decision. The

1 disbursement shall be made within 30 days after the petition
 2 is received. The Illinois Department of Human Services shall
 3 promulgate rules and regulations necessary to implement this
 4 subsection.

5 (b) The Illinois Department of Human Services shall
 6 institute a State program to fully supplement the federal
 7 Supplemental Security Income grants of all persons in the
 8 aged, blind, or disabled categories who meet the eligibility
 9 and need requirements of this Code, after having given prior
 10 notice to and having consulted with the Citizens
 11 Assembly/Council on Public Aid under the procedures
 12 established by Section 12-4.11 hereof. The amount or amounts
 13 of such supplementary payments shall be established by the
 14 Secretary of Human Services ~~Director--of---the---Illinois~~
 15 ~~Department~~ in a manner consistent with the other provisions
 16 of this Article III.

17 (c) The Illinois Department of Human Services, the
 18 Comptroller and the Treasurer, are authorized to disburse to
 19 the Federal Government amounts appropriated to the Illinois
 20 Department of Human Services for use in furnishing aid to
 21 persons eligible under Article III of this Code, to receive
 22 reimbursements from the Federal Government therefor, and to
 23 establish administrative procedures necessary for the
 24 accomplishment of such a payment system.

25 (Source: P.A. 89-21, eff. 7-1-95.)

26 (305 ILCS 5/3-14) (from Ch. 23, par. 3-14)

27 Sec. 3-14. Authorization for federal administration of
 28 supplement. The Illinois Department of Human Services is
 29 authorized to enter into an agreement with the Secretary of
 30 Health and Human Services, ~~Education--and--Welfare~~ for the
 31 Secretary to administer, as provided in Section 1616 of the
 32 Social Security Act, any or all portions of a State program
 33 to supplement grants.

1 (Source: P.A. 78-3rd S.S.-22.)

2 (305 ILCS 5/4-0.5)

3 Sec. 4-0.5. Aid to Families with Dependent Children
4 Program inoperative after June 30, 1997. The Aid to Families
5 with Dependent Children (AFDC) Program shall be inoperative
6 after June 30, 1997. Under the federal Temporary Assistance
7 for Needy Children Program the ~~Illinois~~ Department of Human
8 Services shall develop an alternative program of mutual
9 responsibility between the ~~Illinois~~ Department and the client
10 to allow the family to become self-sufficient or employed as
11 quickly as possible through (i) the provision of transitional
12 assistance to families in the form of emergency one-time
13 payments to prevent job loss, temporary assistance while
14 searching for or being trained for work, or paternity
15 establishment and child support enforcement or (ii) the
16 provision for continued work.

17 (Source: P.A. 89-6, eff. 3-6-95; 90-17, eff. 7-1-97.)

18 (305 ILCS 5/4-1) (from Ch. 23, par. 4-1)

19 Sec. 4-1. Eligibility requirements. Financial aid in
20 meeting basic maintenance requirements for a livelihood
21 compatible with health and well-being shall be given under
22 this Article to or in behalf of families with dependent
23 children who meet the eligibility conditions of Sections
24 4-1.1 through 4-1.11. Persons who meet the eligibility
25 criteria authorized under this Article shall be treated
26 equally, provided that nothing in this Article shall be
27 construed to create an entitlement to a particular grant or
28 service level or to aid in amounts not authorized under this
29 Code, nor construed to limit the authority of the General
30 Assembly to change the eligibility requirements or provisions
31 respecting assistance amounts.

32 The ~~Illinois~~ Department of Human Services shall advise

1 every applicant for and recipient of aid under this Article
 2 of (i) the requirement that all recipients move toward
 3 self-sufficiency and (ii) the value and benefits of
 4 employment. As a condition of eligibility for that aid,
 5 every person who applies for aid under this Article on or
 6 after the effective date of this amendatory Act of 1995 shall
 7 prepare and submit, as part of the application or subsequent
 8 redetermination, a personal plan for achieving employment and
 9 self-sufficiency. The plan shall incorporate the
 10 individualized assessment and employability plan set out in
 11 subsections (a) and (b) of Section 9A-8.05 and subsections
 12 (a), (b), and (c) of Section 9A-8.010 ~~(d), (f), and (g) of~~
 13 ~~Section 9A-8.~~ The plan may be amended as the recipient's
 14 needs change. The assessment process to develop the plan
 15 shall include questions that screen for domestic violence
 16 issues and steps needed to address these issues may be part
 17 of the plan. If the individual indicates that he or she is a
 18 victim of domestic violence, he or she may also be referred
 19 to an available domestic violence program. Failure of the
 20 client to follow through on the personal plan for employment
 21 and self-sufficiency may be a basis for sanction under
 22 Section 4-21.

23 (Source: P.A. 92-111, eff. 1-1-02.)

24 (305 ILCS 5/4-1.2) (from Ch. 23, par. 4-1.2)

25 Sec. 4-1.2. Living arrangements; parents; relatives;
 26 foster care.

27 (a) The child or children must (1) be living with his or
 28 their father, mother, grandfather, grandmother, brother,
 29 sister, stepfather, stepmother, stepbrother, stepsister,
 30 uncle or aunt, or other relative approved by the Illinois
 31 Department of Human Services, in a place of residence
 32 maintained by one or more of such relatives as his or their
 33 own home, or (2) have been (a) removed from the home of the

1 parents or other relatives by judicial order under the
 2 Juvenile Court Act or the Juvenile Court Act of 1987, as
 3 amended, (b) placed under the guardianship of the Department
 4 of Children and Family Services, and (c) under such
 5 guardianship, placed in a foster family home, group home or
 6 child care institution licensed pursuant to the "Child Care
 7 Act of 1969", approved May 15, 1969, as amended, or approved
 8 by the that Department of Children and Family Services as
 9 meeting standards established for licensing under that Act,
 10 or (3) have been relinquished in accordance with the
 11 Abandoned Newborn Infant Protection Act. A child so placed in
 12 foster care who was not receiving aid under this Article in
 13 or for the month in which the court proceedings leading to
 14 that placement were initiated may qualify only if he lived in
 15 the home of his parents or other relatives at the time the
 16 proceedings were initiated, or within 6 months prior to the
 17 month of initiation, and would have received aid in and for
 18 that month if application had been made therefor.

19 (b) The ~~Illinois~~ Department of Human Services may, by
 20 rule, establish those persons who are living together who
 21 must be included in the same assistance unit in order to
 22 receive cash assistance under this Article and the income and
 23 assets of those persons in an assistance unit which must be
 24 considered in determining eligibility.

25 (c) The conditions of qualification herein specified
 26 shall not prejudice aid granted under this Code for foster
 27 care prior to the effective date of this 1969 Amendatory Act.
 28 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

29 (305 ILCS 5/4-1.2a) (from Ch. 23, par. 4-1.2a)
 30 Sec. 4-1.2a. Residents of public institutions.
 31 Residents of municipal, county, state or national
 32 institutions for persons with mental illness or persons with
 33 a developmental disability or for the tuberculous, or

1 residents of a home or other institution maintained by such
2 governmental bodies when not in need of institutional care
3 because of sickness, convalescence, infirmity, or chronic
4 illness, and inmates of penal or correctional institutions
5 maintained by such governmental bodies, may qualify for aid
6 under this Article only after they have ceased to be
7 residents or inmates.

8 A person shall not be deemed a resident of a State
9 institution for persons with mental illness or persons with a
10 developmental disability within the meaning of this Section
11 if he or she has been conditionally discharged by the
12 Department of Mental Health and Developmental Disabilities or
13 the Department of Human Services (acting as successor to the
14 Department of Mental Health and Developmental Disabilities)
15 and is no longer residing in the institution.

16 Recipients of benefits under this Article who become
17 residents of such institutions shall be permitted a period of
18 up to 30 days in such institutions without suspension or
19 termination of eligibility. Benefits for which such person is
20 eligible shall be restored, effective on the date of
21 discharge or release, for persons who are residents of
22 institutions. Within a reasonable time after the discharge of
23 a person who was a resident of an institution, the Department
24 of Human Services shall redetermine the eligibility of such
25 person.

26 The Department of Human Services shall provide for
27 procedures to expedite the determination of incapacity or
28 ability to engage in employment of persons scheduled to be
29 discharged from facilities operated by the Department.

30 (Source: P.A. 92-111, eff. 1-1-02.)

31 (305 ILCS 5/4-1.2c)

32 Sec. 4-1.2c. Residence of child who is pregnant or a
33 parent.

1 (a) Notwithstanding any other provision of this Code, no
 2 aid shall be paid under this Article on behalf of a person
 3 under age 18 who has never married and who has a child or is
 4 pregnant, unless that person resides with a parent, legal
 5 guardian, or other adult relative or in a foster home,
 6 maternity home, or other adult-supervised living arrangement.

7 (b) The Illinois Department of Human Services may make
 8 an exception to the requirement of subsection (a) in any of
 9 the following circumstances:

10 (1) The person has no living parent or legal
 11 guardian, or the parent's or legal guardian's whereabouts
 12 are unknown.

13 (2) The Illinois Department determines that the
 14 physical health or safety of the person or the person's
 15 child would be jeopardized.

16 (3) The person has lived apart from the parent or
 17 legal guardian for a period of at least one year before
 18 the child's birth or before applying for aid under this
 19 Article.

20 (c) (Blank).

21 (Source: P.A. 92-111, eff. 1-1-02.)

22 (305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

23 Sec. 4-1.6. Need. Income available to the family as
 24 defined by the Illinois Department of Human Services by rule,
 25 or to the child in the case of a child removed from his or
 26 her home, when added to contributions in money, substance or
 27 services from other sources, including income available from
 28 parents absent from the home or from a stepparent,
 29 contributions made for the benefit of the parent or other
 30 persons necessary to provide care and supervision to the
 31 child, and contributions from legally responsible relatives,
 32 must be insufficient to equal the grant amount established by
 33 Department regulation for such a person.

1 In considering income to be taken into account,
2 consideration shall be given to any expenses reasonably
3 attributable to the earning of such income. The Illinois
4 Department of Human Services may also permit all or any
5 portion of earned or other income to be set aside for the
6 future identifiable needs of a child. The Illinois Department
7 may provide by rule and regulation for the exemptions thus
8 permitted or required. The eligibility of any applicant for
9 or recipient of public aid under this Article is not affected
10 by the payment of any grant under the "Senior Citizens and
11 Disabled Persons Property Tax Relief and Pharmaceutical
12 Assistance Act" or any distributions or items of income
13 described under subparagraph (X) of paragraph (2) of
14 subsection (a) of Section 203 of the Illinois Income Tax Act.

15 The Illinois Department of Human Services may, by rule,
16 set forth criteria under which an assistance unit is
17 ineligible for cash assistance under this Article for a
18 specified number of months due to the receipt of a lump sum
19 payment.

20 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

21 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

22 Sec. 4-1.7. Enforcement of parental child support
23 obligation.} If the parent or parents of the child are
24 failing to meet or are delinquent in their legal obligation
25 to support the child, the parent or other person having
26 custody of the child or the Illinois Department of Public Aid
27 may request the law enforcement officer authorized or
28 directed by law to so act to file action for the enforcement
29 of such remedies as the law provides for the fulfillment of
30 the child support obligation.

31 If a parent has a judicial remedy against the other
32 parent to compel child support, or if, as the result of an
33 action initiated by or in behalf of one parent against the

1 other, a child support order has been entered in respect to
2 which there is noncompliance or delinquency, or where the
3 order so entered may be changed upon petition to the court to
4 provide additional support, the parent or other person having
5 custody of the child or the Illinois Department of Public Aid
6 may request the appropriate law enforcement officer to seek
7 enforcement of the remedy, or of the support order, or a
8 change therein to provide additional support. If the law
9 enforcement officer is not authorized by law to so act in
10 these instances, the parent, or if so authorized by law the
11 other person having custody of the child, or the Illinois
12 Department of Public Aid may initiate an action to enforce
13 these remedies.

14 A parent or other person having custody of the child must
15 comply with the requirements of Title IV of the federal
16 Social Security Act, and the regulations duly promulgated
17 thereunder, and any rules promulgated by the Illinois
18 Department of Public Aid regarding enforcement of the child
19 support obligation. The Illinois Department of Public Aid
20 and the Department of Human Services may provide by rule for
21 the grant or continuation of aid to the person for a
22 temporary period if he or she accepts counseling or other
23 services designed to increase his or her motivation to seek
24 enforcement of the child support obligation.

25 In addition to any other definition of failure or refusal
26 to comply with the requirements of Title IV of the federal
27 Social Security Act, or Illinois Department of Public Aid
28 rule, in the case of failure to attend court hearings, the
29 parent or other person can show cooperation by attending a
30 court hearing or, if a court hearing cannot be scheduled
31 within 14 days following the court hearing that was missed,
32 by signing a statement that the parent or other person is now
33 willing to cooperate in the child support enforcement process
34 and will appear at any later scheduled court date. The

1 parent or other person can show cooperation by signing such a
2 statement only once. If failure to attend the court hearing
3 or other failure to cooperate results in the case being
4 dismissed, such a statement may be signed after 2 months.

5 No denial or termination of medical assistance pursuant
6 to this Section shall commence during pregnancy of the parent
7 or other person having custody of the child or for 30 days
8 after the termination of such pregnancy. The termination of
9 medical assistance may commence thereafter if the Illinois
10 Department of Public Aid determines that the failure or
11 refusal to comply with this Section persists. Postponement
12 of denial or termination of medical assistance during
13 pregnancy under this paragraph shall be effective only to the
14 extent it does not conflict with federal law or regulation.

15 Any evidence a parent or other person having custody of
16 the child gives in order to comply with the requirements of
17 this Section shall not render him or her liable to
18 prosecution under Sections 11-7 or 11-8 of the "Criminal Code
19 of 1961", approved July 28, 1961, as amended.

20 When so requested, the Illinois Department of Public Aid
21 and the Department of Human Services shall provide such
22 services and assistance as the law enforcement officer may
23 require in connection with the filing of any action
24 hereunder.

25 The Illinois Department of Public Aid and the Department
26 of Human Services, and as an expense of administration, may
27 also provide applicants for and recipients of aid with such
28 services and assistance, including assumption of the
29 reasonable costs of prosecuting any action or proceeding, as
30 may be necessary to enable them to enforce the child support
31 liability required hereunder.

32 Nothing in this Section shall be construed as a
33 requirement that an applicant or recipient file an action for
34 dissolution of marriage against his or her spouse.

1 (Source: P.A. 89-507, eff. 7-1-97; 90-17, eff. 7-1-97;
2 revised 12-13-01.)

3 (305 ILCS 5/4-1.10) (from Ch. 23, par. 4-1.10)

4 Sec. 4-1.10. Acceptance of assignment to job search,
5 training and work programs. An individual for whom the job
6 search, training and work programs established under Article
7 IXA are applicable must accept assignment to such programs.
8 The Illinois Department of Human Services and the local
9 governmental unit shall determine, pursuant to rules and
10 regulations, sanctions for persons failing to comply with the
11 requirements under this Section. However, no participant
12 shall be sanctioned for failure to satisfy job search
13 requirements before a full assessment of the participant's
14 job readiness and employability, except that for those
15 persons subject to the job search program operated under this
16 Section an assessment as defined by rule at the time of
17 intake will meet the assessment requirement. No participant
18 shall be sanctioned for failure to satisfy the minimum number
19 of employer contacts if the participant made a good faith
20 effort.

21 (Source: P.A. 92-111, eff. 1-1-02.)

22 (305 ILCS 5/4-1.12)

23 Sec. 4-1.12. Five year limitation. No assistance unit
24 shall be eligible for a cash grant under this Article if it
25 includes an adult who has received cash assistance as an
26 adult for 60 months, whether or not consecutive, after the
27 effective date of this amendatory Act of 1997. The Illinois
28 Department of Human Services may exempt individual assistance
29 units from the 60-month limitation or determine circumstances
30 under which a month or months would not count towards the
31 60-month limitation even though the assistance unit did
32 receive cash assistance under this Article.

1 (Source: P.A. 90-17, eff. 7-1-97.)

2 (305 ILCS 5/4-2) (was 305 ILCS 5/4-2, subsec. (a))

3 Sec. 4-2. Amount of aid, generally. {a} The amount and
4 nature of financial aid shall be determined in accordance
5 with the grant amounts, rules and regulations of the ~~Illinois~~
6 Department of Human Services. Due regard shall be given to
7 the self-sufficiency requirements of the family and to the
8 income, money contributions and other support and resources
9 available, from whatever source. However, the amount and
10 nature of any financial aid is not affected by the payment of
11 any grant under the "Senior Citizens and Disabled Persons
12 Property 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 aid shall be sufficient, when
16 added to all other income, money contributions and support to
17 provide the family with a grant in the amount established by
18 Department of Human Services regulation.

19 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

20 (305 ILCS 5/4-2.5 new) (was 305 ILCS 5/4-2, subsec. (c))

21 Sec. 4-2.5. Amount of aid; child requiring care outside
22 home. {e} The amount and nature of the financial aid for a
23 child requiring care outside his own home shall be determined
24 in accordance with the rules and regulations of the ~~Illinois~~
25 Department of Human Services, with due regard to the needs
26 and requirements of the child in the foster home or
27 institution in which he has been placed.

28 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

29 (305 ILCS 5/4-2.10 new) (was 305 ILCS 5/4-2, subsec. (d))

30 Sec. 4-2.10. Amount of aid; pregnant woman with no
31 dependent child.

1 (a) (d) If the Department of Human Services establishes
 2 grants for family units consisting exclusively of a pregnant
 3 woman with no dependent child or including her husband if
 4 living with her, the grant amount for such a unit shall be
 5 equal to the grant amount for an assistance unit consisting
 6 of one adult, or 2 persons if the husband is included. Other
 7 than as herein described, an unborn child shall not be
 8 counted in determining the size of an assistance unit or for
 9 calculating grants.

10 (b) Payments for basic maintenance requirements of a
 11 child or children and the relative with whom the child or
 12 children are living shall be prescribed, by rule, by the
 13 ~~Illinois~~ Department of Human Services.

14 (c) Grants under this Article shall not be supplemented
 15 by General Assistance provided under Article VI.

16 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

17 (305 ILCS 5/4-2.15 new) (was 305 ILCS 5/4-2, subsecs. (f)
 18 and (g))

19 Sec. 4-2.15. Grant increase after birth of child.

20 (a) (f) An assistance unit, receiving financial aid
 21 under this Article or temporarily ineligible to receive aid
 22 under this Article under a penalty imposed by the ~~Illinois~~
 23 Department of Human Services for failure to comply with the
 24 eligibility requirements or that voluntarily requests
 25 termination of financial assistance under this Article and
 26 becomes subsequently eligible for assistance within 9 months,
 27 shall not receive any increase in the amount of aid solely on
 28 account of the birth of a child; except that an increase is
 29 not prohibited when the birth is (i) of a child of a pregnant
 30 woman who became eligible for aid under this Article during
 31 the pregnancy, or (ii) of a child born within 10 months after
 32 the date of implementation of this Section ~~subsection~~, or
 33 (iii) of a child conceived after a family became ineligible

1 for assistance due to income or marriage and at least 3
 2 months of ineligibility expired before any reapplication for
 3 assistance. This Section subsection does not, however,
 4 prevent a unit from receiving a general increase in the
 5 amount of aid that is provided to all recipients of aid under
 6 this Article.

7 (b) The Illinois Department of Human Services is
 8 authorized to transfer funds, and shall use any budgetary
 9 savings attributable to not increasing the grants due to the
 10 births of additional children, to supplement existing funding
 11 for employment and training services for recipients of aid
 12 under this Article IV. The Illinois Department shall target,
 13 to the extent the supplemental funding allows, employment and
 14 training services to the families who do not receive a grant
 15 increase after the birth of a child. In addition, the
 16 Illinois Department shall provide, to the extent the
 17 supplemental funding allows, such families with up to 24
 18 months of transitional child care pursuant to Illinois
 19 Department rules. All remaining supplemental funds shall be
 20 used for employment and training services or transitional
 21 child care support.

22 (c) In making the transfers authorized by this
 23 subsection (b), the Illinois Department of Human Services
 24 shall first determine, pursuant to regulations adopted by the
 25 Illinois Department for this purpose, the amount of savings
 26 attributable to not increasing the grants due to the births
 27 of additional children. Transfers may be made from General
 28 Revenue Fund appropriations for distributive purposes
 29 authorized by Article IV of this Code only to General Revenue
 30 Fund appropriations for employability development services
 31 including operating and administrative costs and related
 32 distributive purposes under Article IXA of this Code. The
 33 Secretary of Human Services Director, with the approval of
 34 the Governor, shall certify the amount and affected line item

1 appropriations to the State Comptroller.

2 (d) Nothing in this Section subsection shall be
3 construed to prohibit the Illinois Department of Human
4 Services from using funds under this Article IV to provide
5 assistance in the form of vouchers that may be used to pay
6 for goods and services deemed by the Illinois Department, by
7 rule, as suitable for the care of the child such as diapers,
8 clothing, school supplies, and cribs.

9 (g)--(Blank)--

10 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

11 (305 ILCS 5/4-2.20 new) (was 305 ILCS 5/4-2, subsec. (h))
12 Sec. 4-2.20. Reductions and increases in payment levels.

13 (a) (h) Notwithstanding any other provision of this
14 Code, the Illinois Department of Human Services is authorized
15 to reduce payment levels used to determine cash grants under
16 this Article after December 31 of any fiscal year if the
17 Illinois Department determines that the caseload upon which
18 the appropriations for the current fiscal year are based have
19 increased by more than 5% and the appropriation is not
20 sufficient to ensure that cash benefits under this Article do
21 not exceed the amounts appropriated for those cash benefits.

22 (b) Reductions in payment levels may be accomplished by
23 emergency rule under Section 5-45 of the Illinois
24 Administrative Procedure Act, except that the limitation on
25 the number of emergency rules that may be adopted in a
26 24-month period shall not apply and the provisions of
27 Sections 5-115 and 5-125 of the Illinois Administrative
28 Procedure Act shall not apply.

29 (c) Increases in payment levels shall be accomplished
30 only in accordance with Section 5-40 of the Illinois
31 Administrative Procedure Act. Before any rule to increase
32 payment levels promulgated under Sections 4-2 through this
33 Section shall become effective, a joint resolution approving

1 the rule must be adopted by a roll call vote by a majority of
 2 the members elected to each chamber of the General Assembly.
 3 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

4 (305 ILCS 5/4-2.25 new) (was 305 ILCS 5/4-2, subsec. (e))
 5 Sec. 4-2.25. Person to whom grant is paid. (e) Grants
 6 shall be paid to the parent or other person with whom the
 7 child or children are living, except for such amount as is
 8 paid in behalf of the child or his parent or other relative
 9 to other persons or agencies pursuant to this Code or the
 10 rules and regulations of the ~~Illinois~~ Department of Human
 11 Services.

12 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

13 (305 ILCS 5/4-2.30 new) (was 305 ILCS 5/4-2, subsec. (b))
 14 Sec. 4-2.30. Grant diversion projects. (b) The ~~Illinois~~
 15 Department of Human Services may conduct special projects,
 16 which may be known as Grant Diversion Projects, under which
 17 recipients of financial aid under this Article are placed in
 18 jobs and their grants are diverted to the employer who in
 19 turn makes payments to the recipients in the form of salary
 20 or other employment benefits. The ~~Illinois~~ Department shall
 21 by rule specify the terms and conditions of such Grant
 22 Diversion Projects. Such projects shall take into
 23 consideration and be coordinated with the programs
 24 administered under the Illinois Emergency Employment
 25 Development Act. insert

26 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

27 (305 ILCS 5/4-3a) (from Ch. 23, par. 4-3a)
 28 Sec. 4-3a. Handicapped children; special education. No
 29 otherwise qualified handicapped child receiving special
 30 education and related services under Article 14 of the School
 31 Code shall solely by reason of his or her handicap be

1 excluded from the participation in or be denied the benefits
2 of or be subjected to discrimination under any program or
3 activity provided by the Department of Human Services.

4 (Source: P.A. 80-1403.)

5 (305 ILCS 5/4-4.1)

6 Sec. 4-4.1. Immunizations.

7 (a) The ~~Illinois~~ Department of Public Aid shall develop
8 and implement and that Department and the Department of Human
9 Services shall jointly continue by rule a program to ensure
10 that children under 5 years of age living in assistance units
11 that receive benefits under this Code are immunized. The
12 ~~Illinois~~ Department of Public Aid shall report to the
13 Governor and the General Assembly on the progress of the
14 program on April 1, 1994 and 1995.

15 (b) Nothing in this Section shall be construed to
16 require immunization of any child in contravention of the
17 stated objections of a parent, guardian, or relative with
18 custody of a child that the administration of immunizing
19 agents conflicts with his or her religious tenets and
20 practices.

21 (Source: P.A. 88-342; 89-507, eff. 7-1-97.)

22 (305 ILCS 5/4-7) (from Ch. 23, par. 4-7)

23 Sec. 4-7. Home visits, interviews or communications. Each
24 family receiving aid shall be interviewed in person or
25 communicated with in investigations of applications for aid
26 and at least once in each subsequent 12 month period to
27 ascertain continuing need for such aid and to provide the
28 child and his parents or relatives with such service and
29 guidance as will strengthen family life and aid them in
30 utilizing to the maximum their capacities for self-care,
31 self-support, and responsible citizenship. However, the
32 Department of Human Services shall determine those assistance

1 units where the possibility for public assistance fraud or
 2 abuse is greatest, or where there is the possibility of
 3 frequent changes in need or circumstances, or where any child
 4 in the home may be an abused or neglected child as determined
 5 by the Department of Children and Family Services under the
 6 Abused and Neglected Child Reporting Act, as now or hereafter
 7 amended, and shall by rule provide for more frequent
 8 interviews of or communications with those assistance units
 9 and for the implementation of necessary remedies under
 10 Sections 4-8 through 4-8.20 and Section 4-9 for those
 11 assistance units. Written reports of such interviews or
 12 communications and any related remedies shall become a part
 13 of the record in every case.

14 (Source: P.A. 85-1209.)

15 (305 ILCS 5/4-8) (was 305 ILCS 5/4-8, subsec. (a), in
 16 part)

17 Sec. 4-8. Mismanagement of assistance grant. (a) If the
 18 county department has reason to believe that the money
 19 payment for basic maintenance is not being used, or may not
 20 be used, in the best interests of the child and the family
 21 and that there is present or potential damage to the
 22 standards of health and well-being that the grant is intended
 23 to assure, the county department shall provide the parent or
 24 other relative with the counseling and guidance services with
 25 respect to the use of the grant and the management of other
 26 funds available to the family as may be required to assure
 27 use of the grant in the best interests of the child and
 28 family.

29 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

30 (305 ILCS 5/4-8.5 new) (was 305 ILCS 5/4-8, subsec. (a),
 31 in part)

32 Sec. 4-8.5. Evidence of grant mismanagement. The Illinois

1 Department of Human Services shall by rule prescribe criteria
2 which shall constitute evidence of grant mismanagement. The
3 criteria shall include but not be limited to the following:

4 (1) A determination that a child in the assistance
5 unit is not receiving proper and necessary support or
6 other care for which assistance is being provided under
7 this Code.

8 (2) A record establishing that the parent or
9 relative has been found guilty of public assistance fraud
10 under Article VIII A.

11 (3) A determination by an appropriate person,
12 entity, or agency that the parent or other relative
13 requires treatment for alcohol or substance abuse, mental
14 health services, or other special care or treatment.

15 The Department of Human Services shall at least consider
16 non-payment of rent for two consecutive months as evidence of
17 grant mismanagement by a parent or relative of a recipient
18 who is responsible for making rental payments for the housing
19 or shelter of the child or family, unless the Department
20 determines that the non-payment is necessary for the
21 protection of the health and well-being of the recipient. The
22 county department shall advise the parent or other relative
23 grantee that continued mismanagement will result in the
24 application of one of the sanctions specified in Sections 4-8
25 through 4-8.20 ~~this-Section~~.

26 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

27 (305 ILCS 5/4-8.10 new) (was 305 ILCS 5/4-8, subsec. (a),
28 in part)

29 Sec. 4-8.10. Irregular school attendance.

30 (a) The ~~Illinois~~ Department of Human Services shall
31 consider irregular school attendance by children of school
32 age grades 1 through 8, as evidence of lack of proper and
33 necessary support or care. The Department may extend this

1 consideration to children in grades higher than 8.

2 (b) The Illinois Department of Human Services shall
 3 develop preventive programs in collaboration with school and
 4 social service networks to encourage school attendance of
 5 children receiving assistance under Article IV. To the
 6 extent that Illinois Department of Human Services and
 7 community resources are available, the programs shall serve
 8 families whose children in grades 1 through 8 are not
 9 attending school regularly, as defined by the school. The
 10 Department may extend these programs to families whose
 11 children are in grades higher than 8. The programs shall
 12 include referrals from the school to a social service
 13 network, assessment and development of a service plan by one
 14 or more network representatives, and the Illinois
 15 Department's encouragement of the family to follow through
 16 with the service plan. Families that fail to follow the
 17 service plan as determined by the service provider, shall be
 18 subject to the protective payment provisions of Sections 4-8
 19 through 4-8.20 ~~this-Section~~ and Section 4-9 of this Code.

20 (c) Families for whom a protective payment plan has been
 21 in effect for at least 3 months and whose school children
 22 continue to regularly miss school shall be subject to
 23 sanction under Section 4-21. The sanction shall continue
 24 until the children demonstrate satisfactory attendance, as
 25 defined by the school. To the extent necessary to implement
 26 this Section, the Illinois Department of Human Services shall
 27 seek appropriate waivers of federal requirements from the
 28 U.S. Department of Health and Human Services.

29 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

30 (305 ILCS 5/4-8.15 new) (was 305 ILCS 5/4-8, subsec. (b))
 31 Sec. 4-8.15. Substance abuse; assessment and treatment.

32 (a) ~~(b)~~ In areas of the State where clinically
 33 appropriate substance abuse treatment capacity is available,

1 if the Department of Human Services local office has reason
 2 to believe that a caretaker relative is experiencing
 3 substance abuse, the local office shall refer the caretaker
 4 relative to a licensed treatment provider for assessment. If
 5 the assessment indicates that the caretaker relative is
 6 experiencing substance abuse, the local office shall require
 7 the caretaker relative to comply with all treatment
 8 recommended by the assessment.

9 (b) If the caretaker relative refuses without good
 10 cause, as determined by rules of the ~~Illinois~~ Department of
 11 Human Services, to submit to the assessment or treatment, the
 12 caretaker relative shall be ineligible for assistance, and
 13 the Department of Human Services local office shall take one
 14 or more of the following actions:

15 (1) (i) If there is another family member or friend
 16 who is ensuring that the family's needs are being met,
 17 that person, if willing, shall be assigned as protective
 18 payee.

19 (2) (ii) If there is no family member or close
 20 friend to serve as protective payee, the local office
 21 shall provide for a protective payment to a substitute
 22 payee as provided in Section 4-9. The Department also
 23 shall determine whether a referral to the Department of
 24 Children and Family Services is warranted and, if
 25 appropriate, shall make the referral.

26 (3) (iii) The Department shall contact the
 27 individual who is thought to be experiencing substance
 28 abuse and explain why the protective payee has been
 29 assigned and refer the individual to treatment.

30 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

31 (305 ILCS 5/4-8.20 new) (was 305 ILCS 5/4-8, subsec. (c))
 32 Sec. 4-8.20. Failure of efforts to correct
 33 mismanagement.

1 (e) This Section subsection-(e) applies to cases other
 2 than those described in Section 4-8.15 subsection--(b). If
 3 the efforts to correct the mismanagement of the grant have
 4 failed, the county department, in accordance with the rules
 5 and regulations of the Illinois Department of Human Services,
 6 shall initiate one or more of the following actions:

7 (1) 1- Provide for a protective payment to a
 8 substitute payee, as provided in Section 4-9. This
 9 action may be initiated for any assistance unit
 10 containing a child determined to be neglected by the
 11 Department of Children and Family Services under the
 12 Abused and Neglected Child Reporting Act, and in any case
 13 involving a record of public assistance fraud.

14 (2) 2- Provide for issuance of all or part of the
 15 grant in the form of disbursing orders. This action may
 16 be initiated in any case involving a record of public
 17 assistance fraud, or upon the request of a substitute
 18 payee designated under Section 4-9.

19 (3) 3- File a petition under the Juvenile Court Act
 20 of 1987 for an Order of Protection under Section 2-25,
 21 2-26, 3-26, 3-27, 4-23, 4-24, 5-730, or 5-735 of that
 22 Act.

23 (4) 4- Institute a proceeding under the Juvenile
 24 Court Act of 1987 for the appointment of a guardian or
 25 legal representative for the purpose of receiving and
 26 managing the public aid grant.

27 (5) 5- If the mismanagement of the grant, together
 28 with other factors, has rendered the home unsuitable for
 29 the best welfare of the child, file a neglect petition
 30 under the Juvenile Court Act of 1987, requesting the
 31 removal of the child or children.

32 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

33 (305 ILCS 5/4-9) (from Ch. 23, par. 4-9)

1 Sec. 4-9. Protective payment to substitute payee. If the
2 parent or other grantee relative persistently mismanages the
3 grant to the detriment of the child and the family but there
4 is reason to believe that, with specialized counseling and
5 guidance services, the parent or relative may develop ability
6 to manage the funds properly, the county department, in
7 accordance with the rules and regulations of the Illinois
8 Department of Human Services, may designate a person who is
9 interested in or concerned with the welfare of the child and
10 its family to receive the aid payment on behalf of the
11 family. The county department may designate private welfare
12 or social service agencies to serve as substitute payees in
13 appropriate cases.

14 The substitute payee shall serve without compensation and
15 assume the obligation of seeing that the aid payment is
16 expended for the benefit of the child and the family. He may
17 spend the grant for the family, or supervise the parent or
18 other relative in the use of the grant, depending upon the
19 circumstances in each case, and shall make monthly reports to
20 the county department as the county department and the
21 Illinois Department of Human services may require.

22 The county department shall terminate the protective
23 payment when it is no longer necessary to assure that the
24 grant is being used for the welfare of the child and family,
25 or when the parent or other relative is no longer receiving
26 and no longer requires treatment for alcohol or substance
27 abuse, mental health services, or other special care or
28 treatment.

29 A substitute payee may be removed, in accordance with the
30 rules and regulations of the Illinois Department of Human
31 Services, for unsatisfactory service. The removal may be
32 effected without hearing. The decision shall not be
33 appealable to the Illinois Department of Human Services nor
34 shall it be reviewable in the courts.

1 The county department shall conduct periodic reviews as
2 may be required by the Illinois Department of Human Services
3 to determine whether there is a continuing need for a
4 protective payment. If it appears that the need for the
5 payment is likely to continue beyond a reasonable period, the
6 county department shall take one of the other actions set out
7 in Sections Section 4-8 through 4-8.20.

8 The parent or other relative shall be advised, in advance
9 of a determination to make a protective payment, that he may
10 appeal the decision to the Illinois Department of Human
11 Services under the provisions of Section 11-8 of Article XI.
12 (Source: P.A. 87-528; 87-895.)

13 (305 ILCS 5/4-10) (from Ch. 23, par. 4-10)

14 Sec. 4-10. Funeral and burial. If the estate of a
15 deceased recipient is insufficient to pay for funeral and
16 burial expenses, and if no other resources, including
17 assistance from legally responsible relatives, are available
18 for such purposes, there shall be paid, in accordance with
19 the standards, rules and regulations of the Illinois
20 Department of Human Services, such reasonable amounts as may
21 be necessary to meet costs of the funeral, burial space, and
22 cemetery charges or to reimburse any person not financially
23 responsible for the deceased who has voluntarily made
24 expenditures for such costs.

25 (Source: P.A. 90-372, eff. 7-1-98.)

26 (305 ILCS 5/4-12) (from Ch. 23, par. 4-12)

27 Sec. 4-12. Crisis assistance.

28 (a) Where a family has been (1) rendered homeless or
29 threatened with homelessness by fire, flood, other natural
30 disaster, eviction or court order to vacate the premises for
31 reasons other than nonpayment of rent, or where a spouse and
32 child have become homeless because they have left the

1 residence occupied by a spouse who was physically abusing the
2 now homeless spouse or child; (2) deprived of essential items
3 of furniture or essential clothing by fire or flood or other
4 natural disaster; (3) deprived of food as a result of actions
5 other than loss or theft of cash and where the deprivation
6 cannot be promptly alleviated through the federal food stamp
7 program; (4) as a result of a documented theft or documented
8 loss of cash, deprived of food or essential clothing or
9 deprived of shelter or immediately threatened with
10 deprivation of shelter as evidenced by a court order
11 requiring immediate eviction due to nonpayment of rent; or
12 (5) rendered the victim of such other hardships as the
13 Illinois Department of Human Services shall by rule define,
14 the Illinois Department of Human Services may provide
15 assistance to alleviate such needs.

16 (b) The Illinois Department of Human Services shall
17 verify need and determine eligibility for crisis assistance
18 for families already receiving grants from the Illinois
19 Department within 5 working days following application for
20 such assistance and shall determine eligibility for all other
21 families and afford such assistance for families found
22 eligible within such time limits as the Illinois Department
23 shall by rule provide.

24 (c) The Illinois Department of Human Services may, by
25 rule, limit crisis assistance to an eligible family to once
26 in any 12 consecutive months. This limitation may be made
27 for some or all items of crisis assistance.

28 (d) The Illinois Department of Human Services by
29 regulation shall specify the criteria for determining
30 eligibility and the amount and nature of assistance to be
31 provided. Where deprivation of shelter exists or is
32 threatened, the Illinois Department may provide reasonable
33 moving expenses, short term rental costs, including one
34 month's rent and a security deposit where such expenses are

1 needed for relocation, and, where the Department determines
 2 appropriate, provide assistance to prevent an imminent
 3 eviction or foreclosure. These amounts may be described in
 4 established amounts or maximums. The Illinois Department may
 5 also describe, for each form of assistance authorized, the
 6 method by which the assistance shall be delivered, including
 7 but not limited to warrants or disbursing orders.

8 (e) Annual expenditures under this Section shall not
 9 exceed \$2,000,000. The Illinois Department of Human Services
 10 shall review such expenditures quarterly and shall, if
 11 necessary, reduce the amounts or nature of assistance
 12 authorized in order to assure that the limit is not exceeded.
 13 (Source: P.A. 90-17, eff. 7-1-97.)

14 (305 ILCS 5/4-17)

15 Sec. 4-17. Targeted jobs TANF project.

16 (a) The Illinois Department of Human Services shall
 17 operate a targeted jobs TANF project under which individuals
 18 whose youngest child is 13 years of age or older shall be
 19 required to seek and accept employment. Cash assistance for
 20 these individuals shall be limited to 24 months unless the
 21 individual is working, as defined by rule, or is
 22 participating in a pay-after-performance program. The
 23 addition to the household of a child under 13 years of age or
 24 the birth of a child more than 10 months after enrollment
 25 into the targeted jobs TANF project shall not extend the
 26 period of eligibility.

27 (b) (Blank).

28 (c) (Blank).

29 (Source: P.A. 92-111, eff. 1-1-02.)

30 (305 ILCS 5/4-21)

31 Sec. 4-21. Sanctions.

32 (a) The Illinois Department of Human Services shall, by

1 rule, establish a system of sanctions for persons who fail to
2 cooperate, without good cause, with employment and training
3 programs or other programs under this Article or Article IXA
4 or who fail to cooperate with child support programs under
5 this Article, Article X, or Title IV of the federal Social
6 Security Act. The sanctions may discontinue all or part of
7 the cash grant provided under this Article. The sanctions
8 may be time limited or continue until the person cooperates
9 in the program. The sanctions may be progressive in that a
10 second, third, or further sanction may be progressively more
11 severe or last longer.

12 (b) The ~~Illinois~~ Department of Human Services shall, by
13 rule, define what constitutes failure to cooperate and what
14 constitutes good cause which would excuse that failure.

15 (Source: P.A. 90-17, eff. 7-1-97.)

16 (305 ILCS 5/4-22)

17 Sec. 4-22. Domestic violence.

18 (a) The assessment process to develop the personal plan
19 for achieving self-sufficiency shall include questions that
20 screen for domestic violence issues. If the individual
21 indicates that he or she is the victim of domestic violence
22 and indicates a need to address domestic violence issues in
23 order to reach self-sufficiency, the plan shall take this
24 factor into account in determining the work, education, and
25 training activities suitable to the client for achieving
26 self-sufficiency. In addition, in such a case, specific
27 steps needed to directly address the domestic violence issues
28 may also be made part of the plan, including referral to an
29 available domestic violence program.

30 (b) The ~~Illinois~~ Department of Human Services shall
31 develop and monitor compliance procedures for its employees,
32 contractors, and subcontractors to ensure that any
33 information pertaining to any client who claims to be a past

1 or present victim of domestic violence or an individual at
2 risk of further domestic violence, whether provided by the
3 victim or by a third party, will remain confidential.

4 (c) The Illinois Department of Human Services shall
5 develop and implement a domestic violence training curriculum
6 for Illinois Department employees who serve applicants for
7 and recipients of aid under this Article. The curriculum
8 shall be designed to better equip those employees to identify
9 and serve domestic violence victims. The Illinois Department
10 may enter into a contract for the development of the
11 curriculum with one or more organizations providing services
12 to domestic violence victims. The Illinois Department shall
13 adopt rules necessary to implement this subsection.

14 (Source: P.A. 90-17, eff. 7-1-97; 91-759, eff. 1-1-01.)

15 (305 ILCS 5/5-1.1) (from Ch. 23, par. 5-1.1)

16 Sec. 5-1.1. Definitions. The terms defined in this
17 Section shall have the meanings ascribed to them, except when
18 the context otherwise requires.

19 (a) "Skilled nursing facility" means a nursing home
20 eligible to participate as a skilled nursing facility under
21 Title XIX of the federal Social Security Act.

22 (b) "Intermediate care facility" means a nursing home
23 eligible to participate as an intermediate care facility
24 under Title XIX of the federal Social Security Act.

25 (c) "Standard services" means those services required
26 for the care of all patients in the facility and shall as a
27 minimum include the following: (1) administration; (2)
28 dietary (standard); (3) housekeeping; (4) laundry and linen;
29 (5) maintenance of property and equipment, including
30 utilities; (6) medical records; (7) training of employees;
31 (8) utilization review; (9) activities services; (10) social
32 services; (11) disability services; and all other similar
33 services required by either the laws of the State of Illinois

1 or one of its political subdivisions or municipalities or by
2 Title XIX of the Social Security Act.

3 (d) "Patient services" means those which vary with the
4 number of personnel; professional and para-professional
5 skills of the personnel; specialized equipment, and reflect
6 the intensity of the medical and psycho-social needs of the
7 patients. Patient services shall as a minimum include: (1)
8 physical services; (2) nursing services, including
9 restorative nursing; (3) medical direction and patient care
10 planning; (4) health related supportive and habilitative
11 services and all similar services required by either the laws
12 of the State of Illinois or one of its political subdivisions
13 or municipalities or by Title XIX of the Social Security Act.

14 (e) "Ancillary services" means those services which
15 require a specific physician's order and defined as under the
16 medical assistance program as not being routine in nature for
17 skilled nursing and intermediate care facilities. Such
18 services generally must be authorized prior to delivery and
19 payment as provided for under the rules of the Department of
20 Public Aid.

21 (f) "Capital" means the investment in a facility's
22 assets for both debt and non-debt funds. Non-debt capital is
23 the difference between an adjusted replacement value of the
24 assets and the actual amount of debt capital.

25 (g) "Profit" means the amount which shall accrue to a
26 facility as a result of its revenues exceeding its expenses
27 as determined in accordance with generally accepted
28 accounting principles.

29 (h) "Non-institutional services" means those services
30 provided under paragraph (f) of Section 3 of the Disabled
31 Persons Rehabilitation Act and those services provided under
32 Section 4.02 of the Illinois Act on the Aging.

33 (i) "Exceptional medical care" means the level of
34 medical care required by persons who are medically stable for

1 discharge from a hospital but who require acute intensity
2 hospital level care for physician, nurse and ancillary
3 specialist services, including persons with acquired
4 immunodeficiency syndrome (AIDS) or a related condition.
5 Such care shall consist of those services which the
6 Department of Public Aid shall determine by rule.

7 (j) "Institutionalized person" means an individual who
8 is an inpatient in an intermediate care or skilled nursing
9 facility, or who is an inpatient in a medical institution
10 receiving a level of care equivalent to that of an
11 intermediate care or skilled nursing facility, or who is
12 receiving services under Section 1915(c) of the Social
13 Security Act.

14 (k) "Institutionalized spouse" means an
15 institutionalized person who is expected to receive services
16 at the same level of care for at least 30 days and is married
17 to a spouse who is not an institutionalized person.

18 (l) "Community spouse" is the spouse of an
19 institutionalized spouse.

20 (Source: P.A. 89-626, eff. 8-9-96.)

21 (305 ILCS 5/5-1.2)

22 Sec. 5-1.2. Recipient eligibility verification.

23 (a) The ~~Illinois~~ Department of Public Aid shall initiate
24 a statewide system by which providers and sites of medical
25 care can electronically verify recipient eligibility for aid
26 under this Article. High-volume providers and sites of
27 medical care, as defined by the ~~Illinois~~ Department by rule,
28 shall be required to participate in the eligibility
29 verification system. Every non-high-volume provider and site
30 of medical care shall be afforded the opportunity to
31 participate in the eligibility verification system. The
32 ~~Illinois~~ Department shall provide by rule for implementation
33 of the system, which may be accomplished in phases over time

1 and by geographic region, recipient classification, and
2 provider type. The system shall initially be implemented in,
3 but not limited to, the following zip codes in Cook County:
4 60601, 60602, 60603, 60604, 60605, 60606, 60607, 60608,
5 60609, 60612, and 60616. The system shall be implemented
6 within 6 months after approval by the federal government.
7 The ~~Illinois~~ Department of Public Aid shall report to the
8 General Assembly by December 31, 1994 on the status of the
9 ~~Illinois~~ Department's application to the federal government
10 for approval of this system. The recipient eligibility
11 verification system may be coordinated with the Electronic
12 Benefits Transfer system established by Section 11-3.1 of
13 this Code and compatible with any of the methods for the
14 delivery of medical care and services authorized by this
15 Article. The system shall make available to providers the
16 history of claims for medical services submitted to the
17 ~~Illinois~~ Department of Public Aid for those services provided
18 to the recipient. The ~~Illinois~~ Department of Public Aid
19 shall develop safeguards to protect each recipient's health
20 information from misuse or unauthorized disclosure.

21 (b) The ~~Illinois~~ Department of Public Aid shall conduct
22 a demonstration project in at least 2 geographic locations
23 for the purpose of assessing the effectiveness of a recipient
24 photo identification card in reducing abuses in the provision
25 of services under this Article. In order to receive medical
26 care, recipients included in this demonstration project must
27 present a Medicaid card and photo identification card. The
28 ~~Illinois~~ Department shall apply for any federal waivers or
29 approvals necessary to conduct this demonstration project.
30 The demonstration project shall become operational (i) 12
31 months after the effective date of this amendatory Act of
32 1994 or (ii) after the ~~Illinois~~ Department's receipt of all
33 necessary federal waivers and approvals, whichever occurs
34 later, and shall operate for 12 months.

1 (Source: P.A. 88-554, eff. 7-26-94.)

2 (305 ILCS 5/5-2) (was 305 ILCS 5/5-2, in part)

3 Sec. 5-2. Classes of Persons Eligible. Medical
4 assistance under this Article shall be available to any of
5 the following classes of persons described in the Sections
6 following this Section and preceding Section 5-2.0100 in
7 respect to whom a plan for coverage has been submitted to the
8 Governor by the Illinois Department of Public Aid and
9 approved by him.†

10 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
11 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff.
12 7-3-01.)

13 (305 ILCS 5/5-2.05 new) (was 305 ILCS 5/5-2, par. 1)

14 Sec. 5-2.05. Recipients of basic maintenance grants.
15 Medical assistance under this Article shall be available to
16 the following class of persons in respect to whom a plan for
17 coverage has been submitted to the Governor by the Department
18 of Public Aid and approved by him: 1- recipients of basic
19 maintenance grants under Articles III and IV.

20 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
21 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff.
22 7-3-01.)

23 (305 ILCS 5/5-2.010 new) (was 305 ILCS 5/5-2, par. 2)

24 Sec. 5-2.010. Persons failing to qualify for basic
25 maintenance on the basis of need. Medical assistance under
26 this Article shall be available to the following class of
27 persons in respect to whom a plan for coverage has been
28 submitted to the Governor by the Department of Public Aid and
29 approved by him: 2- persons otherwise eligible for basic
30 maintenance under Articles III and IV but who fail to qualify
31 thereunder on the basis of need, and who have insufficient

1 income and resources to meet the costs of necessary medical
2 care, including but not limited to the following:

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

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

18 (B) (ii) their income, after the deduction of
19 costs incurred for medical care and for other types
20 of remedial care, is equal to or less than 70% in
21 fiscal year 2001, equal to or less than 85% in
22 fiscal year 2002, and equal to or less than 100% in
23 fiscal year 2003 and thereafter of the nonfarm
24 income official poverty line, as defined in item (A)
25 (i) of this paragraph (1) subparagraph-(a).

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

30 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
31 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff.
32 7-3-01.)

1 Sec. 5-2.015. Aid to the Medically Indigent. Medical
 2 assistance under this Article shall be available to the
 3 following class of persons in respect to whom a plan for
 4 coverage has been submitted to the Governor by the Department
 5 of Public Aid and approved by him: 3- persons who would
 6 otherwise qualify for Aid to the Medically Indigent under
 7 Article VII.

8 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
 9 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff.
 10 7-3-01.)

11 (305 ILCS 5/5-2.020 new) (was 305 ILCS 5/5-2, par. 4)

12 Sec. 5-2.020. Persons without sufficient resources.
 13 Medical assistance under this Article shall be available to
 14 the following class of persons in respect to whom a plan for
 15 coverage has been submitted to the Governor by the Department
 16 of Public Aid and approved by him: 4- persons not eligible
 17 under Section 5-2.05, 5-2.010, or 5-2.015 any--ef---the
 18 ~~preceeding--paragraphs~~ who fall sick, are injured, or die, not
 19 having sufficient money, property or other resources to meet
 20 the costs of necessary medical care or funeral and burial
 21 expenses.

22 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
 23 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff.
 24 7-3-01.)

25 (305 ILCS 5/5-2.025 new) (was 305 ILCS 5/5-2, par. 5)

26 Sec. 5-2.025. Pregnant women and their infants and
 27 children.

28 5- (a) Medical assistance under this Article shall be
 29 available to the following class of persons in respect to
 30 whom a plan for coverage has been submitted to the Governor
 31 by the Department of Public Aid and approved by him: women
 32 during pregnancy, after the fact of pregnancy has been

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

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

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

32 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
33 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff.
34 7-3-01.)

(305 ILCS 5/5-2.030 new) (was 305 ILCS 5/5-2, par. 6)

Sec. 5-2.030. Persons under age 18. Medical assistance under this Article shall be available to the following class of persons in respect to whom a plan for coverage has been submitted to the Governor by the Department of Public Aid and approved by him: ~~6-~~ persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the federal Social Security Act.

(Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00; 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff. 7-3-01.)

(305 ILCS 5/5-2.035 new) (was 305 ILCS 5/5-2, in part, and par. 7)

Sec. 5-2.035. Disabled persons age 18 or younger.

(a) Medical assistance under this Article shall be available to the following class of persons in respect to whom a plan for coverage has been submitted to the Governor by the Department of Public Aid and approved by him: ~~7-~~ persons who are 18 years of age or younger and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the ~~Illinois~~ Department of Public Aid determines that:

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

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

1 (3) ~~(e)~~ the estimated amount which would be
2 expended for care outside the institution is not greater
3 than the estimated amount which would be expended in an
4 institution.

5 (b) The Illinois Department of Public Aid and the
6 Governor shall provide a plan for coverage of the persons
7 eligible under this Section ~~paragraph-7~~ as soon as possible
8 after July 1, 1984.

9 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
10 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff.
11 7-3-01.)

12 (305 ILCS 5/5-2.040 new) (was 305 ILCS 5/5-2, par. 8)
13 Sec. 5-2.040. Persons ineligible for basic maintenance
14 due to employment earnings.

15 (a) Medical assistance under this Article shall be
16 available to the following class of persons in respect to
17 whom a plan for coverage has been submitted to the Governor
18 by the Department of Public Aid and approved by him: 8-
19 persons who become ineligible for basic maintenance
20 assistance under Article IV of this Code in programs
21 administered by the Illinois Department of Human Services due
22 to employment earnings and persons in assistance units
23 comprised of adults and children who become ineligible for
24 basic maintenance assistance under Article VI of this Code
25 due to employment earnings.

26 (b) The plan for coverage for this class of persons
27 shall:

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

31 (2) ~~(b)~~ offer persons who have initially received 6
32 months of the coverage provided in paragraph (1) ~~(a)~~
33 above, the option of receiving an additional 6 months of

1 coverage, subject to the following:

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

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

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

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

15 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
16 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff.
17 7-3-01.)

18 (305 ILCS 5/5-2.045 new) (was 305 ILCS 5/5-2, par. 9)

19 Sec. 5-2.045. Persons with AIDS. Medical assistance
20 under this Article shall be available to the following class
21 of persons in respect to whom a plan for coverage has been
22 submitted to the Governor by the Department of Public Aid and
23 approved by him: 9- persons with acquired immunodeficiency
24 syndrome (AIDS) or with AIDS-related conditions with respect
25 to whom there has been a determination that but for home or
26 community-based services such individuals would require the
27 level of care provided in an inpatient hospital, skilled
28 nursing facility or intermediate care facility the cost of
29 which is reimbursed under this Article. Assistance shall be
30 provided to such persons to the maximum extent permitted
31 under Title XIX of the federal Social Security Act.

32 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
33 91-712, eff. 92-16, eff. 6-28-01; 92-47, eff. 7-3-01.)

(305 ILCS 5/5-2.050 new) (was 305 ILCS 5/5-2, par. 10)

Sec. 5-2.050. Participants in long-term care insurance partnership program. Medical assistance under this Article shall be available to the following class of persons in respect to whom a plan for coverage has been submitted to the Governor by the Department of Public Aid and approved by him:
10- participants in the long-term care insurance partnership program established under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act.

(Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00; 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff. 7-3-01.)

(305 ILCS 5/5-2.055 new) (was 305 ILCS 5/5-2, par. 11)

Sec. 5-2.055. Persons eligible for "Medicaid Buy-In" program. Medical assistance under this Article shall be available to the following class of persons in respect to whom a plan for coverage has been submitted to the Governor by the Department of Public Aid and approved by him: 11- persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as provided by the Illinois Department of Public Aid by rule.

(Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00; 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff. 7-3-01.)

(305 ILCS 5/5-2.060 new) (was 305 ILCS 5/5-2, par. 12)

Sec. 5-2.060. Persons eligible under the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

(a) Medical assistance under this Article shall be available to the following class of persons in respect to whom a plan for coverage has been submitted to the Governor

1 by the Department of Public Aid and approved by him: 12-
 2 subject to federal approval, persons who are eligible for
 3 medical assistance coverage under applicable provisions of
 4 the federal Social Security Act and the federal Breast and
 5 Cervical Cancer Prevention and Treatment Act of 2000. Those
 6 eligible persons are defined to include, but not be limited
 7 to, the following persons:

8 (1) persons who have been screened for breast or
 9 cervical cancer under the U.S. Centers for Disease
 10 Control and Prevention Breast and Cervical Cancer Program
 11 established under Title XV of the federal Public Health
 12 Services Act in accordance with the requirements of
 13 Section 1504 of that Act as administered by the Illinois
 14 Department of Public Health; and

15 (2) persons whose screenings under the above
 16 program were funded in whole or in part by funds
 17 appropriated to the Illinois Department of Public Health
 18 for breast or cervical cancer screening.

19 (b) "Medical assistance" under this Section ~~paragraph-12~~
 20 shall be identical to the benefits provided under the State's
 21 approved plan under Title XIX of the Social Security Act.
 22 The Department of Public Aid must request federal approval of
 23 the coverage under this Section ~~paragraph-12~~ within 30 days
 24 after the effective date of this amendatory Act of the 92nd
 25 General Assembly.

26 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
 27 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff.
 28 7-3-01.)

29 (305 ILCS 5/5-2.0100 new) (was 305 ILCS 5/5-2, in part)
 30 Sec. 5-2.0100. Factors affecting eligibility for medical
 31 assistance.

32 (a) The eligibility of any such person for medical
 33 assistance under this Article is not affected by the payment

1 of any grant under the Senior Citizens and Disabled Persons
 2 Property Tax Relief and Pharmaceutical Assistance Act or any
 3 distributions or items of income described under subparagraph
 4 (X) of paragraph (2) of subsection (a) of Section 203 of the
 5 Illinois Income Tax Act.

6 (b) The Department of Public Aid shall by rule establish
 7 the amounts of assets to be disregarded in determining
 8 eligibility for medical assistance, which shall at a minimum
 9 equal the amounts to be disregarded under the federal
 10 Supplemental Security Income Program. The amount of assets
 11 of a single person to be disregarded shall not be less than
 12 \$2,000, and the amount of assets of a married couple to be
 13 disregarded shall not be less than \$3,000.

14 (c) To the extent permitted under federal law, any
 15 person found guilty of a second violation of Article VIII A
 16 shall be ineligible for medical assistance under this
 17 Article, as provided in Section 8A-8.

18 (d) The eligibility of any person for medical assistance
 19 under this Article shall not be affected by the receipt by
 20 the person of donations or benefits from fundraisers held for
 21 the person in cases of serious illness, as long as neither
 22 the person nor members of the person's family have actual
 23 control over the donations or benefits or the disbursement of
 24 the donations or benefits.

25 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
 26 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff.
 27 7-3-01.)

28 (305 ILCS 5/5-2.1a)

29 Sec. 5-2.1a. Treatment of trust amounts. To the extent
 30 required by federal law, the Illinois Department shall
 31 provide by rule for the consideration of trusts and similar
 32 legal instruments or devices established by a person in the
 33 Illinois Department's determination of the person's

1 eligibility for and the amount of assistance provided under
2 this Article. This Section shall be enforced by the
3 Department of Human Services, acting as successor to the
4 Department of Public Aid under the Department of Human
5 Services Act.

6 (Source: P.A. 88-554, eff. 7-26-94; 89-507, eff. 7-1-97.)

7 (305 ILCS 5/5-2.2) (from Ch. 23, par. 5-2.2)

8 Sec. 5-2.2. Cooperation in establishing support
9 obligation. A parent or other person having custody of the
10 child or a spouse who fails or refuses to comply with the
11 requirements of Title XIX of the federal Social Security Act,
12 and the regulations duly promulgated thereunder, regarding
13 establishment and enforcement of the child or spousal support
14 obligation shall be ineligible for medical assistance and
15 shall remain ineligible for medical assistance for as long as
16 the failure or refusal persists.

17 In addition to any other definition of failure or refusal
18 to comply with the requirements of Title XIX of the federal
19 Social Security Act, in the case of failure to attend court
20 hearings, the parent or other person can show cooperation by
21 attending a court hearing or, if a court hearing cannot be
22 scheduled within 30 days following the court hearing that was
23 missed, by signing a statement that the parent or other
24 person is now willing to cooperate in the child support
25 enforcement process and will appear at any later scheduled
26 court date. The parent or other person can show cooperation
27 by signing such a statement only once. If failure to attend
28 the court hearing or other failure to cooperate results in
29 the case being dismissed, such a statement may be signed
30 after 2 months.

31 No denial or termination of medical assistance pursuant
32 to this Section shall commence during pregnancy of the parent
33 or other person having custody of the child or for 30 days

1 after the termination of such pregnancy. The termination of
 2 medical assistance may commence thereafter if the Illinois
 3 Department of Public Aid determines that the failure or
 4 refusal to comply with this Section persists. Postponement
 5 of denial or termination of medical assistance during
 6 pregnancy under this paragraph shall be effective only to the
 7 extent it does not conflict with federal law or regulation.
 8 (Source: P.A. 85-1155.)

9 (305 ILCS 5/5-2.3)

10 Sec. 5-2.3. Notice of rights concerning
 11 institutionalization. The Illinois Department of Public Aid
 12 shall prepare a notice to be given to every applicant for and
 13 recipient of medical assistance under this Article when the
 14 applicant or recipient, or the spouse of the applicant or
 15 recipient, or a person for whom the applicant or recipient is
 16 the primary caretaker, becomes an institutionalized person.
 17 The notice shall fully and completely inform the
 18 institutionalized person (and that person's spouse or primary
 19 caretaker, if applicable) of each individual's rights and
 20 obligations under this Code with respect to that
 21 institutionalization.
 22 (Source: P.A. 88-162.)

23 (305 ILCS 5/5-4) (from Ch. 23, par. 5-4)

24 Sec. 5-4. Amount and nature of medical assistance. The
 25 amount and nature of medical assistance shall be determined
 26 by the county departments in accordance with the standards,
 27 rules, and regulations of the Illinois Department of Public
 28 Aid, with due regard to the requirements and conditions in
 29 each case, including contributions available from legally
 30 responsible relatives. However, the amount and nature of
 31 such medical assistance shall not be affected by the payment
 32 of any grant under the Senior Citizens and Disabled Persons

1 Property Tax Relief and Pharmaceutical Assistance Act or any
2 distributions or items of income described under subparagraph
3 (X) of paragraph (2) of subsection (a) of Section 203 of the
4 Illinois Income Tax Act. The amount and nature of medical
5 assistance shall not be affected by the receipt of donations
6 or benefits from fundraisers in cases of serious illness, as
7 long as neither the person nor members of the person's family
8 have actual control over the donations or benefits or the
9 disbursement of the donations or benefits.

10 In determining the income and assets available to the
11 institutionalized spouse and to the community spouse, the
12 Illinois Department of Public Aid shall follow the procedures
13 established by federal law. The community spouse resource
14 allowance shall be established and maintained at the maximum
15 level permitted pursuant to Section 1924(f)(2) of the Social
16 Security Act, as now or hereafter amended, or an amount set
17 after a fair hearing, whichever is greater. The monthly
18 maintenance allowance for the community spouse shall be
19 established and maintained at the maximum level permitted
20 pursuant to Section 1924(d)(3)(C) of the Social Security Act,
21 as now or hereafter amended. Subject to the approval of the
22 Secretary of the United States Department of Health and Human
23 Services, the provisions of this Section shall be extended to
24 persons who but for the provision of home or community-based
25 services under Section 4.02 of the Illinois Act on the Aging,
26 would require the level of care provided in an institution,
27 as is provided for in federal law.

28 The Department of Human Services shall notify in writing
29 each institutionalized spouse who is a recipient of medical
30 assistance under this Article, and each such person's
31 community spouse, of the changes in treatment of income and
32 resources, including provisions for protecting income for a
33 community spouse and permitting the transfer of resources to
34 a community spouse, required by enactment of the federal

1 Medicare Catastrophic Coverage Act of 1988 (Public Law
 2 100-360). The notification shall be in language likely to be
 3 easily understood by those persons. The Department of Human
 4 Services also shall reassess the amount of medical assistance
 5 for which each such recipient is eligible as a result of the
 6 enactment of that federal Act, whether or not a recipient
 7 requests such a reassessment.

8 (Source: P.A. 90-655, eff. 7-30-98; 91-676, eff. 12-23-99.)

9 (305 ILCS 5/5-4.1) (from Ch. 23, par. 5-4.1)

10 Sec. 5-4.1. Co-payments. The Department of Public Aid
 11 may by rule provide that recipients under any Article of this
 12 Code (other than group care recipients) shall pay a fee as a
 13 co-payment for services. Co-payments may not exceed one
 14 dollar for pharmacy services, physicians services, dental
 15 services, optical services and supplies, chiropractic
 16 services, podiatry services, and encounter rate clinic
 17 services. Co-payments may not exceed three dollars for
 18 hospital outpatient and clinic services. Provided, however,
 19 that any such rule must provide that no co-payment
 20 requirement can exist for renal dialysis, radiation therapy,
 21 cancer chemotherapy, or insulin, and other products necessary
 22 on a recurring basis, the absence of which would be life
 23 threatening, or where co-payment expenditures for required
 24 services and/or medications for chronic diseases that the
 25 ~~Illinois~~ Department of Public Aid shall by rule designate
 26 shall cause an extensive financial burden on the recipient,
 27 and provided no co-payment shall exist for emergency room
 28 encounters which are for medical emergencies.

29 (Source: P.A. 82-664.)

30 (305 ILCS 5/5-4.2) (from Ch. 23, par. 5-4.2)

31 Sec. 5-4.2. Ambulance services payments. For ambulance
 32 services provided to a recipient of aid under this Article on

1 or after January 1, 1993, the Illinois Department of Public
2 Aid shall reimburse ambulance service providers at rates
3 calculated in accordance with this Section. It is the intent
4 of the General Assembly to provide adequate reimbursement for
5 ambulance services so as to ensure adequate access to
6 services for recipients of aid under this Article and to
7 provide appropriate incentives to ambulance service providers
8 to provide services in an efficient and cost-effective
9 manner. Thus, it is the intent of the General Assembly that
10 the Illinois Department of Public Aid implement a
11 reimbursement system for ambulance services that, to the
12 extent practicable and subject to the availability of funds
13 appropriated by the General Assembly for this purpose, is
14 consistent with the payment principles of Medicare. To
15 ensure uniformity between the payment principles of Medicare
16 and Medicaid, the Illinois Department of Public Aid shall
17 follow, to the extent necessary and practicable and subject
18 to the availability of funds appropriated by the General
19 Assembly for this purpose, the statutes, laws, regulations,
20 policies, procedures, principles, definitions, guidelines,
21 and manuals used to determine the amounts paid to ambulance
22 service providers under Title XVIII of the Social Security
23 Act (Medicare).

24 For ambulance services provided to a recipient of aid
25 under this Article on or after January 1, 1996, the Illinois
26 Department of Public Aid shall reimburse ambulance service
27 providers based upon the actual distance traveled if a
28 natural disaster, weather conditions, road repairs, or
29 traffic congestion necessitates the use of a route other than
30 the most direct route.

31 For purposes of this Section, "ambulance services"
32 includes medical transportation services provided by means of
33 an ambulance, medi-car, service car, or taxi.

34 This Section does not prohibit separate billing by

1 ambulance service providers for oxygen furnished while
2 providing advanced life support services.

3 (Source: P.A. 88-104; 89-43, eff. 1-1-96.)

4 (305 ILCS 5/5-4.20) (from Ch. 23, par. 5-4.20)

5 Sec. 5-4.20. Definitions. As used in this Section and
6 in Sections 5-4.21 through 5-4.29:

7 "Fund" means the Medicaid Developmentally Disabled
8 Provider Participation Fee Trust Fund.

9 "Fee" means a provider participation fee paid by
10 facilities under Sections 5-4.21 through 5-4.29.

11 "Facility" means a medicaid certified intermediate care
12 facility for persons with a developmental disability or
13 intermediate care facility for persons with a developmental
14 disability of 16 beds or less, but shall not include
15 State-operated facilities.

16 "Gross receipts" means all payments for medical services
17 delivered under Title XIX of the Social Security Act and
18 Article V of this Code and shall mean any and all payments
19 made by the ~~Illinois~~ Department of Public Aid, or a Division
20 thereof, to a Medical Assistance Program provider certified
21 to participate in the Illinois Medical Assistance Program,
22 for services rendered eligible for Medical Assistance under
23 Article V of this Code, State regulations and the federal
24 Medicaid Program as defined in Title XIX of the Social
25 Security Act and federal regulations.

26 (Source: P.A. 87-13; 88-380.)

27 (305 ILCS 5/5-4.21) (from Ch. 23, par. 5-4.21)

28 Sec. 5-4.21. Medicaid Provider Participation Fee Trust
29 Fund for Persons With a Developmental Disability.

30 (a) There is created in the State treasury the Medicaid
31 Provider Participation Fee Trust Fund for Persons With a
32 Developmental Disability. Interest earned by the Fund shall

1 be credited to the Fund. The monies in the Fund shall be
 2 matched with federal Medicaid program dollars in accordance
 3 with the provisions of this Section and shall be exempt from
 4 any State budget reduction Acts. The Fund shall not be used
 5 to replace any funds appropriated to the Medicaid program by
 6 the General Assembly.

7 (b) The Fund is created for the purpose of receiving and
 8 disbursing monies in accordance with Sections 5-4.20 through
 9 5-4.29 of this Code. Disbursements from the Fund shall be
 10 made only:

11 (1) for payments to intermediate care facilities
 12 for persons with a developmental disability under Title
 13 XIX of the Social Security Act and Article V of this
 14 Code;

15 (2) for the reimbursement of monies collected by
 16 the Illinois Department of Public Aid through error or
 17 mistake;

18 (3) for payment of administrative expenses incurred
 19 by the Illinois Department of Public Aid or its agent in
 20 performing the activities authorized by Sections 5-4.20
 21 through 5-4.29 of this Code;

22 (4) for maintaining contingency reserves of no more
 23 than 3% of the total monies collected in any one year;

24 (5) for payments of any amounts which are
 25 reimbursable to the federal government for payments from
 26 this Fund which are required to be paid by State warrant;
 27 and

28 (6) (Blank).

29 Disbursements from this Fund shall be by warrants drawn
 30 by the State Comptroller upon receipt of vouchers duly
 31 executed and certified by the Illinois Department of Public
 32 Aid.

33 (c) The Fund shall consist of:

34 (1) all monies collected or received by the

1 Illinois Department of Public Aid under Section 5-4.22 of
2 this Code;

3 (2) all federal matching funds received by the
4 Illinois Department of Public Aid as a result of
5 expenditures made by the Illinois Department as required
6 by Section 5-4.27 of this Code, that are attributable to
7 monies deposited in the Fund;

8 (3) any interest or penalty levied in conjunction
9 with the administration of the Fund; and

10 (4) all other monies received for the Fund from any
11 other source, including interest earned thereon.

12 (d) All payments received by the Illinois Department of
13 Public Aid shall be credited first to any interest or
14 penalty, and then to the fee due.

15 (Source: P.A. 89-626, eff. 8-9-96; 90-372, eff. 7-1-98.)

16 (305 ILCS 5/5-4.22) (from Ch. 23, par. 5-4.22)

17 Sec. 5-4.22. Provider participation fees. For the
18 period July 1, 1991 through June 30, 1992, a fee is imposed
19 upon each facility in an amount equal to 15% of the
20 provider's gross receipts for services provided for the
21 previous State fiscal year as determined and reported by the
22 Illinois Department of Public Aid. This fee is imposed
23 pursuant to the authority granted by Sections 1 and 2 of
24 Article IX of the Illinois Constitution of 1970.

25 (Source: P.A. 87-13; 87-861.)

26 (305 ILCS 5/5-4.23) (from Ch. 23, par. 5-4.23)

27 Sec. 5-4.23. Payment of fees due.

28 (a) The fees described in Section 5-4.22 shall be due
29 and payable on a calendar quarterly basis.

30 (b) The fee shall be payable to and collected by the
31 Illinois Department of Public Aid in equal quarterly amounts
32 due on the first business day of each calendar quarter. All

1 monies collected under Section 5-4.22 shall be deposited into
2 the Fund.

3 (c) The Director of Public Aid ~~the--Illinois--Department~~
4 is authorized to establish delayed payment schedules for
5 facilities that are unable to make timely payments under this
6 subsection due to financial difficulties. The delayed
7 payments shall include interest at a rate not to exceed the
8 State of Illinois borrowing rate. The interest may be waived
9 by the Director for good cause shown.

10 (Source: P.A. 87-13.)

11 (305 ILCS 5/5-4.24) (from Ch. 23, par. 5-4.24)

12 Sec. 5-4.24. Notification. The ~~Illinois~~ Department of
13 Public Aid shall notify each provider of the results of its
14 calculations under Section 5-4.22 of this Code. If a
15 facility, so notified, does not submit a request for
16 reconsideration, the calculations shall be considered final.
17 The notification shall be in writing.

18 (Source: P.A. 87-13.)

19 (305 ILCS 5/5-4.25) (from Ch. 23, par. 5-4.25)

20 Sec. 5-4.25. Procedures for reconsideration and final
21 reconciliation. Each facility shall have the right to
22 reconsideration of the amount of its fee. The ~~Illinois~~
23 Department of Public Aid shall conduct a final
24 reconciliation. Each facility shall be entitled to receive
25 enhanced reimbursement through disbursements made under
26 Section 5-4.27 in an amount at least equal to the amount of
27 the fee imposed on the facility under Section 5-4.22.

28 (Source: P.A. 87-13.)

29 (305 ILCS 5/5-4.26) (from Ch. 23, par. 5-4.26)

30 Sec. 5-4.26. Penalties.

31 (a) Any facility that fails to pay the fee when due or

1 pays less than the full amount due, shall be assessed a
2 penalty of 10% of the delinquency or deficiency for each
3 month, or any fraction thereof, computed on the full amount
4 of the delinquency or deficiency, from the time the fee was
5 due.

6 (b) In addition, the ~~Illinois~~ Department of Public Aid
7 may take action to notify the Office of the Comptroller to
8 collect any amount of monies owed under Sections 5-4.20
9 through 5-4.29 of this Code, pursuant to Section 10.05 of the
10 State Comptroller Act, or may suspend payments to, or cancel
11 or refuse to issue, extend, or reinstate a Provider Agreement
12 to, any facility which has failed to pay any delinquent fee
13 or penalty.

14 (Source: P.A. 87-13.)

15 (305 ILCS 5/5-4.27) (from Ch. 23, par. 5-4.27)

16 Sec. 5-4.27. Disbursements to facilities.

17 (a) The ~~Illinois~~ Department of Public Aid shall develop
18 a reimbursement methodology which shall enhance reimbursement
19 to facilities sufficiently to expend the fee monies described
20 in Section 5-4.22 of this Code, and the federal matching
21 funds received by the ~~Illinois~~ Department as a result of
22 expenditures made by the ~~Illinois~~ Department as required by
23 this Section and Section 5-4.21 that are attributable to fee
24 monies deposited in the Fund.

25 (b) All payments to facilities under this Section are
26 conditional on:

27 (1) expiration of the time limitations for
28 reconsiderations under Section 5-4.25 of this Code; and

29 (2) the availability of sufficient monies in the
30 Fund to make the payments required by this Section after
31 the final reconciliation determined under Section 5-4.25
32 of this Code.

33 (c) If amounts in the Fund are insufficient to make the

1 total amount of payments for which facilities are eligible,
2 the Illinois Department of Public Aid shall reduce the amount
3 of each payment by the percentage by which the amounts are
4 insufficient. Any amounts not paid when due shall be paid to
5 facilities as soon as monies are available in the Fund.

6 (d) If one or more facilities files suit in any court
7 challenging any part of Sections 5-4.20 through 5-4.29 of
8 this Code, payments to facilities under these Sections shall
9 be made only to the extent that sufficient monies are
10 available in the Fund and only to the extent that any monies
11 in the Fund are not prohibited from disbursement under any
12 order of the Court.

13 (Source: P.A. 87-13.)

14 (305 ILCS 5/5-4.28) (from Ch. 23, par. 5-4.28)
15 Sec. 5-4.28. Annual audit.

16 (a) The Illinois Department of Public Aid shall conduct
17 an annual audit of the Fund to determine that amounts
18 received from or paid to facilities were correct. If such an
19 audit identifies amounts that a facility should not have been
20 required to pay but did pay, a facility should have been
21 required to pay but did not pay, a facility should not have
22 received but did receive, or a facility should have received
23 but did not receive, the Illinois Department of Public Aid
24 shall:

- 25 (1) Make required payments to any such facility, or
- 26 (2) Take action to recover required amounts from
27 any such facility, including recoupment from future
28 payments.

29 (b) Amounts recovered from a facility shall be credited
30 to the Fund. A facility is entitled to recover amounts paid
31 to the Department of Public Aid and to receive refunds and
32 payments from the Department under this Section only to the
33 extent that monies are available in the Fund.

1 (Source: P.A. 87-13.)

2 (305 ILCS 5/5-4.30) (from Ch. 23, par. 5-4.30)

3 Sec. 5-4.30. Definitions. As used in this Section and
4 in Sections 5-4.31 through 5-4.39:

5 "Fund" means the Medicaid Long Term Care Provider
6 Participation Fee Trust Fund.

7 "Fee" means a provider participation fee paid by
8 facilities under Sections 5-4.31 through 5-4.39.

9 "Facility" means a skilled or intermediate nursing
10 facility, including county nursing homes directed and
11 maintained pursuant to Section 5-1005 of the Counties Code,
12 but shall not include State-operated facilities and shall not
13 include an intermediate care facility for persons with a
14 developmental disability.

15 "Gross receipts" means all payments for medical services
16 delivered under Title XIX of the Social Security Act and
17 Article V of this Code and shall mean any and all payments
18 made by the Illinois Department of Public Aid, or a Division
19 thereof, to a Medical Assistance Program provider certified
20 to participate in the Illinois Medical Assistance Program,
21 for services rendered eligible for Medical Assistance under
22 Article V of this Code, State regulations and the federal
23 Medicaid Program as defined in Title XIX of the Social
24 Security Act and federal regulations.

25 (Source: P.A. 87-13; 88-380.)

26 (305 ILCS 5/5-4.31) (from Ch. 23, par. 5-4.31)

27 Sec. 5-4.31. Medicaid Long Term Care Provider
28 Participation Fee Trust Fund.

29 (a) There is created in the State treasury the Medicaid
30 Long Term Care Provider Participation Fee Trust Fund.
31 Interest earned by the Fund shall be credited to the Fund.
32 The monies in the Fund shall be matched with federal Medicaid

1 program dollars in accordance with the provisions of this
2 Section and shall be exempt from any State budget reduction
3 Acts. The Fund shall not be used to replace any funds
4 appropriated to the Medicaid program by the General Assembly.

5 (b) The Fund is created for the purpose of receiving and
6 disbursing monies in accordance with Sections 5-4.30 through
7 5-4.39 of this Code. Disbursements from the Fund shall be
8 made only:

9 (1) for payments to skilled or intermediate nursing
10 facilities, including county nursing facilities,
11 excluding State-operated facilities, under Title XIX of
12 the Social Security Act and Article V of this Code;

13 (2) for the reimbursement of monies collected by
14 the Illinois Department of Public Aid through error or
15 mistake;

16 (3) for payment of administrative expenses incurred
17 by the Illinois Department of Public Aid or its agent in
18 performing the activities authorized by Sections 5-4.30
19 through 5-4.39 of this Code;

20 (4) for maintaining contingency reserves of no more
21 than 3% of the total monies collected in any one year;

22 (5) for payments of any amounts which are
23 reimbursable to the federal government for payments from
24 this Fund which are required to be paid by State warrant;
25 and

26 (6) (Blank).

27 Disbursements from this Fund shall be by warrants drawn
28 by the State Comptroller upon receipt of vouchers duly
29 executed and certified by the Illinois Department of Public
30 Aid.

31 (c) The Fund shall consist of:

32 (1) all monies collected or received by the
33 Illinois Department of Public Aid under Section 5-4.32 of
34 this Code;

1 (2) all federal matching funds received by the
 2 Illinois Department of Public Aid as a result of
 3 expenditures made by the Illinois Department as required
 4 by Section 5-4.37 of this Code, that are attributable to
 5 monies deposited in the Fund;

6 (3) any interest or penalty levied in conjunction
 7 with the administration of the Fund; and

8 (4) all other monies received for the Fund from any
 9 other source, including interest earned thereon.

10 (d) All payments received by the Illinois Department of
 11 Public Aid shall be credited first to any interest or
 12 penalty, and then to the fee due.

13 (Source: P.A. 89-626, eff. 8-9-96; 90-372, eff. 7-1-98.)

14 (305 ILCS 5/5-4.32) (from Ch. 23, par. 5-4.32)

15 Sec. 5-4.32. Provider participation fee. For the period
 16 July 1, 1991, through June 30, 1992, a fee is imposed upon
 17 each facility in an amount equal to 15% of the facility's
 18 gross receipts for services provided for the previous State
 19 fiscal year as determined and reported by the Illinois
 20 Department of Public Aid. This fee is imposed pursuant to
 21 the authority granted by Sections 1 and 2 of Article IX of
 22 the Illinois Constitution of 1970.

23 (Source: P.A. 87-13; 87-861.)

24 (305 ILCS 5/5-4.33) (from Ch. 23, par. 5-4.33)

25 Sec. 5-4.33. Payment of fees due.

26 (a) The fees described in Section 5-4.32 shall be due
 27 and payable on a calendar quarterly basis. The Illinois
 28 Department of Public Aid may provide that county nursing
 29 homes directed and maintained pursuant to Section 5-1005 of
 30 the Counties Code may meet their fee obligation by certifying
 31 to the Illinois Department that county expenditures have been
 32 obligated for the operation of the county nursing home in an

1 amount at least equal to the amount of the fee.

2 (b) The fee shall be payable to and collected by the
3 Illinois Department of Public Aid in equal quarterly amounts
4 due on the first business day of each calendar quarter. All
5 monies collected under Section 5-4.32 shall be deposited into
6 the Fund.

7 (c) The Director of Public Aid ~~the Illinois Department~~
8 is authorized to establish delayed payment schedules for
9 facilities that are unable to make timely payments under this
10 subsection due to financial difficulties. The delayed
11 payments shall include interest at a rate not to exceed the
12 State of Illinois borrowing rate. The interest may be waived
13 by the Director for good cause shown.

14 (Source: P.A. 87-13.)

15 (305 ILCS 5/5-4.34) (from Ch. 23, par. 5-4.34)

16 Sec. 5-4.34. Notification. The Illinois Department of
17 Public Aid shall notify each provider of the results of its
18 calculations under Section 5-4.32 of this Code. If a
19 facility, so notified, does not submit a request for
20 reconsideration, the calculations shall be considered final.
21 The notification shall be in writing.

22 (Source: P.A. 87-13.)

23 (305 ILCS 5/5-4.35) (from Ch. 23, par. 5-4.35)

24 Sec. 5-4.35. Procedures for reconsideration and final
25 reconciliation. Each facility shall have the right to
26 reconsideration of the amount of its fee. The Illinois
27 Department of Public Aid shall conduct a final
28 reconciliation.

29 Each facility shall be entitled to receive enhanced
30 reimbursement through disbursements made under Section 5-4.37
31 in an amount at least equal to the amount of the fee imposed
32 on the facility under Section 5-4.32.

1 (Source: P.A. 87-13.)

2 (305 ILCS 5/5-4.36) (from Ch. 23, par. 5-4.36)

3 Sec. 5-4.36. Penalties.

4 (a) Any facility that fails to pay the fee when due or
5 pays less than the full amount due, shall be assessed a
6 penalty of 10% of the delinquency or deficiency for each
7 month, or any fraction thereof, computed on the full amount
8 of the delinquency or deficiency, from the time the fee was
9 due.

10 (b) In addition, the ~~Illinois~~ Department of Public Aid
11 may take action to notify the Office of the Comptroller to
12 collect any amount of monies owed under Sections 5-4.30
13 through 5-4.39 of this Code, pursuant to Section 10.05 of the
14 State Comptroller Act, or may suspend payments to, or cancel
15 or refuse to issue, extend, or reinstate a Provider Agreement
16 to, any facility which has failed to pay any delinquent fee
17 or penalty.

18 (Source: P.A. 87-13.)

19 (305 ILCS 5/5-4.37) (from Ch. 23, par. 5-4.37)

20 Sec. 5-4.37. Disbursements to facilities.

21 (a) The ~~Illinois~~ Department of Public Aid shall develop
22 a reimbursement methodology which shall enhance reimbursement
23 to facilities sufficiently to expend the fee monies described
24 in Section 5-4.32 of this Code, and the federal matching
25 funds received by the ~~Illinois~~ Department as a result of
26 expenditures made by the ~~Illinois~~ Department as required by
27 this Section and Section 5-4.31 that are attributable to fee
28 monies deposited in the Fund.

29 (b) All payments to facilities under this Section are
30 conditional on:

31 (1) expiration of the time limitations for
32 reconsiderations under Section 5-4.35 of this Code; and

1 (2) the availability of sufficient monies in the
 2 Fund to make the payments required by this Section after
 3 the final reconciliation determined under Section 5-4.35
 4 of this Code.

5 (c) If amounts in the Fund are insufficient to make the
 6 total amount of payments for which facilities are eligible,
 7 the ~~Illinois~~ Department of Public Aid shall reduce the amount
 8 of each payment by the percentage by which the amounts are
 9 insufficient. Any amounts not paid when due shall be paid to
 10 facilities as soon as monies are available in the Fund.

11 (d) If one or more facilities files suit in any court
 12 challenging any part of Sections 5-4.30 through 5-4.39 of
 13 this Code, payments to facilities under these Sections shall
 14 be made only to the extent that sufficient monies are
 15 available in the Fund and only to the extent that any monies
 16 in the Fund are not prohibited from disbursement under any
 17 order of the Court.

18 (Source: P.A. 87-13.)

19 (305 ILCS 5/5-4.38) (from Ch. 23, par. 5-4.38)
 20 Sec. 5-4.38. Annual audit.

21 (a) The ~~Illinois~~ Department of Public Aid shall conduct
 22 an annual audit of the Fund to determine that amounts
 23 received from or paid to facilities were correct. If such an
 24 audit identifies amounts that a facility should not have been
 25 required to pay but did pay, a facility should have been
 26 required to pay but did not pay, a facility should not have
 27 received but did receive, or a facility should have received
 28 but did not receive, the ~~Illinois~~ Department of Public Aid
 29 shall:

- 30 (1) Make required payments to any such facility, or
- 31 (2) Take action to recover required amounts from
- 32 any such facility, including recoupment from future
- 33 payments.

1 (b) Amounts recovered from a facility shall be credited
2 to the Fund. A facility is entitled to recover amounts paid
3 to the Department of Public Aid and to receive refunds and
4 payments from the Department under this Section only to the
5 extent that monies are available in the Fund.

6 (Source: P.A. 87-13.)

7 (305 ILCS 5/5-5) (was 305 ILCS 5/5-5, in part)

8 Sec. 5-5. Medical services.

9 (a) The ~~Illinois~~ Department of Public Aid, by rule,
10 shall determine the quantity and quality of and the rate of
11 reimbursement for the medical assistance for which payment
12 will be authorized, and the medical services to be provided,
13 which may include all or part of the following:

- 14 (1) inpatient hospital services;
- 15 (2) outpatient hospital services;
- 16 (3) other laboratory and X-ray services;
- 17 (4) skilled nursing home services;
- 18 (5) physicians' services whether furnished in the
19 office, the patient's home, a hospital, a skilled nursing
20 home, or elsewhere;
- 21 (6) medical care, or any other type of remedial
22 care furnished by licensed practitioners;
- 23 (7) home health care services;
- 24 (8) private duty nursing service;
- 25 (9) clinic services;
- 26 (10) dental services;
- 27 (11) physical therapy and related services;
- 28 (12) prescribed drugs, dentures, and prosthetic
29 devices; and eyeglasses prescribed by a physician skilled
30 in the diseases of the eye, or by an optometrist,
31 whichever the person may select;
- 32 (13) other diagnostic, screening, preventive, and
33 rehabilitative services;

1 (14) transportation and such other expenses as may
2 be necessary;

3 (15) medical treatment of sexual assault survivors,
4 as defined in Section 1a of the Sexual Assault Survivors
5 Emergency Treatment Act, for injuries sustained as a
6 result of the sexual assault, including examinations and
7 laboratory tests to discover evidence which may be used
8 in criminal proceedings arising from the sexual assault;

9 (16) the diagnosis and treatment of sickle cell
10 anemia; and

11 (17) any other medical care, and any other type of
12 remedial care recognized under the laws of this State,
13 but not including abortions, or induced miscarriages or
14 premature births, unless, in the opinion of a physician,
15 such procedures are necessary for the preservation of the
16 life of the woman seeking such treatment, or except an
17 induced premature birth intended to produce a live viable
18 child and such procedure is necessary for the health of
19 the mother or her unborn child.

20 (b) The ~~Illinois~~ Department of Public Aid, by rule,
21 shall prohibit any physician from providing medical
22 assistance to anyone eligible therefor under this Code where
23 such physician has been found guilty of performing an
24 abortion procedure in a wilful and wanton manner upon a woman
25 who was not pregnant at the time such abortion procedure was
26 performed.

27 (c) The term "any other type of remedial care" shall
28 include nursing care and nursing home service for persons who
29 rely on treatment by spiritual means alone through prayer for
30 healing.

31 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
32 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

33 (305 ILCS 5/5-5.005 new) (was 305 ILCS 5/5-5, in part)

1 Sec. 5-5.005. Tobacco use cessation program.

2 Notwithstanding any other provision of Sections 5-5 through
3 5-5.0075 ~~this-Section~~, a comprehensive tobacco use cessation
4 program that includes purchasing prescription drugs or
5 prescription medical devices approved by the Food and Drug
6 administration shall be covered under the medical assistance
7 program under this Article for persons who are otherwise
8 eligible for assistance under this Article.

9 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
10 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

11 (305 ILCS 5/5-5.0010 new) (was 305 ILCS 5/5-5, in part)

12 Sec. 5-5.0010. Laboratory tests; documentation.

13 Notwithstanding any other provision of this Code, the
14 Illinois Department of Public Aid may not require, as a
15 condition of payment for any laboratory test authorized under
16 this Article, that a physician's handwritten signature appear
17 on the laboratory test order form. The Illinois Department
18 may, however, impose other appropriate requirements regarding
19 laboratory test order documentation.

20 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
21 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

22 (305 ILCS 5/5-5.0015 new) (was 305 ILCS 5/5-5, in part)

23 Sec. 5-5.0015. Persons participating in education,
24 training, or employment programs. The Illinois

25 Department of Public Aid shall provide the following services
26 to persons eligible for assistance under this Article who are
27 participating in education, training or employment programs
28 operated by the Department of Human Services as successor to
29 the Department of Public Aid:

30 (1) dental services, which shall include but not be
31 limited to prosthodontics; and

32 (2) eyeglasses prescribed by a physician skilled in

1 the diseases of the eye, or by an optometrist, whichever
2 the person may select.

3 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
4 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

5 (305 ILCS 5/5-5.0020 new) (was 305 ILCS 5/5-5, in part)
6 Sec. 5-5.0020. Classification of medical services. The
7 Illinois Department of Public Aid, by rule, may distinguish
8 and classify the medical services to be provided only in
9 accordance with the classes of persons designated in the
10 Sections following Section 5-2 and preceding Section
11 5-2.0100.

12 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
13 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

14 (305 ILCS 5/5-5.0025 new) (was 305 ILCS 5/5-5, in part)
15 Sec. 5-5.0025. Breast cancer screening.

16 (a) The Illinois Department of Public Aid shall
17 authorize the provision of, and shall authorize payment for,
18 screening by low-dose mammography for the presence of occult
19 breast cancer for women 35 years of age or older who are
20 eligible for medical assistance under this Article, as
21 follows: a baseline mammogram for women 35 to 39 years of
22 age and an annual mammogram for women 40 years of age or
23 older. All screenings shall include a physical breast exam,
24 instruction on self-examination and information regarding the
25 frequency of self-examination and its value as a preventative
26 tool.

27 (b) As used in this Section, "low-dose mammography"
28 means the x-ray examination of the breast using equipment
29 dedicated specifically for mammography, including the x-ray
30 tube, filter, compression device, image receptor, and
31 cassettes, with an average radiation exposure delivery of
32 less than one rad mid-breast, with 2 views for each breast.

1 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
2 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

3 (305 ILCS 5/5-5.0030 new) (was 305 ILCS 5/5-5, in part)
4 Sec. 5-5.0030. Pregnant women; substance abuse.

5 (a) Any medical or health care provider shall
6 immediately recommend, to any pregnant woman who is being
7 provided prenatal services and is suspected of drug abuse or
8 is addicted as defined in the Alcoholism and Other Drug Abuse
9 and Dependency Act, referral to a local substance abuse
10 treatment provider licensed by the Department of Human
11 Services or to a licensed hospital which provides substance
12 abuse treatment services. The Department of Public Aid shall
13 assure coverage for the cost of treatment of the drug abuse
14 or addiction for pregnant recipients in accordance with the
15 Illinois Medicaid Program in conjunction with the Department
16 of Human Services.

17 (b) All medical providers providing medical assistance
18 to pregnant women under this Code shall receive information
19 from the Department of Public Aid on the availability of
20 services under the Drug Free Families with a Future or any
21 comparable program providing case management services for
22 addicted women, including information on appropriate
23 referrals for other social services that may be needed by
24 addicted women in addition to treatment for addiction.

25 (c) The Illinois Department of Public Aid, in
26 cooperation with the Departments of Human Services (as
27 successor to the Department of Alcoholism and Substance
28 Abuse) and Public Health, through a public awareness
29 campaign, may provide information concerning treatment for
30 alcoholism and drug abuse and addiction, prenatal health
31 care, and other pertinent programs directed at reducing the
32 number of drug-affected infants born to recipients of medical
33 assistance.

1 (d) Neither the Illinois Department of Public Aid nor
2 the Department of Human Services shall sanction the recipient
3 solely on the basis of her substance abuse.

4 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
5 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

6 (305 ILCS 5/5-5.0035 new) (was 305 ILCS 5/5-5, in part)

7 Sec. 5-5.0035. Regulations for dispensing of health
8 services; advisory bodies. The Illinois Department of Public
9 Aid shall establish such regulations governing the dispensing
10 of health services under this Article as it shall deem
11 appropriate. In formulating these regulations the Illinois
12 Department shall consult with and give substantial weight to
13 the recommendations offered by the Citizens Assembly/Council
14 on Public Aid. The Department should seek the advice of
15 formal professional advisory committees appointed by the
16 Director of Public Aid the--Illinois--Department for the
17 purpose of providing regular advice on policy and
18 administrative matters, information dissemination and
19 educational activities for medical and health care providers,
20 and consistency in procedures to the Illinois Department.

21 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
22 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

23 (305 ILCS 5/5-5.0040 new) (was 305 ILCS 5/5-5, in part)

24 Sec. 5-5.0040. Contracts with partnerships of medical
25 providers.

26 (a) The Illinois Department of Public Aid may develop
27 and contract with Partnerships of medical providers to
28 arrange medical services for persons eligible under Sections
29 Section 5-2 through 5-2.0100 of this Code. Implementation of
30 this Section may be by demonstration projects in certain
31 geographic areas. The Partnership shall be represented by a
32 sponsor organization. The Department, by rule, shall develop

1 qualifications for sponsors of Partnerships. Nothing in this
2 Section shall be construed to require that the sponsor
3 organization be a medical organization.

4 (b) The sponsor must negotiate formal written contracts
5 with medical providers for physician services, inpatient and
6 outpatient hospital care, home health services, treatment for
7 alcoholism and substance abuse, and other services determined
8 necessary by the Illinois Department of Public Aid by rule
9 for delivery by Partnerships. Physician services must
10 include prenatal and obstetrical care. The Illinois
11 Department of Public Aid shall reimburse medical services
12 delivered by Partnership providers to clients in target areas
13 according to provisions of this Article and the Illinois
14 Health Finance Reform Act, except that:

15 (1) Physicians participating in a Partnership and
16 providing certain services, which shall be determined by
17 the Illinois Department of Public Aid, to persons in
18 areas covered by the Partnership may receive an
19 additional surcharge for such services.

20 (2) The Department of Public Aid may elect to
21 consider and negotiate financial incentives to encourage
22 the development of Partnerships and the efficient
23 delivery of medical care.

24 (3) Persons receiving medical services through
25 Partnerships may receive medical and case management
26 services above the level usually offered through the
27 medical assistance program.

28 (c) Medical providers shall be required to meet certain
29 qualifications to participate in Partnerships to ensure the
30 delivery of high quality medical services. These
31 qualifications shall be determined by rule of the Illinois
32 Department of Public Aid and may be higher than
33 qualifications for participation in the medical assistance
34 program. Partnership sponsors may prescribe reasonable

1 additional qualifications for participation by medical
2 providers, only with the prior written approval of the
3 Illinois Department of Public Aid.

4 (d) Nothing in Sections 5-5 through 5-5.0075 this
5 Section shall limit the free choice of practitioners,
6 hospitals, and other providers of medical services by
7 clients. In order to ensure patient freedom of choice, the
8 Illinois Department of Public Aid shall immediately
9 promulgate all rules and take all other necessary actions so
10 that provided services may be accessed from therapeutically
11 certified optometrists to the full extent of the Illinois
12 Optometric Practice Act of 1987 without discriminating
13 between service providers.

14 (e) The Department of Public Aid shall apply for a
15 waiver from the United States Health Care Financing
16 Administration to allow for the implementation of
17 Partnerships under this Section.

18 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
19 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

20 (305 ILCS 5/5-5.0045 new) (was 305 ILCS 5/5-5, in part)
21 Sec. 5-5.0045. Providers' records.

22 (a) The Illinois Department of Public Aid shall require
23 health care providers to maintain records that document the
24 medical care and services provided to recipients of Medical
25 Assistance under this Article. The Illinois Department shall
26 require health care providers to make available, when
27 authorized by the patient, in writing, the medical records in
28 a timely fashion to other health care providers who are
29 treating or serving persons eligible for Medical Assistance
30 under this Article.

31 (b) All dispensers of medical services shall be required
32 to maintain and retain business and professional records
33 sufficient to fully and accurately document the nature,

1 scope, details and receipt of the health care provided to
2 persons eligible for medical assistance under this Code, in
3 accordance with regulations promulgated by the Illinois
4 Department of Public Aid.

5 (c) The rules and regulations shall require that proof
6 of the receipt of prescription drugs, dentures, prosthetic
7 devices and eyeglasses by eligible persons under this Section
8 accompany each claim for reimbursement submitted by the
9 dispenser of such medical services. No such claims for
10 reimbursement shall be approved for payment by the Illinois
11 Department of Public Aid without such proof of receipt,
12 unless the Illinois Department shall have put into effect and
13 shall be operating a system of post-payment audit and review
14 which shall, on a sampling basis, be deemed adequate by the
15 Illinois Department to assure that such drugs, dentures,
16 prosthetic devices and eyeglasses for which payment is being
17 made are actually being received by eligible recipients.

18 (d) Within 90 days after the effective date of this
19 amendatory Act of 1984, the Illinois Department of Public Aid
20 shall establish a current list of acquisition costs for all
21 prosthetic devices and any other items recognized as medical
22 equipment and supplies reimbursable under this Article and
23 shall update such list on a quarterly basis, except that the
24 acquisition costs of all prescription drugs shall be updated
25 no less frequently than every 30 days as required by Section
26 5-5.12.

27 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
28 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

29 (305 ILCS 5/5-5.0050 new) (was 305 ILCS 5/5-5, in part)

30 Sec. 5-5.0050. Abortions, induced miscarriages, and
31 premature births. The rules and regulations of the Illinois
32 Department of Public Aid shall require that a written
33 statement including the required opinion of a physician shall

1 accompany any claim for reimbursement for abortions, or
2 induced miscarriages or premature births. This statement
3 shall indicate what procedures were used in providing such
4 medical services.

5 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
6 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

7 (305 ILCS 5/5-5.0055 new) (was 305 ILCS 5/5-5, in part)
8 Sec. 5-5.0055. Providers' disclosure of economic
9 interests. The Illinois Department of Public Aid shall
10 require that all dispensers of medical services, other than
11 an individual practitioner or group of practitioners,
12 desiring to participate in the Medical Assistance program
13 established under this Article to disclose all financial,
14 beneficial, ownership, equity, surety or other interests in
15 any and all firms, corporations, partnerships, associations,
16 business enterprises, joint ventures, agencies, institutions
17 or other legal entities providing any form of health care
18 services in this State under this Article.

19 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
20 91-666, eff. 12-22-99; 92-16, eff. 6-28-01; revised
21 12-13-01.)

22 (305 ILCS 5/5-5.0060 new) (was 305 ILCS 5/5-5, in part)
23 Sec. 5-5.0060. Providers' disclosure of inquiries. The
24 Illinois Department of Public Aid may require that all
25 dispensers of medical services desiring to participate in the
26 medical assistance program established under this Article
27 disclose, under such terms and conditions as the Illinois
28 Department may by rule establish, all inquiries from clients
29 and attorneys regarding medical bills paid by the Illinois
30 Department, which inquiries could indicate potential
31 existence of claims or liens for the Illinois Department.

32 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;

1 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

2 (305 ILCS 5/5-5.0065 new) (was 305 ILCS 5/5-5, in part)

3 Sec. 5-5.0065. Orthotic and prosthetic devices; durable
4 medical equipment.

5 (a) The Illinois Department of Public Aid shall
6 establish policies, procedures, standards and criteria by
7 rule for the acquisition, repair and replacement of orthotic
8 and prosthetic devices and durable medical equipment. Such
9 rules shall provide, but not be limited to, the following
10 services:

11 (1) immediate repair or replacement of such devices
12 by recipients without medical authorization; and

13 (2) rental, lease, purchase or lease-purchase of
14 durable medical equipment in a cost-effective manner,
15 taking into consideration the recipient's medical
16 prognosis, the extent of the recipient's needs, and the
17 requirements and costs for maintaining such equipment.

18 Such rules shall enable a recipient to temporarily
19 acquire and use alternative or substitute devices or
20 equipment pending repairs or replacements of any device or
21 equipment previously authorized for such recipient by the
22 Department.

23 (b) Rules under paragraph clause (2) of subsection (a)
24 above shall not provide for purchase or lease-purchase of
25 durable medical equipment or supplies used for the purpose of
26 oxygen delivery and respiratory care.

27 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
28 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

29 (305 ILCS 5/5-5.0070 new) (was 305 ILCS 5/5-5, in part)

30 Sec. 5-5.0070. Nursing home prescreening; interagency
31 agreements. The Department of Public Aid shall execute,
32 relative to the nursing home prescreening project, written

1 inter-agency agreements with the Department of Human Services
 2 and the Department on Aging, to effect the following: (i)
 3 intake procedures and common eligibility criteria for those
 4 persons who are receiving non-institutional services; and
 5 (ii) the establishment and development of non-institutional
 6 services in areas of the State where they are not currently
 7 available or are undeveloped.

8 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
 9 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

10 (305 ILCS 5/5-5.0075 new) (was 305 ILCS 5/5-5, in part)
 11 Sec. 5-5.0075. Evaluation; monitoring of utilization of
 12 services and facilities.

13 (a) The ~~Illinois~~ Department of Public Aid shall develop
 14 and operate, in cooperation with other State departments and
 15 agencies and in compliance with applicable federal laws and
 16 regulations, appropriate and effective systems of health care
 17 evaluation and programs for monitoring of utilization of
 18 health care services and facilities, as it affects persons
 19 eligible for medical assistance under this Code.

20 (b) The ~~Illinois~~ Department of Public Aid shall report
 21 regularly the results of the operation of such systems and
 22 programs to the Citizens Assembly/Council on Public Aid to
 23 enable the Committee to ensure, from time to time, that these
 24 programs are effective and meaningful.

25 (c) The ~~Illinois~~ Department of Public Aid shall report
 26 annually to the General Assembly, no later than the second
 27 Friday in April of 1979 and each year thereafter, in regard
 28 to:

29 (1) (a) actual statistics and trends in utilization
 30 of medical services by public aid recipients;

31 (2) (b) actual statistics and trends in the
 32 provision of the various medical services by medical
 33 vendors;

1 (3) (e) current rate structures and proposed
2 changes in those rate structures for the various medical
3 vendors; and

4 (4) (d) efforts at utilization review and control
5 by the Illinois Department.

6 The period covered by each report shall be the 3 years
7 ending on the June 30 prior to the report. The report shall
8 include suggested legislation for consideration by the
9 General Assembly. The filing of one copy of the report with
10 the Speaker, one copy with the Minority Leader and one copy
11 with the Clerk of the House of Representatives, one copy with
12 the President, one copy with the Minority Leader and one copy
13 with the Secretary of the Senate, one copy with the
14 Legislative Research Unit, such additional copies with the
15 State Government Report Distribution Center for the General
16 Assembly as is required under paragraph (t) of Section 7 of
17 the State Library Act and one copy with the Citizens
18 Assembly/Council on Public Aid or its successor shall be
19 deemed sufficient to comply with this Section.

20 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
21 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

22 (305 ILCS 5/5-5.01a)

23 Sec. 5-5.01a. Supportive living facilities demonstration
24 project. For the purpose of studying alternative settings
25 for long term care, the Department of Public Aid may
26 establish and provide oversight for a demonstration project
27 to determine the viability of supportive living facilities
28 that seek to promote resident independence, dignity, respect,
29 and well-being in the most cost-effective manner.

30 A supportive living facility is either a free-standing
31 facility or a distinct physical and operational entity within
32 a nursing facility. A supportive living facility integrates
33 housing with health, personal care, and supportive services

1 and is a designated setting that offers residents their own
2 separate, private, and distinct living units.

3 Demonstration sites shall be selected by the Department
4 of Public Aid based upon criteria that may include the need
5 for services in a geographic area, the availability of
6 funding, and the site's ability to meet the standards.

7 The Department of Public Aid may adopt rules to implement
8 this Section. Rules that establish or modify the services,
9 standards, and conditions for participation in the
10 demonstration project shall be adopted by the Department in
11 consultation with the Department on Aging, the Department of
12 Rehabilitation Services, and the Department of Mental Health
13 and Developmental Disabilities (or their successor agencies).

14 Facilities or distinct parts of facilities which are
15 selected as supportive living facilities and are in good
16 standing with the Department of Public Aid's Department's
17 rules are exempt from the provisions of the Nursing Home Care
18 Act and the Illinois Health Facilities Planning Act.

19 (Source: P.A. 89-499, eff. 6-28-96.)

20 (305 ILCS 5/5-5.02) (was 305 ILCS 5/5-5.02, subsec. (h))

21 Sec. 5-5.02. Hospital reimbursements; definitions.

22 {h} For the purposes of this Section through Section
23 5-5.02j, the following terms shall be defined as follows:

24 {1} "Medicaid inpatient utilization rate" means a
25 fraction, the numerator of which is the number of a
26 hospital's inpatient days provided in a given 12-month period
27 to patients who, for such days, were eligible for Medicaid
28 under Title XIX of the federal Social Security Act, and the
29 denominator of which is the total number of the hospital's
30 inpatient days in that same period.

31 {2} "Mean Medicaid inpatient utilization rate" means the
32 total number of Medicaid inpatient days provided by all
33 Illinois Medicaid-participating hospitals divided by the

1 total number of inpatient days provided by those same
2 hospitals.

3 {3} "Medicaid obstetrical inpatient utilization rate"
4 means the ratio of Medicaid obstetrical inpatient days to
5 total Medicaid inpatient days for all Illinois hospitals
6 receiving Medicaid payments from the Illinois Department of
7 Public Aid.

8 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

9 (305 ILCS 5/5-5.02a new) (was 305 ILCS 5/5-5.02, subsec.
10 (a))

11 Sec. 5-5.02a. {a} Reimbursement to hospitals; July 1,
12 1992 through September 30, 1992. Notwithstanding any other
13 provisions of this Code or the Department of Public Aid's
14 Illinois--Department's rules promulgated under the Illinois
15 Administrative Procedure Act, reimbursement to hospitals for
16 services provided during the period July 1, 1992 through
17 September 30, 1992, shall be as follows:

18 (1) For inpatient hospital services rendered, or if
19 applicable, for inpatient hospital discharges occurring,
20 on or after July 1, 1992 and on or before September 30,
21 1992, the Illinois Department of Public Aid shall
22 reimburse hospitals for inpatient services under the
23 reimbursement methodologies in effect for each hospital,
24 and at the inpatient payment rate calculated for each
25 hospital, as of June 30, 1992. For purposes of this
26 paragraph, "reimbursement methodologies" means all
27 reimbursement methodologies that pertain to the provision
28 of inpatient hospital services, including, but not
29 limited to, any adjustments for disproportionate share,
30 targeted access, critical care access and uncompensated
31 care, as defined by the Illinois Department of Public Aid
32 on June 30, 1992.

33 (2) For the purpose of calculating the inpatient

1 payment rate for each hospital eligible to receive
 2 quarterly adjustment payments for targeted access and
 3 critical care, as defined by the Illinois Department of
 4 Public Aid on June 30, 1992, the adjustment payment for
 5 the period July 1, 1992 through September 30, 1992, shall
 6 be 25% of the annual adjustment payments calculated for
 7 each eligible hospital, as of June 30, 1992. The
 8 Illinois Department of Public Aid shall determine by rule
 9 the adjustment payments for targeted access and critical
 10 care beginning October 1, 1992.

11 (3) For the purpose of calculating the inpatient
 12 payment rate for each hospital eligible to receive
 13 quarterly adjustment payments for uncompensated care, as
 14 defined by the Illinois Department of Public Aid on June
 15 30, 1992, the adjustment payment for the period August 1,
 16 1992 through September 30, 1992, shall be one-sixth of
 17 the total uncompensated care adjustment payments
 18 calculated for each eligible hospital for the
 19 uncompensated care rate year, as defined by the Illinois
 20 Department of Public Aid, ending on July 31, 1992. The
 21 Illinois Department of Public Aid shall determine by rule
 22 the adjustment payments for uncompensated care beginning
 23 October 1, 1992.

24 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

25 (305 ILCS 5/5-5.02b new) (was 305 ILCS 5/5-5.02, subsec.
 26 (b))

27 Sec. 5-5.02b. (b) Inpatient payments. For inpatient
 28 services provided on or after October 1, 1993, in addition to
 29 rates paid for hospital inpatient services pursuant to the
 30 Illinois Health Finance Reform Act, as now or hereafter
 31 amended, or the Department of Public Aid's Illinois
 32 Department's prospective reimbursement methodology, or any
 33 other methodology used by the Illinois Department for

1 inpatient services, the Illinois Department of Public Aid
2 shall make adjustment payments, in an amount calculated
3 pursuant to the methodology described in paragraph--(e)--of
4 this Section 5-5.02c, to hospitals that the Illinois
5 Department determines satisfy any one of the following
6 requirements:

7 (1) Hospitals that are described in Section 1923 of
8 the federal Social Security Act, as now or hereafter
9 amended; or

10 (2) Illinois hospitals that have a Medicaid
11 inpatient utilization rate which is at least one-half a
12 standard deviation above the mean Medicaid inpatient
13 utilization rate for all hospitals in Illinois receiving
14 Medicaid payments from the Illinois Department of Public
15 Aid; or

16 (3) Illinois hospitals that on July 1, 1991 had a
17 Medicaid inpatient utilization rate, as defined in
18 paragraph-(h)-of-this Section 5-5.02, that was at least
19 the mean Medicaid inpatient utilization rate for all
20 hospitals in Illinois receiving Medicaid payments from
21 the Illinois Department of Public Aid and which were
22 located in a planning area with one-third or fewer excess
23 beds as determined by the Illinois Health Facilities
24 Planning Board, and that, as of June 30, 1992, were
25 located in a federally designated Health Manpower
26 Shortage Area; or

27 (4) Illinois hospitals that:

28 (A) have a Medicaid inpatient utilization rate
29 that is at least equal to the mean Medicaid
30 inpatient utilization rate for all hospitals in
31 Illinois receiving Medicaid payments from the
32 Department of Public Aid; and

33 (B) also have a Medicaid obstetrical inpatient
34 utilization rate that is at least one standard

1 deviation above the mean Medicaid obstetrical
 2 inpatient utilization rate for all hospitals in
 3 Illinois receiving Medicaid payments from the
 4 Department of Public Aid for obstetrical services;
 5 or

6 (5) Any children's hospital, which means a hospital
 7 devoted exclusively to caring for children. A hospital
 8 which includes a facility devoted exclusively to caring
 9 for children that is separately licensed as a hospital by
 10 a municipality prior to September 30, 1998 shall be
 11 considered a children's hospital to the degree that the
 12 hospital's Medicaid care is provided to children.

13 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

14 (305 ILCS 5/5-5.02c new) (was 305 ILCS 5/5-5.02, subsec.
 15 (c))

16 Sec. 5-5.02c. (e) Inpatient adjustment payments. The
 17 adjustment payments required by Section 5-5.02b paragraph-(b)
 18 shall be calculated based upon the hospital's Medicaid
 19 inpatient utilization rate as follows:

20 (1) Hospitals with a Medicaid inpatient utilization
 21 rate below the mean shall receive a per day adjustment
 22 payment equal to \$25.;

23 (2) Hospitals with a Medicaid inpatient
 24 utilization rate that is equal to or greater than the
 25 mean Medicaid inpatient utilization rate but less than
 26 one standard deviation above the mean Medicaid inpatient
 27 utilization rate shall receive a per day adjustment
 28 payment equal to the sum of \$25 plus \$1 for each one
 29 percent that the hospital's Medicaid inpatient
 30 utilization rate exceeds the mean Medicaid inpatient
 31 utilization rate.;

32 (3) Hospitals with a Medicaid inpatient utilization
 33 rate that is equal to or greater than one standard

1 deviation above the mean Medicaid inpatient utilization
2 rate but less than 1.5 standard deviations above the mean
3 Medicaid inpatient utilization rate shall receive a per
4 day adjustment payment equal to the sum of \$40 plus \$7
5 for each one percent that the hospital's Medicaid
6 inpatient utilization rate exceeds one standard deviation
7 above the mean Medicaid inpatient utilization rate.†-and

8 (4) Hospitals with a Medicaid inpatient utilization
9 rate that is equal to or greater than 1.5 standard
10 deviations above the mean Medicaid inpatient utilization
11 rate shall receive a per day adjustment payment equal to
12 the sum of \$90 plus \$2 for each one percent that the
13 hospital's Medicaid inpatient utilization rate exceeds
14 1.5 standard deviations above the mean Medicaid inpatient
15 utilization rate.

16 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

17 (305 ILCS 5/5-5.02d new) (was 305 ILCS 5/5-5.02, subsec.
18 (d))

19 Sec. 5-5.02d. (d) Supplemental adjustment payments. In
20 addition to the adjustment payments described in Section
21 5-5.02c paragraph--(e), hospitals as defined in clauses (1)
22 through (5) of Section 5-5.02b paragraph--(b), excluding
23 county hospitals (as defined in subsection (c) of Section
24 15-1 of this Code) and a hospital organized under the
25 University of Illinois Hospital Act, shall be paid
26 supplemental inpatient adjustment payments of \$60 per day.
27 For purposes of Title XIX of the federal Social Security Act,
28 these supplemental adjustment payments shall not be
29 classified as adjustment payments to disproportionate share
30 hospitals.

31 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

32 (305 ILCS 5/5-5.02e new) (was 305 ILCS 5/5-5.02, subsec.

1 (e))

2 Sec. 5-5.02e. Inpatient adjustment payments; annual
3 increase; daily maximum.

4 (a) ~~(e)~~ The inpatient adjustment payments described in
5 Sections 5-5.02c and 5-5.02d paragraphs--(e)-and-(d) shall be
6 increased on October 1, 1993 and annually thereafter by a
7 percentage equal to the lesser of (i) the increase in the DRI
8 hospital cost index for the most recent 12 month period for
9 which data are available, or (ii) the percentage increase in
10 the statewide average hospital payment rate over the previous
11 year's statewide average hospital payment rate.

12 (b) The sum of the inpatient adjustment payments under
13 Sections 5-5.02c and 5-5.02d paragraphs--(e)-and-(d) to a
14 hospital, other than a county hospital (as defined in
15 subsection (c) of Section 15-1 of this Code) or a hospital
16 organized under the University of Illinois Hospital Act,
17 however, shall not exceed \$275 per day; that limit shall be
18 increased on October 1, 1993 and annually thereafter by a
19 percentage equal to the lesser of (i) the increase in the DRI
20 hospital cost index for the most recent 12-month period for
21 which data are available or (ii) the percentage increase in
22 the statewide average hospital payment rate over the previous
23 year's statewide average hospital payment rate.

24 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

25 (305 ILCS 5/5-5.02f new) (was 305 ILCS 5/5-5.02, subsec.

26 (f))

27 Sec. 5-5.02f. ~~(f)~~ Children's hospital inpatient
28 adjustment payments. For children's hospitals, as defined in
29 clause (5) of Section 5-5.02b paragraph-(b), the adjustment
30 payments required pursuant to Sections 5-5.02c and 5-5.02d
31 paragraphs-(e)-and-(d) shall be multiplied by 2.0.

32 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

1 (305 ILCS 5/5-5.02g new) (was 305 ILCS 5/5-5.02, subsec.
2 (g))

3 Sec. 5-5.02g. (g) County hospital inpatient adjustment
4 payments. For county hospitals, as defined in subsection (c)
5 of Section 15-1 of this Code, there shall be an adjustment
6 payment as determined by rules issued by the Illinois
7 Department of Public Aid.

8 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

9 (305 ILCS 5/5-5.02h new) (was 305 ILCS 5/5-5.02, subsec.
10 (i))

11 Sec. 5-5.02h. (i) Inpatient adjustment payment limit. In
12 order to meet the limits of Public Law 102-234 and Public Law
13 103-66, the Illinois Department of Public Aid shall by rule
14 adjust disproportionate share adjustment payments.

15 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

16 (305 ILCS 5/5-5.02i new) (was 305 ILCS 5/5-5.02, subsec.
17 (j))

18 Sec. 5-5.02i. (j) University of Illinois Hospital
19 inpatient adjustment payments. For hospitals organized under
20 the University of Illinois Hospital Act, there shall be an
21 adjustment payment as determined by rules adopted by the
22 Illinois Department of Public Aid.

23 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

24 (305 ILCS 5/5-5.02j new) (was 305 ILCS 5/5-5.02, subsec.
25 (k))

26 Sec. 5-5.02j. Adjustment payments; criteria and
27 methodologies. (k) The Illinois Department of Public Aid may
28 by rule establish criteria for and develop methodologies for
29 adjustment payments to hospitals participating under this
30 Article.

31 (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

1 (305 ILCS 5/5-5.03)

2 Sec. 5-5.03. Trauma center adjustment.

3 (a) For inpatient admissions on or after October 1, 1992
4 for trauma injuries as defined in the Emergency Medical
5 Services (EMS) Systems Act, in addition to any other payments
6 made under this Code, the ~~Illinois~~ Department of Public Aid
7 shall make adjustment payments, in an amount calculated under
8 subsection (b) of this Section, to hospitals located in the
9 State of Illinois that are recognized as Level I trauma
10 centers (adult or pediatric) and to certain Level II trauma
11 centers as determined by the ~~Illinois~~ Department.

12 (b) Trauma center adjustment calculation.

13 (1) The funds used to make trauma center adjustment
14 payments to qualifying trauma centers shall consist of:

15 (A) At least 50% of the amount of moneys
16 deposited each State fiscal year into the Trauma
17 Center Fund created in the State treasury; and

18 (B) All federal matching funds received by the
19 ~~Illinois~~ Department of Public Aid as a result of
20 expenditures made by the ~~Illinois~~ Department as
21 required by this Section.

22 (2) The trauma center adjustment payments shall be
23 made to qualifying trauma centers on a quarterly basis.
24 In determining the payment methodology for trauma center
25 adjustment payments, the ~~Illinois~~ Department of Public
26 Aid shall divide the available funds from the Trauma
27 Center Fund for each quarter by the total number of the
28 Medicaid trauma admissions as determined by the ~~Illinois~~
29 Department for the same quarter of the Trauma Center base
30 year. The result of that calculation shall be the amount
31 of the quarterly trauma center adjustment payment to be
32 paid to qualifying trauma centers.

33 (3) Disbursements from the Trauma Center Fund shall
34 be by warrants drawn by the State Comptroller upon

1 receipt of vouchers duly executed and certified by the
2 Illinois Department of Public Aid.

3 (4) Trauma center adjustment payments shall not be
4 treated as payments for hospital services under Title XIX
5 of the Social Security Act for purposes of the
6 calculation of the intergovernmental transfer provided
7 for in Section 15-3(a) of the Code.

8 (c) Definitions. As used in this Section, unless the
9 context requires otherwise:

10 "Trauma center adjustment year" means, beginning October
11 1, 1992, the 12 month period beginning on October 1 of the
12 year and ending September 30 of the following year.

13 "Trauma center base year" means State Fiscal Year 1991
14 for trauma center adjustment payments calculated for the
15 October 1, 1992 trauma center adjustment year, State Fiscal
16 Year 1992 for trauma center adjustment payments calculated
17 for the October 1, 1993 trauma center adjustment year, and so
18 on for each succeeding State Fiscal Year for trauma center
19 adjustment payments calculated for the trauma center
20 adjustment year beginning October 1 of that State Fiscal
21 Year.

22 (Source: P.A. 87-1229.)

23 (305 ILCS 5/5-5.1) (from Ch. 23, par. 5-5.1)

24 Sec. 5-5.1. Grouping of facilities. The Department of
25 Public Aid shall, for purposes of payment, provide for
26 groupings of nursing facilities. Factors to be considered in
27 grouping facilities may include, but are not limited to,
28 size, age, patient mix or geographical area.

29 The groupings developed under this Section shall be
30 considered in determining reasonable cost reimbursement
31 formulas. However, this Section shall not preclude the
32 Department of Public Aid from recognizing and evaluating the
33 cost of capital on a facility-by-facility basis.

1 (Source: P.A. 80-1142.)

2 (305 ILCS 5/5-5.2) (from Ch. 23, par. 5-5.2)

3 Sec. 5-5.2. Payment.

4 (a) All Skilled Nursing Facilities that are grouped
5 pursuant to Section 5-5.1 of this Act shall receive the same
6 rate of payment for similar services. All Intermediate Care
7 Facilities that are grouped pursuant to Section 5-5.1 of this
8 Act shall receive the same rate of payment for similar
9 services.

10 (b) It shall be a matter of State policy that the
11 Illinois Department of Public Aid shall utilize a uniform
12 billing cycle throughout the State for the following
13 long-term care providers: skilled nursing facilities,
14 intermediate care facilities, and intermediate care
15 facilities for persons with a developmental disability. The
16 Illinois Department shall establish billing cycles on a
17 calendar month basis for all long-term care providers no
18 later than July 1, 1992.

19 (Source: P.A. 87-809; 88-380.)

20 (305 ILCS 5/5-5.3) (from Ch. 23, par. 5-5.3)

21 Sec. 5-5.3. Annual determination Conditions of payment
22 Prospective rates Accounting-Principles. This amendatory Act
23 establishes certain conditions for the Department of Public
24 Aid in instituting rates for the care of recipients of
25 medical assistance in skilled nursing facilities and
26 intermediate care facilities. Such conditions shall assure a
27 method under which the payment for skilled nursing and
28 intermediate care services, provided to recipients under the
29 Medical Assistance Program shall be on a reasonable cost
30 related basis, which is prospectively determined annually by
31 the Department of Public Aid. The annually established
32 payment rate shall take effect on July 1 in 1984 and

1 subsequent years. There shall be no rate increase during
2 calendar year 1983 and the first six months of calendar year
3 1984.

4 The determination of the payment shall be made on the
5 basis of generally accepted accounting principles that shall
6 take into account the actual costs to the facility of
7 providing skilled nursing and intermediate care services to
8 recipients under the medical assistance program.

9 The resultant total rate for a specified type of service
10 shall be an amount which shall have been determined to be
11 adequate to reimburse allowable costs of a facility that is
12 economically and efficiently operated. The Department of
13 Public Aid shall establish an effective date for each
14 facility or group of facilities after which rates shall be
15 paid on a reasonable cost related basis which shall be no
16 sooner than the effective date of this amendatory Act of
17 1977.

18 (Source: P.A. 91-357, eff. 7-29-99.)

19 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

20 Sec. 5-5.4. Standards of payment Department-of-Public
21 Aid. The Department of Public Aid shall develop standards of
22 payment of skilled nursing and intermediate care services in
23 facilities providing such services under this Article which:

24 (1) Provide Provides for the determination of a
25 facility's payment for skilled nursing and intermediate care
26 services on a prospective basis. The amount of the payment
27 rate for all nursing facilities certified under the medical
28 assistance program shall be prospectively established
29 annually on the basis of historical, financial, and
30 statistical data reflecting actual costs from prior years,
31 which shall be applied to the current rate year and updated
32 for inflation, except that the capital cost element for newly
33 constructed facilities shall be based upon projected budgets.

1 The annually established payment rate shall take effect on
2 July 1 in 1984 and subsequent years. Rate increases shall be
3 provided annually thereafter on July 1 in 1984 and on each
4 subsequent July 1 in the following years, except that no rate
5 increase and no update for inflation shall be provided on or
6 after July 1, 1994 and before July 1, 2002, unless
7 specifically provided for in this Section.

8 For facilities licensed by the Department of Public
9 Health under the Nursing Home Care Act as Intermediate Care
10 for the Developmentally Disabled facilities or Long Term Care
11 for Under Age 22 facilities, the rates taking effect on July
12 1, 1998 shall include an increase of 3%. For facilities
13 licensed by the Department of Public Health under the Nursing
14 Home Care Act as Skilled Nursing facilities or Intermediate
15 Care facilities, the rates taking effect on July 1, 1998
16 shall include an increase of 3% plus \$1.10 per resident-day,
17 as defined by the Department.

18 For facilities licensed by the Department of Public
19 Health under the Nursing Home Care Act as Intermediate Care
20 for the Developmentally Disabled facilities or Long Term Care
21 for Under Age 22 facilities, the rates taking effect on July
22 1, 1999 shall include an increase of 1.6% plus \$3.00 per
23 resident-day, as defined by the Department. For facilities
24 licensed by the Department of Public Health under the Nursing
25 Home Care Act as Skilled Nursing facilities or Intermediate
26 Care facilities, the rates taking effect on July 1, 1999
27 shall include an increase of 1.6% and, for services provided
28 on or after October 1, 1999, shall be increased by \$4.00 per
29 resident-day, as defined by the Department.

30 For facilities licensed by the Department of Public
31 Health under the Nursing Home Care Act as Intermediate Care
32 for the Developmentally Disabled facilities or Long Term Care
33 for Under Age 22 facilities, the rates taking effect on July
34 1, 2000 shall include an increase of 2.5% per resident-day,

1 as defined by the Department. For facilities licensed by the
2 Department of Public Health under the Nursing Home Care Act
3 as Skilled Nursing facilities or Intermediate Care
4 facilities, the rates taking effect on July 1, 2000 shall
5 include an increase of 2.5% per resident-day, as defined by
6 the Department.

7 For facilities licensed by the Department of Public
8 Health under the Nursing Home Care Act as Intermediate Care
9 for the Developmentally Disabled facilities or Long Term Care
10 for Under Age 22 facilities, the rates taking effect on March
11 1, 2001 shall include a statewide increase of 7.85%, as
12 defined by the Department.

13 For facilities licensed by the Department of Public
14 Health under the Nursing Home Care Act as Intermediate Care
15 for the Developmentally Disabled facilities or Long Term Care
16 for Under Age 22 facilities, the rates taking effect on April
17 1, 2002 shall include a statewide increase of 2.0%, as
18 defined by the Department.

19 For facilities licensed by the Department of Public
20 Health under the Nursing Home Care Act as skilled nursing
21 facilities or intermediate care facilities, the rates taking
22 effect on July 1, 2001, and each subsequent year thereafter,
23 shall be computed using the most recent cost reports on file
24 with the Department of Public Aid no later than April 1, 2000
25 updated for inflation to January 1, 2001. For rates
26 effective July 1, 2001 only, rates shall be the greater of
27 the rate computed for July 1, 2001 or the rate effective on
28 June 30, 2001.

29 Rates established effective each July 1 shall govern
30 payment for services rendered throughout that fiscal year,
31 except that rates established on July 1, 1996 shall be
32 increased by 6.8% for services provided on or after January
33 1, 1997. Such rates will be based upon the rates calculated
34 for the year beginning July 1, 1990, and for subsequent years

1 thereafter until June 30, 2001 shall be based on the facility
2 cost reports for the facility fiscal year ending at any point
3 in time during the previous calendar year, updated to the
4 midpoint of the rate year. The cost report shall be on file
5 with the Department of Public Aid no later than April 1 of
6 the current rate year. Should the cost report not be on file
7 by April 1, the Department of Public Aid shall base the rate
8 on the latest cost report filed by each skilled care facility
9 and intermediate care facility, updated to the midpoint of
10 the current rate year. In determining rates for services
11 rendered on and after July 1, 1985, fixed time shall not be
12 computed at less than zero. The Department of Public Aid
13 shall not make any alterations of regulations which would
14 reduce any component of the Medicaid rate to a level below
15 what that component would have been utilizing in the rate
16 effective on July 1, 1984.

17 (2) Shall take into account the actual costs incurred by
18 facilities in providing services for recipients of skilled
19 nursing and intermediate care services under the medical
20 assistance program.

21 (3) Shall take into account the medical and
22 psycho-social characteristics and needs of the patients.

23 (4) Shall take into account the actual costs incurred by
24 facilities in meeting licensing and certification standards
25 imposed and prescribed by the State of Illinois, any of its
26 political subdivisions or municipalities and by the U.S.
27 Department of Health and Human Services pursuant to Title XIX
28 of the Social Security Act.

29 The Department of Public Aid shall develop precise
30 standards for payments to reimburse nursing facilities for
31 any utilization of appropriate rehabilitative personnel for
32 the provision of rehabilitative services which is authorized
33 by federal regulations, including reimbursement for services
34 provided by qualified therapists or qualified assistants, and

1 which is in accordance with accepted professional practices.
2 Reimbursement also may be made for utilization of other
3 supportive personnel under appropriate supervision.

4 (Source: P.A. 91-24, eff. 7-1-99; 91-712, eff. 7-1-00; 92-10,
5 eff. 6-11-01; 92-31, eff. 6-28-01; revised 12-13-01.)

6 (305 ILCS 5/5-5.5) (from Ch. 23, par. 5-5.5)

7 Sec. 5-5.5. Elements of payment rate.

8 (a) The Department of Public Aid shall develop a
9 prospective method for determining payment rates for skilled
10 nursing and intermediate care services in nursing facilities
11 composed of the following cost elements:

12 (1) Standard Services, with the cost of this
13 component being determined by taking into account the
14 actual costs to the facilities of these services subject
15 to cost ceilings to be defined in the Department of
16 Public Aid's Department's rules.

17 (2) Resident Services, with the cost of this
18 component being determined by taking into account the
19 actual costs, needs and utilization of these services, as
20 derived from an assessment of the resident needs in the
21 nursing facilities. The Department of Public Aid shall
22 adopt rules governing reimbursement for resident services
23 as listed in Section 5-1.1. Surveys or assessments of
24 resident needs under this Section shall include a review
25 by the facility of the results of such assessments and a
26 discussion of issues in dispute with authorized survey
27 staff, unless the facility elects not to participate in
28 such a review process. Surveys or assessments of
29 resident needs under this Section may be conducted
30 semi-annually and payment rates relating to resident
31 services may be changed on a semi-annual basis. The
32 ~~Illinois~~ Department of Public Aid shall initiate a
33 project, either on a pilot basis or Statewide, to

1 reimburse the cost of resident services based on a
2 methodology which utilizes an assessment of resident
3 needs to determine the level of reimbursement. This
4 methodology shall be different from the payment criteria
5 for resident services utilized by the Illinois Department
6 of Public Aid on July 1, 1981. On March 1, 1982, and
7 each year thereafter, until such time when the Illinois
8 Department of Public Aid adopts the methodology used in
9 such project for use statewide or the Illinois Department
10 reports to the Citizens Assembly/Council on Public Aid
11 that the methodology did not meet the Department's goals
12 and objectives and therefore is ceasing such project, the
13 Illinois Department of Public Aid shall report to the
14 General Assembly on the implementation and progress of
15 such project. The report shall include:

16 (A) A statement of the Illinois Department's
17 goals and objectives for such project;

18 (B) A description of such project, including
19 the number and type of nursing facilities involved
20 in the project;

21 (C) A description of the methodology used in
22 such project;

23 (D) A description of the Illinois Department's
24 application of the methodology;

25 (E) A statement on the methodology's effect on
26 the quality of care given to residents in the sample
27 nursing facilities; and

28 (F) A statement on the cost of the methodology
29 used in such project and a comparison of this cost
30 with the cost of the current payment criteria.

31 (3) Ancillary Services, with the payment rate being
32 developed for each individual type of service. Payment
33 shall be made only when authorized under procedures
34 developed by the Department of Public Aid.

1 (4) Nurse's Aide Training, with the cost of this
2 component being determined by taking into account the
3 actual cost to the facilities of such training.

4 (5) Real Estate Taxes, with the cost of this
5 component being determined by taking into account the
6 figures contained in the most currently available cost
7 reports (with no imposition of maximums) updated to the
8 midpoint of the current rate year for long term care
9 services rendered between July 1, 1984 and June 30, 1985,
10 and with the cost of this component being determined by
11 taking into account the actual 1983 taxes for which the
12 nursing homes were assessed (with no imposition of
13 maximums) updated to the midpoint of the current rate
14 year for long term care services rendered between July 1,
15 1985 and June 30, 1986.

16 (b) In developing a prospective method for determining
17 payment rates for skilled nursing and intermediate care
18 services in nursing facilities, the Department of Public Aid
19 shall consider the following cost elements:

20 (1) Reasonable capital cost determined by utilizing
21 incurred interest rate and the current value of the
22 investment, including land, utilizing composite rates, or
23 by utilizing such other reasonable cost related methods
24 determined by the Department. However, beginning with the
25 rate reimbursement period effective July 1, 1987, the
26 Department shall be prohibited from establishing,
27 including, and implementing any depreciation factor in
28 calculating the capital cost element.

29 (2) Profit, with the actual amount being produced
30 and accruing to the providers in the form of a return on
31 their total investment, on the basis of their ability to
32 economically and efficiently deliver a type of service.
33 The method of payment may assure the opportunity for a
34 profit, but shall not guarantee or establish a specific

1 amount as a cost.

2 (c) The Illinois Department of Public Aid may implement
3 the amendatory changes to this Section made by this
4 amendatory Act of 1991 through the use of emergency rules in
5 accordance with the provisions of Section 5.02 of the
6 Illinois Administrative Procedure Act. For purposes of the
7 Illinois Administrative Procedure Act, the adoption of rules
8 to implement the amendatory changes to this Section made by
9 this amendatory Act of 1991 shall be deemed an emergency and
10 necessary for the public interest, safety and welfare.

11 (d) No later than January 1, 2001, the Department of
12 Public Aid shall file with the Joint Committee on
13 Administrative Rules, pursuant to the Illinois Administrative
14 Procedure Act, a proposed rule, or a proposed amendment to an
15 existing rule, regarding payment for appropriate services,
16 including assessment, care planning, discharge planning, and
17 treatment provided by nursing facilities to residents who
18 have a serious mental illness.

19 (Source: P.A. 91-799, eff. 6-13-00.)

20 (305 ILCS 5/5-5.5a) (from Ch. 23, par. 5-5.5a)
21 Sec. 5-5.5a. Kosher kitchen and food service.

22 (a) The Department of Public Aid may develop in its rate
23 structure for skilled nursing facilities and intermediate
24 care facilities an accommodation for fully kosher kitchen and
25 food service operations, rabbinically approved or certified
26 on an annual basis for a facility in which the only kitchen
27 or all kitchens are fully kosher (a fully kosher facility).
28 Beginning in the fiscal year after the fiscal year when this
29 amendatory Act of 1990 becomes effective, the rate structure
30 may provide for an additional payment to such facility not to
31 exceed 50 cents per resident per day if 60% or more of the
32 residents in the facility request kosher foods or food
33 products prepared in accordance with Jewish religious dietary

1 requirements for religious purposes in a fully kosher
2 facility. Based upon food cost reports of the Illinois
3 Department of Agriculture regarding kosher and non-kosher
4 food available in the various regions of the State, this rate
5 structure may be periodically adjusted by the Department of
6 Public Aid but may not exceed the maximum authorized under
7 this subsection (a).

8 (b) The Department of Public Aid shall by rule determine
9 how a facility with a fully kosher kitchen and food service
10 may be determined to be eligible and apply for the rate
11 accommodation specified in subsection (a).

12 (Source: P.A. 86-1464.)

13 (305 ILCS 5/5-5.6a) (from Ch. 23, par. 5-5.6a)

14 Sec. 5-5.6a. Promulgation of payment conditions,
15 standards and elements.

16 (a) Conditions of payment for skilled nursing and
17 intermediate care services in nursing facilities under
18 Section 5-5.3, standards of payment to such facilities under
19 Section 5-5.4 and the cost elements of payments to such
20 facilities under Section 5-5.5, promulgated and effective on
21 June 30, 1981, shall be null and void on July 1, 1982. The
22 ~~Illinois~~ Department of Public Aid shall promulgate new
23 conditions, standards and elements to be effective no later
24 than July 1, 1982, for payment for the care of recipients of
25 medical assistance in skilled or intermediate care
26 facilities, excluding skilled nursing facilities for
27 pediatrics and intermediate care facilities for the mentally
28 retarded, that are consistent with the criteria for nursing
29 facility reimbursement under Title XIX of the federal Social
30 Security Act, as determined by the federal Department of
31 Health and Human Services.

32 (b) Conditions of payment for skilled nursing facilities
33 for pediatrics and intermediate care facilities for the

1 mentally retarded under Section 5-5.3, standards of payment
2 to such facilities under Section 5-5.4, and the cost elements
3 of payments to such facilities under Section 5-5.5,
4 promulgated and effective on December 31, 1984, shall be null
5 and void on January 1, 1985. The Illinois Department of
6 Public Aid shall promulgate conditions, standards and
7 elements to be effective no later than January 1, 1985, for
8 payment for the care of recipients of medical assistance in
9 skilled nursing facilities for pediatrics and intermediate
10 care facilities for the mentally retarded, that are
11 consistent with the criteria for nursing facility
12 reimbursement under Title XIX of the federal Social Security
13 Act, as determined by the federal Department of Health and
14 Human Services.

15 (Source: P.A. 85-1440.)

16 (305 ILCS 5/5-5.6b) (from Ch. 23, par. 5-5.6b)

17 Sec. 5-5.6b. Prohibition against double payment. If any
18 resident of a skilled nursing facility or intermediate care
19 facility is admitted to such facility on the basis that the
20 charges for such resident's care will be paid from private
21 funds, and the source of payment for such care thereafter
22 changes from private funds to payments under this Article,
23 the facility shall, upon receiving the first such payment
24 under this Article, notify the Illinois Department of Public
25 Aid of such source of private funds for such recipient and
26 repay to the source of private funds any amounts received
27 from such source as payment for care for which payment also
28 was made under this Article. Private funds shall not include
29 third party resources such as insurance or Medicare benefits
30 or payments made by responsible relatives.

31 (Source: P.A. 85-824.)

32 (305 ILCS 5/5-5.8) (from Ch. 23, par. 5-5.8)

1 Sec. 5-5.8. Report on nursing home reimbursement. The
2 Illinois Department of Public Aid shall report annually to
3 the General Assembly, no later than the first Monday in April
4 of 1982, and each year thereafter, in regard to:

5 (a) the rate structure used by the Illinois
6 Department to reimburse nursing facilities;

7 (b) changes in the rate structure for reimbursing
8 nursing facilities;

9 (c) the administrative and program costs of
10 reimbursing nursing facilities;

11 (d) the availability of beds in nursing facilities
12 for public aid recipients; and

13 (e) the number of closings of nursing facilities,
14 and the reasons for those closings.

15 The requirement for reporting to the General Assembly
16 shall be satisfied by filing copies of the report with the
17 Speaker, the Minority Leader and the Clerk of the House of
18 Representatives and the President, the Minority Leader and
19 the Secretary of the Senate and the Legislative Research
20 Unit, as required by Section 3.1 of "An Act to revise the law
21 in relation to the General Assembly", approved February 25,
22 1874, as amended, and filing such additional copies with the
23 State Government Report Distribution Center for the General
24 Assembly as is required under paragraph (t) of Section 7 of
25 the State Library Act.

26 (Source: P.A. 84-1438.)

27 (305 ILCS 5/5-5.8a) (from Ch. 23, par. 5-5.8a)

28 Sec. 5-5.8a. Payment for exceptional care.

29 (a) For the provision of exceptional medical care, the
30 Illinois Department of Public Aid may make payments only to
31 skilled nursing facilities that substantially meet the
32 licensure and certification requirements prescribed by the
33 Department of Public Health. Only the Department of Public

1 Health shall be responsible for determining whether licensure
2 and certification requirements for skilled nursing care
3 facilities have been substantially met. The rate of payment
4 shall be negotiated with the facilities offering to provide
5 the exceptional medical care. A facility's costs of
6 providing exceptional care shall not be considered in
7 determining the rate of payment to skilled nursing facilities
8 under Sections 5-5.3 through 5-5.5. Payment for exceptional
9 medical care shall not exceed the rate that the Illinois
10 Department of Public Aid would be required to pay under the
11 Medical Assistance Program for the same care in a hospital.

12 (b) The Illinois Department of Public Aid shall adopt
13 rules and regulations under the Illinois Administrative
14 Procedure Act to implement this Section. Those rules and
15 regulations shall set forth the procedures to be followed by
16 facilities when submitting an initial exceptional medical
17 care certification request and exceptional medical care
18 payment requests. The rules and regulations shall also
19 include the procedures and criteria used by the Illinois
20 Department of Public Aid in determining whether to approve a
21 skilled nursing facility's initial exceptional medical care
22 certification request and exceptional medical care payment
23 requests. The rules shall provide that the Illinois
24 Department, upon receipt of a facility's request for payment
25 for exceptional medical care and all necessary documentation,
26 shall, after negotiations between the Illinois Department and
27 the facility are completed, determine and notify the facility
28 whether the request has been approved or denied.

29 (Source: P.A. 88-412.)

30 (305 ILCS 5/5-5.11) (from Ch. 23, par. 5-5.11)

31 Sec. 5-5.11. Payments for fiscal year 1983 services.
32 Interim rate payments for fiscal year 1983 services made from
33 the available fiscal year 1983 appropriation shall be

1 reconciled to each hospital's rates. Said reconciliation
2 shall be made from the fiscal year 1984 appropriation;
3 preliminary settlement shall be made on or before July 15,
4 1983 or 60 days after a hospital files its cost report with
5 the Department of Public Aid or its fiscal intermediary
6 covering any part of fiscal year 1983, whichever is later and
7 final settlement shall be made on or before 90 days after
8 said cost report is filed or July 15, 1983, whichever is
9 later. In no event shall any hospital be paid more than the
10 amount to be calculated by multiplying the hospital's rates
11 by the number of outpatient visits and clinic visits, and by
12 the lesser of the actual number of inpatient days or
13 allowable inpatient days of care provided by such hospital.
14 Total reconciliation payments in fiscal year 1984 shall not
15 exceed \$170 million.

16 The Auditor General shall conduct a post audit to
17 determine if the Illinois Department of Public Aid has
18 complied with the requirements of Public Act 82-787.

19 (Source: P.A. 83-748.)

20 (305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

21 Sec. 5-5.12. Pharmacy payments.

22 (a) Every request submitted by a pharmacy for
23 reimbursement under this Article for prescription drugs
24 provided to a recipient of aid under this Article shall
25 include the name of the prescriber or an acceptable
26 identification number as established by the Department of
27 Public Aid.

28 (b) Pharmacies providing prescription drugs under this
29 Article shall be reimbursed at a rate which shall include a
30 professional dispensing fee as determined by the Illinois
31 Department of Public Aid, plus the current acquisition cost
32 of the prescription drug dispensed. The Illinois Department
33 of Public Aid shall update its information on the acquisition

1 costs of all prescription drugs no less frequently than every
2 30 days. However, the Illinois Department may set the rate of
3 reimbursement for the acquisition cost, by rule, at a
4 percentage of the current average wholesale acquisition cost.
5 (Source: P.A. 88-554, eff. 7-26-94; 89-673, eff. 8-14-96.)

6 (305 ILCS 5/5-5.12a)

7 Sec. 5-5.12a. Title XIX waiver; pharmacy assistance
8 program. The Illinois Department of Public Aid may seek a
9 waiver of otherwise applicable requirements of Title XIX of
10 the federal Social Security Act in order to claim federal
11 financial participation for a pharmacy assistance program for
12 persons aged 65 and over with income levels at or less than
13 250% of the federal poverty level. The Illinois Department
14 may provide by rule for all other requirements of the
15 program, including cost sharing, as permitted by an approved
16 waiver and without regard to any provision of this Code to
17 the contrary. The benefits may be no more restrictive than
18 the Pharmacy Assistance Program in effect on May 31, 2001.
19 Benefits provided under the waiver are subject to
20 appropriation.

21 The Illinois Department of Public Aid may not implement
22 the waiver until cost neutrality is demonstrated for the
23 State relative to the final Pharmacy Assistance Program
24 appropriation for the fiscal year beginning July 1, 2001.
25 Implementation of the waiver shall terminate on June 30,
26 2007.

27 (Source: P.A. 92-10, eff. 6-11-01.)

28 (305 ILCS 5/5-5.13) (from Ch. 23, par. 5-5.13)

29 Sec. 5-5.13. AIDS drugs. The Illinois Department of
30 Public Aid shall establish procedures for the expedited
31 review, for purposes of inclusion in the Illinois Public Aid
32 formulary, of any drug for the treatment of acquired

1 immunodeficiency syndrome (AIDS) which the federal Food and
2 Drug Administration has indicated is subject to a treatment
3 investigational new drug application.

4 (Source: P.A. 88-85.)

5 (305 ILCS 5/5-5.15) (from Ch. 23, par. 5-5.15)

6 Sec. 5-5.15. Prescription pharmaceuticals; prepaid
7 capitation plans. The ~~Illinois~~ Department of Public Aid
8 shall not implement any additional plan or program which
9 provides for any form of prepaid capitation for prescription
10 pharmaceuticals when the percentage of public aid recipients
11 who receive prescription pharmaceuticals through prepaid
12 capitation plans exceeds 30% of the number of all public aid
13 recipients who receive prescription pharmaceuticals, unless
14 the Department receives the results of an evaluation of
15 delivery of prescription pharmaceuticals through prepaid
16 capitation plans, performed by an ad hoc committee appointed
17 by the ~~Illinois~~ Department. If the ad hoc committee shall
18 fail to deliver to the ~~Illinois~~ Department its evaluation
19 within 90 days of the Department's request to the ad hoc
20 committee for such an evaluation, the ad hoc committee shall
21 be deemed to have had no objection to the implementation of
22 such additional plan or program. The ad hoc committee shall
23 include representatives of the ~~Illinois~~ Department of Public
24 Aid, the Illinois State Medical Society, the Illinois
25 Hospital Association, the Illinois Pharmacists Association,
26 the Illinois Nurses Association, the Illinois Retail
27 Merchants Association, the Illinois Arthritis Foundation, the
28 Illinois Pharmaceutical Manufacturing Group, and the Council
29 of Medical Specialty Societies.

30 The Department of Public Aid shall report the results of
31 the evaluation to the House and Senate Appropriations
32 Committees of the General Assembly.

33 This Section shall apply to all programs for which the

1 Illinois Department of Public Aid provides reimbursement for
2 prescription pharmaceuticals.

3 (Source: P.A. 83-1509.)

4 (305 ILCS 5/5-5.17) (from Ch. 23, par. 5-5.17)

5 Sec. 5-5.17. Separate reimbursement rate. The Illinois
6 Department of Public Aid may by rule establish a separate
7 reimbursement rate to be paid to long term care facilities
8 for adult developmental training services as defined in
9 Section 15.2 of the Mental Health and Developmental
10 Disabilities Administrative Act which are provided to
11 mentally retarded residents of such facilities who receive
12 aid under this Article. Any such reimbursement shall be
13 based upon cost reports submitted by the providers of such
14 services and shall be paid by the long term care facility to
15 the provider within such time as the Illinois Department of
16 Public Aid shall prescribe by rule, but in no case less than
17 3 business days after receipt of the reimbursement by such
18 facility from the Illinois Department. The Illinois
19 Department of Public Aid may impose a penalty upon a facility
20 which does not make payment to the provider of adult
21 developmental training services within the time so
22 prescribed, up to the amount of payment not made to the
23 provider.

24 (Source: P.A. 89-507, eff. 7-1-97.)

25 (305 ILCS 5/5-5.18)

26 Sec. 5-5.18. Diagnosis accompanying request for
27 reimbursement. Every request submitted by a physician for
28 reimbursement under this Article for services provided to a
29 recipient of aid under this Article shall include the
30 physician's diagnosis of the recipient's illness or other
31 condition requiring those services. The diagnosis shall be
32 either written out or expressed in a code approved by the

1 Illinois Department of Public Aid.

2 (Source: P.A. 88-554, eff. 7-26-94.)

3 (305 ILCS 5/5-5.19)

4 Sec. 5-5.19. Reimbursement request records. The
5 Illinois Department of Public Aid shall file all requests for
6 reimbursement for medical services provided under this
7 Article according to both (i) the name of the service
8 provider and (ii) the name of the recipient of aid under this
9 Article to whom the medical services were provided.

10 (Source: P.A. 88-554, eff. 7-26-94.)

11 (305 ILCS 5/5-5.20)

12 Sec. 5-5.20. Clinic payments. For services provided by
13 federally qualified health centers as defined in Section 1905
14 (1)(2)(B) of the federal Social Security Act, on or after
15 April 1, 1989, and as long as required by federal law, the
16 Illinois Department of Public Aid shall reimburse those
17 health centers for those services according to a prospective
18 cost-reimbursement methodology.

19 (Source: P.A. 89-38, eff. 1-1-96.)

20 (305 ILCS 5/5-5.21)

21 Sec. 5-5.21. Reimbursement methodology. The Department
22 of Public Aid shall form a workgroup comprised of
23 representatives of the Department of Public Aid, the Illinois
24 Department of Public Health, and members of the long-term
25 care provider community to implement a reimbursement
26 methodology based upon the federally mandated resident
27 assessment instrument. No later than January 1, 1997, the
28 Illinois Department of Public Aid in conjunction with the
29 work group will recommend to the Governor a methodology for
30 determining payment rates for services in nursing facilities
31 based upon the federally mandated resident assessment

1 instrument. No later than June 30, 1997, the Illinois
2 Department of Public Aid shall implement a methodology for
3 determining payment rates for services in nursing facilities
4 based upon federal requirements.

5 (Source: P.A. 89-415, eff. 1-1-96.)

6 (305 ILCS 5/5-5a) (from Ch. 23, par. 5-5a)

7 Sec. 5-5a. Waiver for home and community-based services.
8 The Department of Public Aid shall apply for a waiver from
9 the United States Health Care Financing Administration to
10 allow payment for home and community-based services under
11 this Article.

12 The Department of Public Aid, in cooperation with the
13 Department on Aging, the Department of Human Services and any
14 other relevant State, local or federal government agency, may
15 establish a nursing home pre-screening program to determine
16 whether the applicant, eligible for medical assistance under
17 this Article, may use home and community-based services as a
18 reasonable, lower-cost alternative form of care. For the
19 purpose of this Section, "home and community-based services"
20 may include, but are not limited to, those services provided
21 under subsection (f) of Section 3 of the Disabled Persons
22 Rehabilitation Act and Section 4 of the Illinois Act on the
23 Aging.

24 (Source: P.A. 89-507, eff. 7-1-97; 89-626, eff. 8-9-96.)

25 (305 ILCS 5/5-5b) (from Ch. 23, par. 5-5b)

26 Sec. 5-5b. Payment reductions.

27 (a) Notwithstanding any other Section in this Code
28 establishing a methodology for determining payment rates or
29 dispensing fees for non-institutional services provided under
30 this Code, the Illinois Department of Public Aid is
31 authorized to reduce those payment rates or dispensing fees
32 with due regard for and subject to budgetary limitations to

1 the extent permitted by federal law.

2 (b) The Illinois Department of Public Aid may implement
3 this Section as added by this amendatory Act of 1991 through
4 the use of emergency rules in accordance with the provisions
5 of Section 5.02 of the Illinois Administrative Procedure Act.
6 For purposes of the Illinois Administrative Procedure Act,
7 the adoption of rules to implement this Section as added by
8 this amendatory Act of 1991 shall be deemed an emergency and
9 necessary for the public interest, safety and welfare.

10 (Source: P.A. 87-14.)

11 (305 ILCS 5/5-5c)

12 Sec. 5-5c. Waiver for home and community-based services
13 for traumatic brain injury (TBI) patients. The Department of
14 Public Aid shall apply for a waiver from the United States
15 Health Care Financing Administration to allow payment for
16 home and community-based services under this Article for
17 traumatic brain injury patients.

18 The Department of Public Aid shall submit a Home and
19 Community-Based Services TBI Waiver request to the United
20 States Health Care Financing Administration by January 1,
21 1998. The waiver shall be requested pursuant to Section
22 1915(c) of the Social Security Act. The Department shall
23 request a waiver of Section 1902(a)(10)(B) of the Social
24 Security Act in order to target home and community-based
25 services to individuals with a traumatic brain injury meeting
26 the Medicaid eligibility criteria set forth in appendices to
27 the Prototype Waiver request.

28 Under the waiver, the Department of Public Aid, in
29 cooperation with the Department of Human Services and any
30 other relevant State, local, or federal government agency,
31 may establish a nursing facility pre-screening program to
32 determine whether an applicant who is eligible for medical
33 assistance under this Article and has a traumatic brain

1 injury may use home and community-based services as a
 2 reasonable, lower-cost alternative form of care. If a waiver
 3 request has not been submitted by January 1, 1998 the
 4 Department of Public Aid shall submit the TBI Prototype
 5 Waiver request to the United States Health Care Financing
 6 Administration.

7 (Source: P.A. 90-335, eff. 8-8-97.)

8 (305 ILCS 5/5-6) (from Ch. 23, par. 5-6)

9 Sec. 5-6. Obligations incurred prior to death of a
 10 recipient. Obligations incurred but not paid for at the time
 11 of a recipient's death for services authorized under Sections
 12 Section 5-5 through 5-5.0075, including medical and other
 13 care in group care facilities as defined in the "Nursing Home
 14 Care Act", approved August 23, 1979, as amended, or in like
 15 facilities not required to be licensed under that Act, may be
 16 paid, subject to the rules and regulations of the Illinois
 17 Department of Public Aid, after the death of the recipient.

18 (Source: P.A. 86-820.)

19 (305 ILCS 5/5-7) (from Ch. 23, par. 5-7)

20 Sec. 5-7. Fees and charges; reimbursements to counties}.
 21 The Illinois Department of Public Aid shall negotiate with
 22 the various dispensers of medical services the fees or rates
 23 which shall govern payment for medical assistance provided
 24 under this Article and in such negotiations the Illinois
 25 Department shall consider but is not mandated to pay other
 26 fees or rates charged in the community to persons not
 27 eligible for medical assistance provided under this Article.

28 The Illinois Department of Public Aid shall pay each
 29 claim for medical assistance provided under this Article
 30 within 90 days after it receives the claim for such payment;
 31 provided, that such claim is not contested as to form or
 32 substance.

1 If the Department of Public Aid contests the claim it
2 shall provide written notice to the dispenser of medical
3 services within 90 days after receipt of the claim, which
4 notice shall include the specific reasons for contesting the
5 claim.

6 (Source: P.A. 81-487.)

7 (305 ILCS 5/5-8) (from Ch. 23, par. 5-8)

8 Sec. 5-8. Practitioners. In supplying medical assistance,
9 the ~~Illinois~~ Department of Public aid may provide for the
10 legally authorized services of persons licensed under the
11 Medical Practice Act of 1987, as amended, except as hereafter
12 in this Section stated, whether under a general or limited
13 license, and of persons licensed or registered under other
14 laws of this State to provide dental, medical,
15 pharmaceutical, optometric, podiatric, or nursing services,
16 or other remedial care recognized under State law. The
17 Department may not provide for legally authorized services of
18 any physician who has been convicted of having performed an
19 abortion procedure in a wilful and wanton manner on a woman
20 who was not pregnant at the time such abortion procedure was
21 performed. The utilization of the services of persons
22 engaged in the treatment or care of the sick, which persons
23 are not required to be licensed or registered under the laws
24 of this State, is not prohibited by this Section.

25 (Source: P.A. 85-1209.)

26 (305 ILCS 5/5-9) (from Ch. 23, par. 5-9)

27 Sec. 5-9. Choice of medical dispensers. Applicants and
28 recipients shall be entitled to free choice of those
29 qualified practitioners, hospitals, nursing homes, and other
30 dispensers of medical services meeting the requirements and
31 complying with the rules and regulations of the ~~Illinois~~
32 Department of Public Aid. However, the Director of Public Aid

1 may, after providing reasonable notice and opportunity for
 2 hearing, deny, suspend or terminate any otherwise qualified
 3 person, firm, corporation, association, agency, institution,
 4 or other legal entity, from participation as a vendor of
 5 goods or services under the medical assistance program
 6 authorized by this Article if the Director finds such vendor
 7 of medical services in violation of this Act or the policy or
 8 rules and regulations issued pursuant to this Act. Any
 9 physician who has been convicted of performing an abortion
 10 procedure in a wilful and wanton manner upon a woman who was
 11 not pregnant at the time such abortion procedure was
 12 performed shall be automatically removed from the list of
 13 physicians qualified to participate as a vendor of medical
 14 services under the medical assistance program authorized by
 15 this Article.

16 (Source: P.A. 82-263.)

17 (305 ILCS 5/5-11) (was 305 ILCS 5/5-11, subsec. (a), in
 18 part)

19 Sec. 5-11. Co-operative arrangements~~;~~---~~contracts~~ with
 20 other State agencies~~;~~---~~health--care--and--rehabilitation~~
 21 ~~organizations;~~---~~and--fiscal--intermediaries.~~

22 (a) The ~~Illinois~~ Department of Public Aid may enter into
 23 co-operative arrangements with State agencies responsible for
 24 administering or supervising the administration of health
 25 services and vocational rehabilitation services to the end
 26 that there may be maximum utilization of such services in the
 27 provision of medical assistance.

28 (b) The ~~Illinois~~ Department of Public Aid shall, not
 29 later than June 30, 1993, enter into one or more co-operative
 30 arrangements with the Department of Mental Health and
 31 Developmental Disabilities providing that the Department of
 32 Mental Health and Developmental Disabilities will be
 33 responsible for administering or supervising all programs for

1 services to persons in community care facilities for persons
 2 with developmental disabilities, including but not limited to
 3 intermediate care facilities, that are supported by State
 4 funds or by funding under Title XIX of the federal Social
 5 Security Act. The responsibilities of the Department of
 6 Mental Health and Developmental Disabilities under these
 7 agreements are transferred to the Department of Human
 8 Services as provided in the Department of Human Services Act.
 9 (Source: P.A. 92-370, eff. 8-15-01.)

10 (305 ILCS 5/5-11.05 new) (was 305 ILCS 5/5-11, subsec.
 11 (a), in part)

12 Sec. 5-11.05. Contracts with health and rehabilitation
 13 agencies and organizations. The Department of Public Aid may
 14 also contract with such State health and rehabilitation
 15 agencies described in Section 5-11 and with other public or
 16 private health care and rehabilitation organizations to act
 17 for it in supplying designated medical services to persons
 18 eligible therefor under this Article. Any contracts with
 19 health services or health maintenance organizations shall be
 20 restricted to organizations which have been certified as
 21 being in compliance with standards promulgated pursuant to
 22 the laws of this State governing the establishment and
 23 operation of health services or health maintenance
 24 organizations.

25 (Source: P.A. 92-370, eff. 8-15-01.)

26 (305 ILCS 5/5-11.010 new) (was 305 ILCS 5/5-11, subsec.
 27 (a), in part)

28 Sec. 5-11.010. Contracts with insurance companies. The
 29 Department of Public Aid may also contract with insurance
 30 companies or other corporate entities serving as fiscal
 31 intermediaries in this State for the Federal Government in
 32 respect to Medicare payments under Title XVIII of the Federal

1 Social Security Act to act for the Department in paying
2 medical care suppliers.

3 (Source: P.A. 92-370, eff. 8-15-01.)

4 (305 ILCS 5/5-11.015 new) (was 305 ILCS 5/5-11, subsec.
5 (a), in part)

6 Sec. 5-11.015. Advance payments. The provisions of
7 Section 9 of "An Act in relation to State finance", approved
8 June 10, 1919, as amended, notwithstanding, such contracts
9 with State agencies, other health care and rehabilitation
10 organizations, or fiscal intermediaries under Section 5-11,
11 5-11.05, or 5-11.010 may provide for advance payments.

12 (Source: P.A. 92-370, eff. 8-15-01.)

13 (305 ILCS 5/5-11.020 new) (was 305 ILCS 5/5-11, subsec.
14 (b), in part)

15 Sec. 5-11.020. Managed care community network;
16 definition. (b) For purposes of this Section and Sections
17 5-11.025 through 5-11.055 subsection--(b), "managed care
18 community network" means an entity, other than a health
19 maintenance organization, that is owned, operated, or
20 governed by providers of health care services within this
21 State and that provides or arranges primary, secondary, and
22 tertiary managed health care services under contract with the
23 Illinois Department of Public Aid exclusively to persons
24 participating in programs administered by the Illinois
25 Department.

26 (Source: P.A. 92-370, eff. 8-15-01.)

27 (305 ILCS 5/5-11.025 new) (was 305 ILCS 5/5-11, subsec.
28 (b), in part)

29 Sec. 5-11.025. Contracts with managed care community
30 networks.

31 (a) The Illinois Department of Public Aid may certify

1 managed care community networks, including managed care
 2 community networks owned, operated, managed, or governed by
 3 State-funded medical schools, as risk-bearing entities
 4 eligible to contract with the Illinois Department as Medicaid
 5 managed care organizations. The Illinois Department may
 6 contract with those managed care community networks to
 7 furnish health care services to or arrange those services for
 8 individuals participating in programs administered by the
 9 Illinois Department.

10 (b) The rates for those provider-sponsored organizations
 11 may be determined on a prepaid, capitated basis.

12 (c) A managed care community network may choose to
 13 contract with the Illinois Department of Public Aid to
 14 provide only pediatric health care services.

15 (d) The Illinois Department of Public Aid shall by rule
 16 adopt the criteria, standards, and procedures by which a
 17 managed care community network may be permitted to contract
 18 with the Illinois Department and shall consult with the
 19 Department of Insurance in adopting these rules.

20 (Source: P.A. 92-370, eff. 8-15-01.)

21 (305 ILCS 5/5-11.030 new) (was 305 ILCS 5/5-11, subsec.
 22 (b), in part)

23 Sec. 5-11.030. Contracts with county providers. A county
 24 provider as defined in Section 15-1 of this Code may contract
 25 with the Illinois Department of Public Aid to provide
 26 primary, secondary, or tertiary managed health care services
 27 as a managed care community network without the need to
 28 establish a separate entity and shall be deemed a managed
 29 care community network for purposes of this Code only to the
 30 extent it provides services to participating individuals. A
 31 county provider is entitled to contract with the Illinois
 32 Department with respect to any contracting region located in
 33 whole or in part within the county. A county provider is not

1 required to accept enrollees who do not reside within the
2 county.

3 (Source: P.A. 92-370, eff. 8-15-01.)

4 (305 ILCS 5/5-11.035 new) (was 305 ILCS 5/5-11, subsec.
5 (b), in part)

6 Sec. 5-11.035. State-funded medical schools;
7 demonstration program. In order to (i) accelerate and
8 facilitate the development of integrated health care in
9 contracting areas outside counties with populations in excess
10 of 3,000,000 and counties adjacent to those counties and (ii)
11 maintain and sustain the high quality of education and
12 residency programs coordinated and associated with local area
13 hospitals, the Illinois Department of Public Aid may develop
14 and implement a demonstration program from managed care
15 community networks owned, operated, managed, or governed by
16 State-funded medical schools. The Illinois Department shall
17 prescribe by rule the criteria, standards, and procedures for
18 effecting this demonstration program.

19 (Source: P.A. 92-370, eff. 8-15-01.)

20 (305 ILCS 5/5-11.040 new) (was 305 ILCS 5/5-11, subsec.
21 (b), in part)

22 Sec. 5-11.040. Duties of managed care community network.

23 A managed care community network that contracts with the
24 Illinois Department of Public Aid to furnish health care
25 services to or arrange those services for enrollees
26 participating in programs administered by the Illinois
27 Department shall do all of the following:

- 28 (1) Provide that any provider affiliated with the
29 managed care community network may also provide services
30 on a fee-for-service basis to Illinois Department of
31 Public Aid clients not enrolled in such managed care
32 entities.

1 (2) Provide client education services as determined
2 and approved by the Illinois Department of Public Aid,
3 including but not limited to (i) education regarding
4 appropriate utilization of health care services in a
5 managed care system, (ii) written disclosure of treatment
6 policies and restrictions or limitations on health
7 services, including, but not limited to, physical
8 services, clinical laboratory tests, hospital and
9 surgical procedures, prescription drugs and biologics,
10 and radiological examinations, and (iii) written notice
11 that the enrollee may receive from another provider those
12 covered services that are not provided by the managed
13 care community network.

14 (3) Provide that enrollees within the system may
15 choose the site for provision of services and the panel
16 of health care providers.

17 (4) Not discriminate in enrollment or disenrollment
18 practices among recipients of medical services or
19 enrollees based on health status.

20 (5) Provide a quality assurance and utilization
21 review program that meets the requirements established by
22 the Illinois Department of Public Aid in rules that
23 incorporate those standards set forth in the Health
24 Maintenance Organization Act.

25 (6) Issue a managed care community network
26 identification card to each enrollee upon enrollment.
27 The card must contain all of the following:

28 (A) The enrollee's health plan.

29 (B) The name and telephone number of the
30 enrollee's primary care physician or the site for
31 receiving primary care services.

32 (C) A telephone number to be used to confirm
33 eligibility for benefits and authorization for
34 services that is available 24 hours per day, 7 days

1 per week.

2 (7) Ensure that every primary care physician and
3 pharmacy in the managed care community network meets the
4 standards established by the Illinois Department of
5 Public Aid for accessibility and quality of care. The
6 Illinois Department of Public Aid shall arrange for and
7 oversee an evaluation of the standards established under
8 this paragraph (7) and may recommend any necessary
9 changes to these standards.

10 (8) Provide a procedure for handling complaints
11 that meets the requirements established by the Illinois
12 Department of Public Aid in rules that incorporate those
13 standards set forth in the Health Maintenance
14 Organization Act.

15 (9) Maintain, retain, and make available to the
16 Illinois Department of Public Aid records, data, and
17 information, in a uniform manner determined by the
18 Illinois Department, sufficient for the Illinois
19 Department to monitor utilization, accessibility, and
20 quality of care.

21 (10) Provide that the pharmacy formulary used by
22 the managed care community network and its contract
23 providers be no more restrictive than the Department of
24 Public Aid's Illinois-Department's pharmaceutical program
25 on the effective date of this amendatory Act of 1998 and
26 as amended after that date.

27 (Source: P.A. 92-370, eff. 8-15-01.)

28 (305 ILCS 5/5-11.045 new) (was 305 ILCS 5/5-11, subsec.
29 (b), in part)

30 Sec. 5-11.045. Quality assurance review.

31 (a) The Illinois Department of Public Aid shall contract
32 with an entity or entities to provide external peer-based
33 quality assurance review for the managed health care programs

1 administered by the Illinois Department. The entity shall be
 2 representative of Illinois physicians licensed to practice
 3 medicine in all its branches and have statewide geographic
 4 representation in all specialities of medical care that are
 5 provided in managed health care programs administered by the
 6 Illinois Department. The entity may not be a third party
 7 payer and shall maintain offices in locations around the
 8 State in order to provide service and continuing medical
 9 education to physician participants within those managed
 10 health care programs administered by the Illinois Department.

11 (b) The review process shall be developed and conducted
 12 by Illinois physicians licensed to practice medicine in all
 13 its branches.

14 (c) In consultation with the entity, the Illinois
 15 Department of Public Aid may contract with other entities for
 16 professional peer-based quality assurance review of
 17 individual categories of services other than services
 18 provided, supervised, or coordinated by physicians licensed
 19 to practice medicine in all its branches.

20 (d) The Illinois Department of Public Aid shall
 21 establish, by rule, criteria to avoid conflicts of interest
 22 in the conduct of quality assurance activities consistent
 23 with professional peer-review standards.

24 (e) All quality assurance activities shall be
 25 coordinated by the Illinois Department of Public Aid.

26 (Source: P.A. 92-370, eff. 8-15-01.)

27 (305 ILCS 5/5-11.050 new) (was 305 ILCS 5/5-11, subsec.
 28 (b), in part)

29 Sec. 5-11.050. Ability to bear financial risk. Each
 30 managed care community network must demonstrate its ability
 31 to bear the financial risk of serving individuals under this
 32 program. The Illinois Department of Public Aid shall by rule
 33 adopt standards for assessing the solvency and financial

1 soundness of each managed care community network. Any
 2 solvency and financial standards adopted for managed care
 3 community networks shall be no more restrictive than the
 4 solvency and financial standards adopted under Section
 5 1856(a) of the Social Security Act for provider-sponsored
 6 organizations under Part C of Title XVIII of the Social
 7 Security Act.

8 (Source: P.A. 92-370, eff. 8-15-01.)

9 (305 ILCS 5/5-11.055 new) (was 305 ILCS 5/5-11, subsec.
 10 (b), in part)

11 Sec. 5-11.055. Emergency rulemaking. The Illinois
 12 Department of Public Aid may implement the amendatory changes
 13 to this Code made by this amendatory Act of 1998 through the
 14 use of emergency rules in accordance with Section 5-45 of the
 15 Illinois Administrative Procedure Act. For purposes of that
 16 Act, the adoption of rules to implement these changes is
 17 deemed an emergency and necessary for the public interest,
 18 safety, and welfare.

19 (Source: P.A. 92-370, eff. 8-15-01.)

20 (305 ILCS 5/5-11.060 new) (was 305 ILCS 5/5-11, subsec.
 21 (c))

22 Sec. 5-11.060. Survey for nursing facilities; Department
 23 of Public Health.

24 (a) ~~(e)~~ Not later than June 30, 1996, the Illinois
 25 Department of Public Aid shall enter into one or more
 26 cooperative arrangements with the Department of Public Health
 27 for the purpose of developing a single survey for nursing
 28 facilities, including but not limited to facilities funded
 29 under Title XVIII or Title XIX of the federal Social Security
 30 Act or both, which shall be administered and conducted solely
 31 by the Department of Public Health. The Departments shall
 32 test the single survey process on a pilot basis, with both

1 the Departments of Public Aid and Public Health represented
 2 on the consolidated survey team. The pilot will sunset June
 3 30, 1997. After June 30, 1997, unless otherwise determined
 4 by the Governor, a single survey shall be implemented by the
 5 Department of Public Health which would not preclude staff
 6 from the Department of Public Aid from going on-site to
 7 nursing facilities to perform necessary audits and reviews
 8 which shall not replicate the single State agency survey
 9 required by this Act.

10 (b) Sections 5-11 through 5-11.065 This--Section shall
 11 not apply to community or intermediate care facilities for
 12 persons with developmental disabilities.

13 (Source: P.A. 92-370, eff. 8-15-01.)

14 (305 ILCS 5/5-11.065 new) (was 305 ILCS 5/5-11, subsec.
 15 (d))

16 Sec. 5-11.065. Negotiated contract with managed care
 17 community network or HMO. (d) Nothing in this Code in any way
 18 limits or otherwise impairs the authority or power of the
 19 Illinois Department to enter into a negotiated contract
 20 pursuant to this Section with a managed care community
 21 network or a health maintenance organization, as defined in
 22 the Health Maintenance Organization Act, that provides for
 23 termination or nonrenewal of the contract without cause, upon
 24 notice as provided in the contract, and without a hearing.

25 (Source: P.A. 92-370, eff. 8-15-01.)

26 (305 ILCS 5/5-11.1)

27 Sec. 5-11.1. Cooperative arrangements; contracts. The
 28 Illinois Department of Public Aid may enter into cooperative
 29 arrangements with State agencies responsible for
 30 administering or supervising the administration of health
 31 services and vocational rehabilitation services to maximize
 32 utilization of these services in the provision of medical

1 assistance.

2 The Illinois Department of Public Aid shall, not later
3 than June 30, 1994, enter into one or more cooperative
4 arrangements with the Department of Mental Health and
5 Developmental Disabilities providing that the Department of
6 Mental Health and Developmental Disabilities will be
7 responsible for administering or supervising all programs for
8 services to persons in community care facilities for persons
9 with mental illness, including but not limited to
10 intermediate care facilities, that are supported by State
11 funds or by funding under Title XIX of the federal Social
12 Security Act. The responsibilities of the Department of
13 Mental Health and Developmental Disabilities under these
14 agreements are transferred to the Department of Human
15 Services as provided in the Department of Human Services Act.

16 The Department of Public Aid may also contract with State
17 health and rehabilitation agencies and other public or
18 private health care and rehabilitation organizations to act
19 for it in supplying designated medical services to persons
20 eligible under this Section. Any contracts with health
21 services or health maintenance organizations shall be
22 restricted to organizations which have been certified as
23 being in compliance with standards promulgated under the laws
24 of this State governing the establishment and operation of
25 health services or health maintenance organizations. The
26 Department of Public Aid may also contract with insurance
27 companies or other corporate entities serving as fiscal
28 intermediaries in this State for the federal government in
29 respect to Medicare payments under Title XVIII of the federal
30 Social Security Act to act for the Department in paying
31 medical care suppliers. Nothing in this Section shall be
32 construed to abrogate any existing doctor/patient
33 relationships with Illinois Department of Public Aid
34 recipients or the free choice of clients or their guardians

1 to select a physician to provide medical care. The
2 provisions of Section 9 of the State Finance Act
3 notwithstanding, such contracts with State agencies, other
4 health care and rehabilitation organizations, or fiscal
5 intermediaries may provide for advance payments.

6 (Source: P.A. 91-357, eff. 7-29-99.)

7 (305 ILCS 5/5-12) (from Ch. 23, par. 5-12)

8 Sec. 5-12. Funeral and burial. Upon the death of a
9 recipient who qualified under ~~class-2,--3--or--4--of~~ Section
10 5-2.010, 5-2.015, or 5-2.020 5-2, if his estate is
11 insufficient to pay his funeral and burial expenses and if no
12 other resources, including assistance from legally
13 responsible relatives, are available for such purposes, there
14 shall be paid, in accordance with the standards, rules and
15 regulations of the ~~Illinois~~ Department of Human Services,
16 such reasonable amounts as may be necessary to meet costs of
17 the funeral, burial space, and cemetery charges, or to
18 reimburse any person not financially responsible for the
19 deceased who have voluntarily made expenditures for such
20 costs.

21 (Source: P.A. 89-507, eff. 7-1-97; 90-372, eff. 7-1-98.)

22 (305 ILCS 5/5-13) (from Ch. 23, par. 5-13)

23 Sec. 5-13. Claim against estate of recipients. To the
24 extent permitted under the federal Social Security Act, the
25 amount expended under this Article (1) for a person of any
26 age who is an inpatient in a nursing facility, an
27 intermediate care facility for the mentally retarded, or
28 other medical institution, or (2) for a person aged 55 or
29 more, shall be a claim against the person's estate or a claim
30 against the estate of the person's spouse, regardless of the
31 order of death, but no recovery may be had thereon until
32 after the death of the surviving spouse, if any, and then

1 only at such time when there is no surviving child who is
2 under age 21, or blind, or permanently and totally disabled.
3 This Section, however, shall not bar recovery at the death of
4 the person of amounts of medical assistance paid to or in his
5 behalf to which he was not entitled; provided that such
6 recovery shall not be enforced against any real estate while
7 it is occupied as a homestead by the surviving spouse or
8 other dependent, if no claims by other creditors have been
9 filed against the estate, or if such claims have been filed,
10 they remain dormant for failure of prosecution or failure of
11 the claimant to compel administration of the estate for the
12 purpose of payment. The term "estate", as used in this
13 Section, with respect to a deceased person, means all real
14 and personal property and other assets included within the
15 person's estate, as that term is used in the Probate Act of
16 1975; however, in the case of a deceased person who has
17 received (or is entitled to receive) benefits under a
18 long-term care insurance policy in connection with which
19 assets or resources are disregarded to the extent that
20 payments are made or because the deceased person received (or
21 was entitled to receive) benefits under a long-term care
22 insurance policy, "estate" also includes any other real and
23 personal property and other assets in which the deceased
24 person had any legal title or interest at the time of his or
25 her death (to the extent of that interest), including assets
26 conveyed to a survivor, heir, or assignee of the deceased
27 person through joint tenancy, tenancy in common,
28 survivorship, life estate, living trust, or other
29 arrangement. The term "homestead", as used in this Section,
30 means the dwelling house and contiguous real estate occupied
31 by a surviving spouse or relative, as defined by the rules
32 and regulations of the Illinois Department of Public Aid,
33 regardless of the value of the property.

34 A claim arising under this Section against assets

1 conveyed to a survivor, heir, or assignee of the deceased
2 person through joint tenancy, tenancy in common,
3 survivorship, life estate, living trust, or other arrangement
4 is not effective until the claim is recorded or filed in the
5 manner provided for a notice of lien in Section 3-10.2. The
6 claim is subject to the same requirements and conditions to
7 which liens on real property interests are subject under
8 Sections 3-10.1 through 3-10.10. A claim arising under this
9 Section attaches to interests owned or subsequently acquired
10 by the estate of a recipient or the estate of a recipient's
11 surviving spouse. The transfer or conveyance of any real or
12 personal property of the estate as defined in this Section
13 shall be subject to the fraudulent transfer conditions that
14 apply to real property in Section 3-11 of this Code.

15 The provisions of this Section shall not affect the
16 validity of claims against estates for medical assistance
17 provided prior to January 1, 1966 to aged, blind, or disabled
18 persons receiving aid under Articles V, VII and VII-A of the
19 1949 Code.

20 (Source: P.A. 88-85; 88-554, eff. 7-26-94; 89-21, eff.
21 7-1-95; 89-437, eff. 12-15-95; 89-686, eff. 12-31-96.)

22 (305 ILCS 5/5-13.2)

23 Sec. 5-13.2. Notice of claim for payment or against
24 estate. If the ~~Illinois~~ Department of Public Aid determines,
25 more than 120 days after a person becomes an
26 institutionalized person, that (i) the institutionalized
27 person, the institutionalized person's spouse, or any other
28 person is required under this Code to reimburse the ~~Illinois~~
29 Department for any part of the amount of medical assistance
30 provided under this Article to or on behalf of the
31 institutionalized person or (ii) the institutionalized
32 person's estate is liable for any amount of medical
33 assistance provided to or on behalf of the institutionalized

1 person, the Illinois Department shall not make any claim for
 2 payment of that amount on demand, but rather shall establish,
 3 in cooperation with the institutionalized person (and that
 4 person's spouse or primary caretaker, if applicable), a
 5 schedule for payment of the amount owed to the Illinois
 6 Department.

7 (Source: P.A. 88-162; 88-670, eff. 12-2-94.)

8 (305 ILCS 5/5-14) (from Ch. 23, par. 5-14)

9 Sec. 5-14. Exemption for townships. Nothing in this
 10 Article shall be construed as requiring townships to provide,
 11 in whole or in part, medical assistance to persons who are
 12 not residents of the State of Illinois.

13 In all instances under this Article where medical aid or
 14 assistance to a person who is not a resident of this State
 15 would otherwise be in whole or in part, the responsibility of
 16 a township, the Illinois Department of Public Aid shall be
 17 responsible for such aid or assistance.

18 The Illinois Department of Public Aid shall, by rule or
 19 regulation, insure that provision of such aid or assistance
 20 to a non-resident is identical to the uniform standard of
 21 eligibility established by the Illinois Department.

22 (Source: P.A. 81-519.)

23 (305 ILCS 5/5-15) (from Ch. 23, par. 5-15)

24 Sec. 5-15. Contracts with community based organizations.

25 (a) The Illinois Department of Public Aid is authorized
 26 to contract with community based organizations serving low
 27 income communities for a three year period to demonstrate how
 28 and the extent to which preventive health programs can
 29 decrease utilization of medical care services and/or improve
 30 health status.

31 (b) As used in this Section (1) a community based
 32 organization is an organization established as a

1 not-for-profit corporation under laws of the State of
2 Illinois which serves a defined geographic community and is
3 governed by members of that community; and (2) a preventive
4 health program is any program, service or intervention the
5 purpose of which is to identify, resolve, or ameliorate
6 problems which contribute to the utilization of medical
7 services.

8 (c) The ~~Illinois~~ Department of Public Aid is authorized,
9 for evaluation purposes, to release names of recipients and
10 other pertinent identification and medical utilization
11 information to the community organizations under contract.

12 (d) Contractors shall maintain strict confidentiality of
13 information released by the ~~Illinois~~ Department of Public Aid
14 by following guidelines established by the ~~Illinois~~
15 Department, which shall require that recipients sign a
16 release for any further use or disclosure of such
17 information.

18 (e) The ~~Illinois~~ Department of Public Aid shall report
19 to the Citizens Assembly/Council on Public Aid annually on
20 the costs and benefits of preventive health care projects.

21 (Source: P.A. 86-651.)

22 (305 ILCS 5/5-15.5)

23 Sec. 5-15.5. Preventive physical examinations;
24 demonstration program.

25 (a) The ~~Illinois~~ Department of Public Aid may establish
26 and implement a demonstration program of preventive physical
27 examinations over a 3-year period commencing on January 1,
28 1994, for persons receiving assistance under Article IV of
29 this Code and persons eligible for assistance under this
30 Article who are otherwise eligible for assistance under
31 Article IV but who fail to qualify for cash assistance under
32 Article IV on the basis of need. Notwithstanding any other
33 provision of this Section, however, persons who are pregnant

1 or who are less than 21 years of age shall not be eligible to
2 participate in the demonstration program. The demonstration
3 program may be implemented for recipients in at least 2
4 counties, one with a population of not more than 650,000 as
5 determined by the 1990 federal census, and one with a
6 population of not more than 100,000 as determined by the 1990
7 federal census. The ~~Illinois~~ Department of Public Aid may
8 establish by rule the nature and scope of the preventive
9 physical examinations required under this Section, except
10 that the services may include, as appropriate, blood pressure
11 reading, complete blood test appropriate to the population
12 and risk factors, family planning, nutrition counselling,
13 smoking evaluation, temperature, urinalysis, chest x-ray,
14 tuberculosis screening, and appropriate referrals.

15 (b) Participation in the demonstration program shall be
16 voluntary, and eligible recipients shall not be subject to
17 sanctions for refusing or failing to submit to a preventive
18 physical examination or any portion of such an examination.
19 The ~~Illinois~~ Department of Public Aid may by rule limit each
20 eligible recipient to one examination during the
21 demonstration period.

22 (c) For the purpose of carrying out its responsibilities
23 under this Section, the ~~Illinois~~ Department of Public Aid is
24 authorized to enter into cooperative arrangements with
25 for-profit and non-profit medical clinics and hospitals,
26 local health departments, and other providers of medical
27 services. The ~~Illinois~~ Department of Public Health shall
28 cooperate in the development and establishment of this
29 demonstration program. During the period of the demonstration
30 program, the ~~Illinois~~ Department of Public Aid shall study
31 the cost benefit of providing preventive physical
32 examinations to the targeted group of recipients of public
33 aid.

34 (d) Implementation of the demonstration program shall be

1 contingent on the receipt of all necessary federal waivers.
2 (Source: P.A. 88-396.)

3 (305 ILCS 5/5-16) (from Ch. 23, par. 5-16)
4 Sec. 5-16. Managed care. The Illinois Department of
5 Public Aid may develop and implement a Primary Care Sponsor
6 System consistent with the provisions of this Section. The
7 purpose of this managed care delivery system shall be to
8 contain the costs of providing medical care to Medicaid
9 recipients by having one provider responsible for managing
10 all aspects of a recipient's medical care. This managed care
11 system shall have the following characteristics:

12 (a) The Department of Public Aid, by rule, shall
13 establish criteria to determine which clients must
14 participate in this program.;

15 (b) Providers participating in the program may be
16 paid an amount per patient per month, to be set by the
17 Illinois Department of Public Aid, for managing each
18 recipient's medical care.;

19 (c) Providers eligible to participate in the
20 program shall be physicians licensed to practice medicine
21 in all its branches, and the Illinois Department of
22 Public Aid may terminate a provider's participation if
23 the provider is determined to have failed to comply with
24 any applicable program standard or procedure established
25 by the Illinois Department.;

26 (d) Each recipient required to participate in the
27 program must select from a panel of primary care
28 providers or networks established by the Department of
29 Public Aid in their communities.;

30 (e) A recipient may change his designated primary
31 care provider:

32 (1) when the designated source becomes
33 unavailable, as the Illinois Department of Public

1 Aid shall determine by rule; or

2 (2) when the designated primary care provider
3 notifies the Illinois Department of Public Aid that
4 it wishes to withdraw from any obligation as primary
5 care provider; or

6 (3) in other situations, as the Illinois
7 Department of Public Aid shall provide by rule.†

8 (f) The Illinois Department of Public Aid shall, by
9 rule, establish procedures for providing medical services
10 when the designated source becomes unavailable or wishes
11 to withdraw from any obligation as primary care provider
12 taking into consideration the need for emergency or
13 temporary medical assistance and ensuring that the
14 recipient has continuous and unrestricted access to
15 medical care from the date on which such unavailability
16 or withdrawal becomes effective until such time as the
17 recipient designates a primary care source.†

18 (g) Only medical care services authorized by a
19 recipient's designated provider, except for emergency
20 services, services performed by a provider that is owned
21 or operated by a county and that provides non-emergency
22 services without regard to ability to pay and such other
23 services as provided by the Illinois Department of Public
24 Aid, shall be subject to payment by the Illinois
25 Department of Public Aid. The Illinois Department of
26 Public Aid shall enter into an intergovernmental
27 agreement with each county that owns or operates such a
28 provider to develop and implement policies to minimize
29 the provision of medical care services provided by county
30 owned or operated providers pursuant to the foregoing
31 exception.

32 The Illinois Department of Public Aid shall seek and
33 obtain necessary authorization provided under federal law to
34 implement such a program including the waiver of any federal

1 regulations.

2 The Illinois Department of Public Aid may implement the
3 amendatory changes to this Section made by this amendatory
4 Act of 1991 through the use of emergency rules in accordance
5 with the provisions of Section 5.02 of the Illinois
6 Administrative Procedure Act. For purposes of the Illinois
7 Administrative Procedure Act, the adoption of rules to
8 implement the amendatory changes to this Section made by this
9 amendatory Act of 1991 shall be deemed an emergency and
10 necessary for the public interest, safety and welfare.

11 The Illinois Department of Public Aid may establish a
12 managed care system demonstration program, on a limited
13 basis, as described in this Section. The demonstration
14 program shall terminate on June 30, 1997. Within 30 days
15 after the end of each year of the demonstration program's
16 operation, the Illinois Department shall report to the
17 Governor and the General Assembly concerning the operation of
18 the demonstration program.

19 (Source: P.A. 87-14; 88-490.)

20 (305 ILCS 5/5-16.1) (from Ch. 23, par. 5-16.1)

21 Sec. 5-16.1. Case management services. The Illinois
22 Department of Public Aid may develop, implement and evaluate
23 a Case Management Services Program which provides services
24 consistent with the provisions of this Section, and the
25 Inter-Agency Agreement between the Department of Public Aid
26 and the Department of Public Health, for a targeted
27 population on a less than Statewide basis in the State of
28 Illinois. The purpose of this Case Management Services
29 Program shall be to assist eligible participants in gaining
30 access to needed medical, social, educational and other
31 services thereby reducing the likelihood of long-term welfare
32 dependency. The Case Management Services Program shall have
33 the following characteristics:

1 (a) It shall be conducted for a period of no less
2 than 5 consecutive fiscal years in one urban area
3 containing a high proportion, as determined by Department
4 of Public Aid and Department of Public Health records, of
5 Medicaid eligible pregnant or parenting girls under 17
6 years of age at the time of the initial assessment and in
7 one rural area containing a high proportion, as
8 determined by Department of Public Aid and Department of
9 Public Health records, of Medicaid eligible pregnant or
10 parenting girls under 17 years of age at the time of the
11 initial assessment.

12 (b) Providers participating in the program shall be
13 paid an amount per patient per month, to be set by the
14 Illinois Department of Public Aid, for the case
15 management services provided.

16 (c) Providers eligible to participate in the
17 program shall be nurses or social workers, licensed to
18 practice in Illinois, who comply with the rules and
19 regulations established by the Illinois Department of
20 Public Aid and the Inter-Agency Agreement between the
21 Department of Public Aid and the Department of Public
22 Health. The Illinois Department of Public Aid may
23 terminate a provider's participation in the program if
24 the provider is determined to have failed to comply with
25 any applicable program standard or procedure established
26 by the Illinois Department.

27 (d) Each eligible participant in an area where the
28 Case Management Services Program is being conducted may
29 voluntarily designate a case manager, of her own choosing
30 to assume responsibility for her care.

31 (e) A participant may change her designated case
32 manager provided that she informs the Illinois Department
33 of Public Aid by the 20th day of the month in order for
34 the change to be effective in the following month.

1 (f) The Illinois Department of Public Aid shall, by
2 rule, establish procedures for providing case management
3 services when the designated source becomes unavailable
4 or wishes to withdraw from any obligation as case
5 management services provider.

6 (g) In accordance with rules adopted by the
7 Illinois Department of Public Aid, a participant may
8 discontinue participation in the program upon timely
9 notice to the Illinois Department of Public Aid, in which
10 case the participant shall remain eligible for assistance
11 under all applicable provisions of Article V of this
12 Code.

13 The Illinois Department of Public Aid shall take any
14 necessary steps to obtain authorization or waiver under
15 federal law to implement a Case Management Services Program.
16 Participation shall be voluntary for the provider and the
17 recipient.

18 (Source: P.A. 87-685.)

19 (305 ILCS 5/5-16.2)

20 Sec. 5-16.2. Long range plan for case management. The
21 Illinois Department of Public Aid shall develop a long range
22 plan for the implementation of case management services, as
23 defined in Section 5-16.1 of this Act, throughout Illinois.
24 The long range plan shall include: (i) a geographic overview
25 of the State and the proportion, as determined by the
26 Department of Public Aid and the Department of Public Health
27 records, of Medicaid eligible pregnant or parenting girls
28 under 17 years of age at the time of the initial assessment;
29 (ii) identification of high proportion areas; (iii) goals for
30 reducing the likelihood of long-term welfare dependency; (iv)
31 the time frames for accomplishing the identified goals; and
32 (v) specific recommendations for administrative or
33 legislative policies and programs necessary to complete the

1 identified goals. The long range plan shall take into
 2 consideration other resources currently serving the
 3 identified population. The long range plan shall be
 4 completed no later than July 1, 1994, and provided to the
 5 Governor and the General Assembly in the form of a written
 6 report.

7 (Source: P.A. 88-70.)

8 (305 ILCS 5/5-16.4)

9 Sec. 5-16.4. Medical Assistance Provider Payment Fund.

10 (a) There is created in the State treasury the Medical
 11 Assistance Provider Payment Fund. Interest earned by the
 12 Fund shall be credited to the Fund.

13 (b) The Fund is created for the purpose of disbursing
 14 moneys as follows:

15 (1) For medical services provided to recipients of
 16 aid under Articles V, VI, and XII.

17 (2) For payment of administrative expenses incurred
 18 by the Illinois Department of Public Aid or its agent in
 19 performing the activities authorized by this Section.

20 (3) For making transfers to the General Obligation
 21 Bond Retirement and Interest Fund, as those transfers are
 22 authorized in the proceedings authorizing debt under the
 23 Medicaid Liability Liquidity Borrowing Act, but transfers
 24 made under this paragraph (3) may not exceed the
 25 principal amount of debt issued under that Act.

26 Disbursements from the Fund, other than transfers to the
 27 General Obligation Bond Retirement and Interest Fund (which
 28 shall be made in accordance with the provisions of the
 29 Medicaid Liability Liquidity Borrowing Act), shall be by
 30 warrants drawn by the State Comptroller upon receipt of
 31 vouchers duly executed and certified by the Illinois
 32 Department of Public Aid.

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

1 (1) All federal matching funds received by the
 2 Illinois Department of Public Aid as a result of
 3 expenditures made by the Illinois Department of Public
 4 Aid that are attributable to moneys deposited into the
 5 Fund.

6 (2) Proceeds from any short-term borrowing directed
 7 to the Fund by the Governor pursuant to the Medicaid
 8 Liability Liquidity Borrowing Act.

9 (3) Amounts transferred into the Fund under
 10 subsection (d) of this Section.

11 (4) All other moneys received for the Fund from any
 12 other source, including interest earned on those moneys.

13 (d) Beginning July 1, 1995, on the 13th and 26th days of
 14 each month the State Comptroller and Treasurer shall transfer
 15 from the General Revenue Fund to the Medical Assistance
 16 Provider Payment Fund an amount equal to 1/48th of the annual
 17 Medical Assistance appropriation to the Illinois Department
 18 of Public Aid from the Medical Assistance Provider Payment
 19 Fund, plus cumulative deficiencies from those prior
 20 transfers. In addition to those transfers, the State
 21 Comptroller and Treasurer may transfer from the General
 22 Revenue Fund to the Medical Assistance Provider Payment Fund
 23 as much as is necessary to pay claims pursuant to the new
 24 twice-monthly payment schedule established in Section 5-16.5
 25 and to avoid interest liabilities under the State Prompt
 26 Payment Act. No transfers made pursuant to this subsection
 27 shall interfere with the timely payment of the general State
 28 aid payment made pursuant to Section 18-11 of the School
 29 Code.

30 (Source: P.A. 88-554, eff. 7-26-94.)

31 (305 ILCS 5/5-16.5)

32 Sec. 5-16.5. Expedited payments.

33 (a) (Blank).

1 (b) In a county with a population of 3,000,000 or more,
2 a managed care community network shall receive expedited
3 payment of its capitated reimbursement for each of its
4 managed care enrollees if both of the following criteria are
5 met:

6 (1) At least 75% of its membership is composed of
7 hospitals that are qualified on or after July 1, 1994 as
8 disproportionate share hospitals.

9 (2) At least 75% of its managed care enrollees
10 receive services at the disproportionate share hospitals
11 or those hospitals' affiliated sites.

12 (c) For counties whose population is less than
13 3,000,000, the Illinois Department of Public Aid shall
14 establish by rule the terms and conditions under which a
15 managed care community network shall receive expedited
16 payment, including a determination of the qualifying
17 percentage criteria for disproportionate share hospitals and
18 managed care enrollees within a network receiving services at
19 disproportionate share hospitals or their affiliated sites.

20 (Source: P.A. 88-554, eff. 7-26-94; 89-21, eff. 7-1-95.)

21 (305 ILCS 5/5-16.6)

22 Sec. 5-16.6. Provider compliance with certain
23 requirements. The Illinois Department of Public Aid shall
24 inquire of appropriate State agencies concerning the status
25 of all providers' compliance with State income tax
26 requirements, child support payments in accordance with
27 Article X of this Code, and educational loans guaranteed by
28 the Illinois State Scholarship Commission. The Illinois
29 Department of Public Aid may suspend from participation in
30 the medical assistance program, after reasonable notice and
31 opportunity for a hearing in accordance with Sections Section
32 12-4.25 through 12-4.25.35 of this Code, those providers not
33 in compliance with these requirements, unless payment

1 arrangements acceptable to the appropriate State agency are
2 made.

3 (Source: P.A. 90-655, eff. 7-30-98.)

4 (305 ILCS 5/5-16.9)

5 Sec. 5-16.9. Woman's health care provider. The medical
6 assistance program is subject to the provisions of Section
7 356r of the Illinois Insurance Code. The ~~Illinois~~ Department
8 of Public Aid shall adopt rules to implement the requirements
9 of Section 356r of the Illinois Insurance Code in the medical
10 assistance program including managed care components.

11 (Source: P.A. 92-370, eff. 8-15-01.)

12 (305 ILCS 5/5-16.10)

13 Sec. 5-16.10. Managed care entities; marketing. A
14 managed health care entity providing services under this
15 Article V may not engage in door-to-door marketing activities
16 or marketing activities at an office of the ~~Illinois~~
17 Department of Public Aid or a county department in order to
18 enroll recipients in the entity's health care delivery
19 system. The Department of Public Aid shall adopt rules
20 defining "marketing activities" prohibited by this Section.

21 Before a managed health care entity providing services
22 under this Article V may market its health care delivery
23 system to recipients, the ~~Illinois~~ Department of Public Aid
24 must approve a marketing plan submitted by the entity to the
25 ~~Illinois~~ Department. The ~~Illinois~~ Department shall adopt
26 guidelines for approving marketing plans submitted by managed
27 health care entities under this Section. Besides prohibiting
28 door-to-door marketing activities and marketing activities at
29 public aid offices, the guidelines shall include at least the
30 following:

- 31 (1) A managed health care entity may not offer or
32 provide any gift, favor, or other inducement in marketing

1 its health care delivery system to integrated health care
2 program enrollees. A managed health care entity may
3 provide health care related items that are of nominal
4 value and pre-approved by the Department of Public Aid to
5 prospective enrollees. A managed health care entity may
6 also provide to enrollees health care related items that
7 have been pre-approved by the Department of Public Aid as
8 an incentive to manage their health care appropriately.

9 (2) All persons employed or otherwise engaged by a
10 managed health care entity to market the entity's health
11 care delivery system to recipients or to supervise that
12 marketing shall register with the Illinois Department of
13 Public Aid.

14 The Inspector General appointed under Section 12-13.1 may
15 conduct investigations to determine whether the marketing
16 practices of managed health care entities providing services
17 under this Article V comply with the guidelines.

18 (Source: P.A. 90-538, eff. 12-1-97.)

19 (305 ILCS 5/5-16.11)

20 Sec. 5-16.11. Uniform standards applied to managed care
21 entities. Any managed care entity providing services under
22 this Code shall use a pharmacy formulary that is no more
23 restrictive than the Department of Public Aid's Illinois
24 Department's pharmaceutical program.

25 (Source: P.A. 92-370, eff. 8-15-01.)

26 (305 ILCS 5/5-16.12)

27 Sec. 5-16.12. Managed Care Reform and Patient Rights
28 Act. The medical assistance program and other programs
29 administered by the Department of Public Aid are subject to
30 the provisions of the Managed Care Reform and Patient Rights
31 Act. The Department of Public Aid may adopt rules to
32 implement those provisions. These rules shall require

1 compliance with that Act in the medical assistance managed
2 care programs and other programs administered by the
3 Department. The medical assistance fee-for-service program
4 is not subject to the provisions of the Managed Care Reform
5 and Patient Rights Act.

6 Nothing in the Managed Care Reform and Patient Rights Act
7 shall be construed to mean that the Department of Public Aid
8 is a health care plan as defined in that Act simply because
9 the Department enters into contractual relationships with
10 health care plans.

11 (Source: P.A. 91-617, eff. 1-1-00.)

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

13 Sec. 5-17. Programs to improve access to hospital care.

14 (a) (1) The General Assembly finds:

15 (A) That while hospitals have traditionally
16 provided charitable care to indigent patients, this
17 burden is not equally borne by all hospitals
18 operating in this State. Some hospitals continue to
19 provide significant amounts of care to low-income
20 persons while others provide very little such care;
21 and

22 (B) That access to hospital care in this State
23 by the indigent citizens of Illinois would be
24 seriously impaired by the closing of hospitals that
25 provide significant amounts of care to low-income
26 persons.

27 (2) To help expand the availability of hospital
28 care for all citizens of this State, it is the policy of
29 the State to implement programs that more equitably
30 distribute the burden of providing hospital care to
31 Illinois' low-income population and that improve access
32 to health care in Illinois.

33 (3) The ~~Illinois~~ Department of Public Aid may

1 develop and implement a program that lessens the burden
 2 of providing hospital care to Illinois' low-income
 3 population, taking into account the costs that must be
 4 incurred by hospitals providing significant amounts of
 5 care to low-income persons, and may develop adjustments
 6 to increase rates to improve access to health care in
 7 Illinois. The Illinois Department of Public Aid shall
 8 prescribe by rule the criteria, standards and procedures
 9 for effecting such adjustments in the rates of hospital
 10 payments for services provided to eligible low-income
 11 persons (under Articles V, VI and VII of this Code) under
 12 this Article.

13 (b) The Illinois Department of Public Aid shall require
 14 hospitals certified to participate in the federal Medicaid
 15 program to:

16 (1) provide equal access to available services to
 17 low-income persons who are eligible for assistance under
 18 Articles V, VI and VII of this Code;

19 (2) provide data and reports on the provision of
 20 uncompensated care.

21 (c) From the effective date of this amendatory Act of
 22 1992 until July 1, 1992, nothing in this Section 5-17 shall
 23 be construed as creating a private right of action on behalf
 24 of any individual.

25 (Source: P.A. 87-13; 87-838.)

26 (305 ILCS 5/5-19) (from Ch. 23, par. 5-19)
 27 Sec. 5-19. Healthy Kids Program.

28 (a) Eligibility for program. Any child under the age of
 29 21 eligible to receive Medical Assistance from the Illinois
 30 Department of Public Aid under Article V of this Code shall
 31 be eligible for Early and Periodic Screening, Diagnosis and
 32 Treatment services provided by the Healthy Kids Program of
 33 the Illinois Department under the Social Security Act, 42

1 U.S.C. 1396d(r).

2 (b) Enrollment of children in Medicaid. The Illinois
3 Department of Public Aid shall provide for receipt and
4 initial processing of applications for Medical Assistance for
5 all pregnant women and children under the age of 21 at
6 locations in addition to those used for processing
7 applications for cash assistance, including disproportionate
8 share hospitals, federally qualified health centers and other
9 sites as selected by the Illinois Department.

10 (c) Healthy Kids examinations. The Illinois Department
11 of Public Aid shall consider any examination of a child
12 eligible for the Healthy Kids services provided by a medical
13 provider meeting the requirements and complying with the
14 rules and regulations of the Illinois Department to be
15 reimbursed as a Healthy Kids examination.

16 (d) Medical screening examinations.

17 (1) The Illinois Department of Public Aid shall
18 insure Medicaid coverage for periodic health, vision,
19 hearing, and dental screenings for children eligible for
20 Healthy Kids services scheduled from a child's birth up
21 until the child turns 21 years. The Illinois Department
22 of Public Aid shall pay for vision, hearing, dental and
23 health screening examinations for any child eligible for
24 Healthy Kids services by qualified providers at intervals
25 established by Department rules.

26 (2) The Illinois Department of Public Aid shall pay
27 for an interperiodic health, vision, hearing, or dental
28 screening examination for any child eligible for Healthy
29 Kids services whenever an examination is:

30 (A) requested by a child's parent, guardian,
31 or custodian, or is determined to be necessary or
32 appropriate by social services, developmental,
33 health, or educational personnel; or

34 (B) necessary for enrollment in school; or

1 (C) necessary for enrollment in a licensed day
2 care program, including Head Start; or

3 (D) necessary for placement in a licensed
4 child welfare facility, including a foster home,
5 group home or child care institution; or

6 (E) necessary for attendance at a camping
7 program; or

8 (F) necessary for participation in an
9 organized athletic program; or

10 (G) necessary for enrollment in an early
11 childhood education program recognized by the
12 Illinois State Board of Education; or

13 (H) necessary for participation in a Women,
14 Infant, and Children (WIC) program; or

15 (I) deemed appropriate by the Illinois
16 Department of Public Aid.

17 (e) Minimum screening protocols for periodic health
18 screening examinations. Health screening examinations must
19 include the following services:

20 (1) Comprehensive health and development assessment
21 including:

22 (A) Development/mental health/psychosocial
23 assessment; and

24 (B) Assessment of nutritional status including
25 tests for iron deficiency and anemia for children at
26 the following ages: 9 months, 2 years, 8 years, and
27 18 years;

28 (2) Comprehensive unclothed physical exam;

29 (3) Appropriate immunizations at a minimum, as
30 required by the Secretary of the U.S. Department of
31 Health and Human Services under 42 U.S.C. 1396d(r).

32 (4) Appropriate laboratory tests including blood
33 lead levels appropriate for age and risk factors.

34 (A) Anemia test.

1 (B) Sickle cell test.

2 (C) Tuberculin test at 12 months of age and
3 every 1-2 years thereafter unless the treating
4 health care professional determines that testing is
5 medically contraindicated.

6 (D) Other -- The Illinois Department of Public
7 Aid shall insure that testing for HIV, drug
8 exposure, and sexually transmitted diseases is
9 provided for as clinically indicated.

10 (5) Health education. The Illinois Department of
11 Public Aid shall require providers to provide
12 anticipatory guidance as recommended by the American
13 Academy of Pediatrics.

14 (6) Vision screening. The Illinois Department of
15 Public Aid shall require providers to provide vision
16 screenings consistent with those set forth in the
17 Department of Public Health's Administrative Rules.

18 (7) Hearing screening. The Illinois Department of
19 Public Aid shall require providers to provide hearing
20 screenings consistent with those set forth in the
21 Department of Public Health's Administrative Rules.

22 (8) Dental screening. The Illinois Department of
23 Public Aid shall require providers to provide dental
24 screenings consistent with those set forth in the
25 Department of Public Health's Administrative Rules.

26 (f) Covered medical services. The Illinois Department
27 of Public Aid shall provide coverage for all necessary health
28 care, diagnostic services, treatment and other measures to
29 correct or ameliorate defects, physical and mental illnesses,
30 and conditions whether discovered by the screening services
31 or not for all children eligible for Medical Assistance under
32 Article V of this Code.

33 (g) Notice of Healthy Kids services.

34 (1) The Illinois Department of Public Aid shall

1 inform any child eligible for Healthy Kids services and
2 the child's family about the benefits provided under the
3 Healthy Kids Program, including, but not limited to, the
4 following: what services are available under Healthy
5 Kids, including discussion of the periodicity schedules
6 and immunization schedules, that services are provided at
7 no cost to eligible children, the benefits of preventive
8 health care, where the services are available, how to
9 obtain them, and that necessary transportation and
10 scheduling assistance is available.

11 (2) The ~~Illinois~~ Department of Public Aid shall
12 widely disseminate information regarding the availability
13 of the Healthy Kids Program throughout the State by
14 outreach activities which shall include, but not be
15 limited to, (i) the development of cooperation agreements
16 with local school districts, public health agencies,
17 clinics, hospitals and other health care providers,
18 including developmental disability and mental health
19 providers, and with charities, to notify the constituents
20 of each of the Program and assist individuals, as
21 feasible, with applying for the Program, (ii) using the
22 media for public service announcements and advertisements
23 of the Program, and (iii) developing posters advertising
24 the Program for display in hospital and clinic waiting
25 rooms.

26 (3) The ~~Illinois~~ Department of Public Aid shall
27 utilize accepted methods for informing persons who are
28 illiterate, blind, deaf, or cannot understand the English
29 language, including but not limited to public services
30 announcements and advertisements in the foreign language
31 media of radio, television and newspapers.

32 (4) The ~~Illinois~~ Department of Public Aid shall
33 provide notice of the Healthy Kids Program to every child
34 eligible for Healthy Kids services and his or her family

1 at the following times:

2 (A) orally by the intake worker and in writing
3 at the time of application for Medical Assistance;

4 (B) at the time the applicant is informed that
5 he or she is eligible for Medical Assistance
6 benefits; and

7 (C) at least 20 days before the date of any
8 periodic health, vision, hearing, and dental
9 examination for any child eligible for Healthy Kids
10 services. Notice given under this subparagraph (C)
11 must state that a screening examination is due under
12 the periodicity schedules and must advise the
13 eligible child and his or her family that the
14 Illinois Department of Public Aid will provide
15 assistance in scheduling an appointment and
16 arranging medical transportation.

17 (h) Data collection. The Illinois Department of Public
18 Aid shall collect data in a usable form to track utilization
19 of Healthy Kids screening examinations by children eligible
20 for Healthy Kids services, including but not limited to data
21 showing screening examinations and immunizations received, a
22 summary of follow-up treatment received by children eligible
23 for Healthy Kids services and the number of children
24 receiving dental, hearing and vision services.

25 (Source: P.A. 87-630; 87-895.)

26 (305 ILCS 5/5-20)

27 Sec. 5-20. Electronic health care card. By December 31,
28 1994, the Illinois Department of Public Aid may develop and
29 implement by rule an electronic health information system to
30 process claims electronically and to electronically store
31 Medicare and Medicaid patient records, medical histories, and
32 billing information. The Illinois Department of Public Aid
33 may issue each Medicare and Medicaid recipient a health card

1 containing electronically coded information that will access
2 the system, verify their Medicare or Medicaid status, and
3 display how much the patient must pay in deductibles or
4 copayments for a medical procedure. The Illinois Department
5 of Public Aid may also develop safeguards to protect
6 recipients' health information from misuse or unauthorized
7 disclosure.

8 (Source: P.A. 88-308; 88-670, eff. 12-2-94.)

9 (305 ILCS 5/5-21)

10 Sec. 5-21. Immunization. By July 1, 1994, the Illinois
11 Department of Public Aid shall, in cooperation with the
12 Department of Public Health, establish and implement a pilot
13 program that will provide immunization services for children
14 on a walk-in basis at local public aid offices. The Director
15 of Public Aid shall determine the number and location of the
16 local public aid offices that will participate in the pilot
17 program. The Illinois Department of Public Aid shall submit
18 a report on the effectiveness of the program to the General
19 Assembly on or before December 31, 1995. The Department of
20 Public Aid and the Department of Human Services, in
21 cooperation with the Department of Public Health, shall
22 continue to implement the pilot program after the effective
23 date of this amendatory Act of 1996.

24 (Source: P.A. 88-493; 88-670, eff. 12-2-94; 89-507, eff.
25 7-1-97.)

26 (305 ILCS 5/5-22)

27 Sec. 5-22. Healthy Moms/Healthy Kids reporting
28 requirement. The Illinois Department of Public Aid shall
29 submit a report concerning the Healthy Moms/Healthy Kids
30 Program on July 31, 1994 and on that day each year
31 thereafter. The report shall contain the following
32 information:

1 (1) A list of each Primary Care Provider participating
2 in the Healthy Moms/Healthy Kids Managed Care Program and the
3 following information for each listed provider:

4 (A) zip code;

5 (B) specialty (as indicated on their HMKH Managed
6 Care Provider Agreement);

7 (C) total number of patients that the provider has
8 agreed to enroll each month under the signed agreement
9 including the total number of pregnant women and the
10 total number of children each provider has agreed to
11 serve; and

12 (D) total number of unduplicated patients the
13 provider has enrolled (by month and for the year) under
14 the signed agreement including the number of pregnant
15 women and the total number of children.

16 (2) The unduplicated number of children who are Medicaid
17 enrolled in the Healthy Moms/Healthy Kids Managed Care
18 Program's target area during the year.

19 (3) The unduplicated number of children who were
20 enrolled in the Healthy Moms/Healthy Kids Managed Care
21 Program during the year:

22 (A) The unduplicated number of children who were
23 assigned to a Primary Care Provider enrolled physician.

24 (B) The unduplicated number of children who were
25 assigned to a Federally Qualified Health Center (number
26 of FQHC name).

27 (C) The unduplicated number of children who were
28 assigned to a hospital outpatient or other clinic type
29 (number of hospital outpatient or other clinic name).

30 (D) The unduplicated number of children who were
31 assigned to an HMO (number of HMO name).

32 (4) The unduplicated number of known pregnant women who
33 are Medicaid enrolled during their pregnancy in the Healthy
34 Moms/Healthy Kids Managed Care Program's target area during

1 the year.

2 (5) The unduplicated number of pregnant women who were
3 enrolled in the Healthy Moms/Healthy Kids Managed Care
4 Program during the year:

5 (A) The unduplicated number of pregnant women who
6 were assigned to a Primary Care Provider enrolled
7 physician.

8 (B) The unduplicated number of pregnant women who
9 were assigned to a Federally Qualified Health Center
10 (number by FQHC name).

11 (C) The unduplicated number of pregnant women who
12 were assigned to a hospital outpatient or other clinic
13 type (number of hospital outpatient or other clinic
14 name).

15 (D) The unduplicated number of women who were
16 pregnant at the time of assignment to an HMO (number of
17 HMO name).

18 (6) The number of unduplicated children who were
19 Medicaid enrolled in the Healthy Moms/Healthy Kids Managed
20 Care Program's target area, but who were not enrolled with
21 one of the Primary Care Provider types or an HMO during the
22 year.

23 (7) The number of known unduplicated pregnant women who
24 were Medicaid enrolled in the Healthy Moms/Healthy Kids
25 Managed Care Program's target area but who were not enrolled
26 with one of the Primary Care Provider types or an HMO during
27 the year.

28 (8) The number of unduplicated children enrolled in the
29 Healthy Moms/Healthy Kids Managed Care Program who were
30 referred to a specialist, indicating the number of children
31 by specialty, as identified in the Medicaid Provider
32 Enrollment system.

33 (9) The number of unduplicated pregnant women enrolled
34 in the Healthy Moms/Healthy Kids Managed Care Program who

1 were referred to a specialist, indicating the number of
2 pregnant women by specialty, as identified in the Medicaid
3 Provider Enrollment system.

4 (10) A list of each case management agency participating
5 in the Healthy Moms/Healthy Kids Managed Care Program and the
6 following information for each listed agency:

7 (A) name;

8 (B) address and zip code;

9 (C) the number of cases assigned by category (i.e.
10 families with pregnant women; families with infants;
11 families with children over age one) by month and an
12 unduplicated total for the year; and

13 (D) the amount of payment for case management
14 services by month and a total for the year.

15 (11) A list of each case management agency participating
16 in the Healthy Moms/Healthy Kids Program (outside of the
17 target Healthy Moms/Healthy Kids Managed Care Program area)
18 and the following information for each listed agency:

19 (A) name;

20 (B) address and zip code;

21 (B-5) county/area served;

22 (C) the number of cases assigned by category (i.e.
23 families with pregnant women; families with infants;
24 families with children over age one) by month and an
25 unduplicated total for the year; and

26 (D) the amount of payment for case management
27 services by month and an unduplicated total for the year.

28 (12) The total number of physicians by county, who have
29 signed Healthy Moms/Healthy Kids Provider Agreements (outside
30 of the target Healthy Moms/Healthy Kids Managed Care Program
31 area).

32 (Source: P.A. 90-655, eff. 7-30-98.)

33 (305 ILCS 5/5A-2) (from Ch. 23, par. 5A-2)

1 Sec. 5A-2. Assessment; no local authorization to tax.

2 (a) For the privilege of engaging in the occupation of
3 hospital provider, an assessment is imposed upon each
4 hospital provider for the State fiscal year beginning on July
5 1, 1993 and ending on June 30, 1994, in an amount equal to
6 1.88% of the provider's adjusted gross hospital revenue for
7 the most recent calendar year ending before the beginning of
8 that State fiscal year.

9 Effective July 1, 1994 through June 30, 1996, an annual
10 assessment is imposed upon each hospital provider in an
11 amount equal to the provider's adjusted gross hospital
12 revenue for the most recent calendar year ending before the
13 beginning of that State fiscal year multiplied by the
14 Provider's Savings Rate.

15 Effective July 1, 1996 through March 31, 1997, an
16 assessment is imposed upon each hospital provider in an
17 amount equal to three-fourths of the provider's adjusted
18 gross hospital revenue for calendar year 1995 multiplied by
19 the Provider's Savings Rate. No assessment shall be imposed
20 on or after April 1, 1997.

21 Before July 1, 1995, the Provider's Savings Rate is 1.88%
22 multiplied by a fraction, the numerator of which is the
23 Maximum Section 5A-2 Contribution minus the Cigarette Tax
24 Contribution, and the denominator of which is the Maximum
25 Section 5A-2 Contribution. Effective July 1, 1995, the
26 Provider's Savings Rate is 1.25% multiplied by a fraction,
27 the numerator of which is the Maximum Section 5A-2
28 Contribution minus the Cigarette Tax Contribution, and the
29 denominator of which is the Maximum Section 5A-2
30 Contribution.

31 The Cigarette Tax Contribution is the sum of the total
32 amount deposited in the Hospital Provider Fund in the
33 previous State fiscal year pursuant to Section 2(a) of the
34 Cigarette Tax Act, plus the total amount deposited in the

1 Hospital Provider Fund in the previous State fiscal year
2 pursuant to Section 5A-3(c) of this Code.

3 The Maximum Section 5A-2 Contribution is the total amount
4 of tax imposed by this Section in the previous State fiscal
5 year on providers subject to this Act, multiplied by a
6 fraction the numerator of which is adjusted gross hospital
7 revenues reported to the Department of Public Aid by
8 providers subject to this Act for the previous State fiscal
9 year and the denominator of which is adjusted gross hospital
10 revenues reported to the Department by providers subject to
11 this Act for the State fiscal year immediately preceding the
12 previous State fiscal year.

13 The Department of Public Aid shall notify hospital
14 providers of the Provider's Savings Rate by mailing a notice
15 to each provider's last known address as reflected by the
16 records of the Illinois Department.

17 (b) Nothing in this amendatory Act of 1995 shall be
18 construed to authorize any home rule unit or other unit of
19 local government to license for revenue or to impose a tax or
20 assessment upon hospital providers or the occupation of
21 hospital provider, or a tax or assessment measured by the
22 income or earnings of a hospital provider.

23 (Source: P.A. 88-88; 89-21, eff. 7-1-95; 89-499, eff.
24 6-28-96.)

25 (305 ILCS 5/5A-3) (from Ch. 23, par. 5A-3)

26 Sec. 5A-3. Exemptions; intergovernmental transfers.

27 (a) A hospital provider which is a county with a
28 population of more than 3,000,000 that makes
29 intergovernmental transfer payments as provided in Section
30 15-3 of this Code shall be exempt from the assessment imposed
31 by Section 5A-2, unless the exemption is adjudged to be
32 unconstitutional or otherwise invalid, in which case the
33 county shall pay the assessment imposed by Section 5A-2 for

1 all assessment periods beginning on or after July 1, 1992,
2 and the assessment so paid shall be creditable against the
3 intergovernmental transfer payments.

4 (b) A hospital organized under the University of
5 Illinois Hospital Act and exempt from the assessment imposed
6 by Section 5A-2 is hereby authorized to enter into an
7 interagency agreement with the ~~Illinois~~ Department of Public
8 Aid to make intergovernmental transfer payments to the
9 ~~Illinois~~ Department. These payments shall be deposited into
10 the University of Illinois Hospital Services Fund or, if that
11 Fund ceases to exist, into the General Revenue Fund.

12 (b-5) A hospital operated by the Department of Human
13 Services in the course of performing its mental health and
14 developmental disabilities functions is exempt from the
15 assessment imposed by Section 5A-2.

16 (c) The ~~Illinois~~ Department of Public Aid is hereby
17 authorized to enter into agreements with publicly owned or
18 operated hospitals to make intergovernmental transfer
19 payments to the ~~Illinois~~ Department. These payments shall be
20 deposited into the Hospital Provider Fund, except that any
21 payments arising under an agreement with a hospital organized
22 under the University of Illinois Hospital Act shall be
23 deposited into the University of Illinois Hospital Services
24 Fund, if that Fund exists.

25 (Source: P.A. 88-88; 88-554, eff. 7-26-94; 89-21, eff.
26 7-1-95; 89-507, eff. 7-1-97.)

27 (305 ILCS 5/5A-4) (from Ch. 23, par. 5A-4)

28 Sec. 5A-4. Payment of assessment; penalty.

29 (a) The assessment imposed by Section 5A-2 for a State
30 fiscal year shall be due and payable in quarterly
31 installments, each equalling one-fourth of the assessment for
32 the year, on September 30, December 31, March 31, and May 31
33 of the year; except that for the period July 1, 1996 through

1 March 31, 1997, the assessment imposed by Section 5A-2 for
2 that period shall be due and payable in 3 equal installments
3 on September 30, December 31, and March 31 of that period.

4 (b) The Illinois Department of Public Aid is authorized
5 to establish delayed payment schedules for hospital providers
6 that are unable to make installment payments when due under
7 this Section due to financial difficulties, as determined by
8 the Illinois Department.

9 (c) If a hospital provider fails to pay the full amount
10 of an installment when due (including any extensions granted
11 under subsection (b)), there shall, unless waived by the
12 Illinois Department of Public Aid for reasonable cause, be
13 added to the assessment imposed by Section 5A-2 a penalty
14 assessment equal to the lesser of (i) 5% of the amount of the
15 installment not paid on or before the due date plus 5% of the
16 portion thereof remaining unpaid on the last day of each
17 month thereafter or (ii) 100% of the installment amount not
18 paid on or before the due date. For purposes of this
19 subsection, payments will be credited first to unpaid
20 installment amounts (rather than to penalty or interest),
21 beginning with the most delinquent installments.

22 (Source: P.A. 88-88; 89-499, eff. 6-28-96.)

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

24 Sec. 5A-5. Reporting; penalty; maintenance of records.

25 (a) After December 31 of each year, and on or before
26 March 31 of the succeeding year, every hospital provider
27 subject to assessment under this Article shall file a return
28 with the Illinois Department of Public Aid. The return shall
29 report the adjusted gross hospital revenue from the calendar
30 year just ended and shall be utilized by the Illinois
31 Department of Public Aid to calculate the assessment for the
32 State fiscal year commencing on the next July 1, except that
33 the return for the State fiscal year commencing July 1, 1992

1 and the report of revenue for calendar year 1991 shall be
2 filed on or before September 30, 1992. The return shall be
3 on a form prepared by the Illinois Department of Public Aid
4 and shall state the following:

5 (1) The name of the hospital provider.

6 (2) The address of the hospital provider's
7 principal place of business from which the provider
8 engages in the occupation of hospital provider in this
9 State, and the name and address of each hospital
10 operated, conducted, or maintained by the provider in
11 this State.

12 (3) The adjusted gross hospital revenue of the
13 hospital provider for the calendar year just ended, the
14 amount of assessment imposed under Section 5A-2 for the
15 State fiscal year for which the return is filed, and the
16 amount of each quarterly installment to be paid during
17 the State fiscal year.

18 (4) The amount of penalty due, if any.

19 (5) Other reasonable information the Illinois
20 Department of Public Aid requires.

21 (b) If a hospital provider conducts, operates, or
22 maintains more than one hospital licensed by the Illinois
23 Department of Public Health, the provider may not file a
24 single return covering all those hospitals, but shall file a
25 separate return for each hospital and shall compute and pay
26 the assessment for each hospital separately.

27 (c) Notwithstanding any other provision in this Article,
28 in the case of a person who ceases to conduct, operate, or
29 maintain a hospital in respect of which the person is subject
30 to assessment under this Article as a hospital provider, the
31 assessment for the State fiscal year in which the cessation
32 occurs shall be adjusted by multiplying the assessment
33 computed under Section 5A-2 by a fraction, the numerator of
34 which is the number of months in the year during which the

1 provider conducts, operates, or maintains the hospital and
2 the denominator of which is 12. The person shall file a
3 final, amended return with the ~~Illinois~~ Department of Public
4 Aid not more than 90 days after the cessation reflecting the
5 adjustment and shall pay with the final return the assessment
6 for the year as so adjusted (to the extent not previously
7 paid).

8 (d) Notwithstanding any other provision in this Article,
9 a provider who commences conducting, operating, or
10 maintaining a hospital shall file an initial return for the
11 State fiscal year in which the commencement occurs within 90
12 days thereafter and shall pay the assessment computed under
13 Section 5A-2 and subsection (e) in equal installments on the
14 due date of the return and on the regular installment due
15 dates for the State fiscal year occurring after the due date
16 of the initial return.

17 (e) Notwithstanding any other provision in this Article,
18 in the case of a hospital provider that did not conduct,
19 operate, or maintain a hospital throughout the calendar year
20 preceding a State fiscal year, the assessment for that State
21 fiscal year shall be computed on the basis of hypothetical
22 adjusted gross hospital revenue for the full calendar year as
23 determined by rules adopted by the ~~Illinois~~ Department of of
24 Public Aid (which may be based on annualization of the
25 provider's actual revenues for a portion of the calendar
26 year, or revenues of a comparable hospital for the year,
27 including revenues realized by a prior provider from the same
28 hospital during the year).

29 (f) In the case of a hospital provider existing as a
30 corporation or legal entity other than an individual, the
31 return filed by it shall be signed by its president,
32 vice-president, secretary, or treasurer or by its properly
33 authorized agent.

34 (g) If a hospital provider fails to file its return for

1 a State fiscal year on or before the due date of the return,
2 there shall, unless waived by the Illinois Department of
3 Public Aid for reasonable cause, be added to the assessment
4 imposed by Section 5A-2 for the State fiscal year a penalty
5 assessment equal to 25% of the assessment imposed for the
6 year.

7 (h) Every hospital provider subject to assessment under
8 this Article shall keep sufficient records to permit the
9 determination of adjusted gross hospital revenue on a
10 calendar year basis. All such records shall be kept in the
11 English language and shall, at all times during business
12 hours of the day, be subject to inspection by the Illinois
13 Department of Public Aid or its duly authorized agents and
14 employees.

15 (Source: P.A. 87-861.)

16 (305 ILCS 5/5A-6) (from Ch. 23, par. 5A-6)

17 Sec. 5A-6. Disposition of proceeds. The Illinois
18 Department of Public Aid shall pay all moneys received from
19 hospital providers under this Article into the Hospital
20 Provider Fund. Upon certification by the Illinois Department
21 of Public Aid to the State Comptroller of its intent to
22 withhold from a provider under Section 5A-7(b), the State
23 Comptroller shall draw a warrant on the treasury or other
24 fund held by the State Treasurer, as appropriate. The
25 warrant shall state the amount for which the provider is
26 entitled to a warrant, the amount of the deduction, and the
27 reason therefor and shall direct the State Treasurer to pay
28 the balance to the provider, all in accordance with Section
29 10.05 of the State Comptroller Act. The warrant also shall
30 direct the State Treasurer to transfer the amount of the
31 deduction so ordered from the treasury or other fund into the
32 Hospital Provider Fund.

33 (Source: P.A. 87-861.)

1 (305 ILCS 5/5A-7) (from Ch. 23, par. 5A-7)

2 Sec. 5A-7. Administration; enforcement provisions.

3 (a) To the extent practicable, the ~~Illinois~~ Department
4 of Public Aid shall administer and enforce this Article and
5 collect the assessments, interest, and penalty assessments
6 imposed under this Article using procedures employed in its
7 administration of this Code generally and, as it deems
8 appropriate, in a manner similar to that in which the
9 Department of Revenue administers and collects the retailers'
10 occupation tax under the Retailers' Occupation Tax Act
11 ("ROTA"). Instead of certificates of registration, the
12 ~~Illinois~~ Department of Public Aid shall establish and
13 maintain a listing of all hospital providers appearing in the
14 licensing records of the Department of Public Health, which
15 shall show each provider's name, principal place of business,
16 and the name and address of each hospital operated,
17 conducted, or maintained by the provider in this State. In
18 addition, the following specified provisions of the
19 Retailers' Occupation Tax Act are incorporated by reference
20 into this Section except that the ~~Illinois~~ Department of
21 Public Aid and the its Director of Public Aid (rather than
22 the Department of Revenue and the its Director of Revenue)
23 and every hospital provider subject to assessment measured by
24 adjusted gross hospital revenue and to the return filing
25 requirements of this Article (rather than persons subject to
26 retailers' occupation tax measured by gross receipts from the
27 sale of tangible personal property at retail and to the
28 return filing requirements of ROTA) shall have the powers,
29 duties, and rights specified in these ROTA provisions, as
30 modified in this Section or by the ~~Illinois~~ Department of
31 Public Aid in a manner consistent with this Article and
32 except as manifestly inconsistent with the other provisions
33 of this Article:

34 (1) ROTA, Section 4 (examination of return; notice

1 of correction; evidence; limitations; protest and
2 hearing), except that (i) the Illinois Department of
3 Public Aid shall issue notices of assessment liability
4 (rather than notices of tax liability as provided in
5 ROTA, Section 4); (ii) in the case of a fraudulent return
6 or in the case of an extended period agreed to by the
7 Illinois Department of Public Aid and the hospital
8 provider before the expiration of the limitation period,
9 no notice of assessment liability shall be issued more
10 than 3 years after the later of the due date of the
11 return required by Section 5A-5 or the date the return
12 (or an amended return) was filed (rather within the
13 period stated in ROTA, Section 4); and (iii) the penalty
14 provisions of ROTA, Section 4 shall not apply.

15 (2) ROTA, Sec. 5 (failure to make return; failure
16 to pay assessment), except that the penalty and interest
17 provisions of ROTA, Section 5 shall not apply.

18 (3) ROTA, Section 5a (lien; attachment;
19 termination; notice; protest; review; release of lien;
20 status of lien).

21 (4) ROTA, Section 5b (State lien notices; State
22 lien index; duties of recorder and registrar of titles).

23 (5) ROTA, Section 5c (liens; certificate of
24 release).

25 (6) ROTA, Section 5d (Department not required to
26 furnish bond; claim to property attached or levied upon).

27 (7) ROTA, Section 5e (foreclosure on liens;
28 enforcement).

29 (8) ROTA, Section 5f (demand for payment; levy and
30 sale of property; limitation).

31 (9) ROTA, Section 5g (sale of property;
32 redemption).

33 (10) ROTA, Section 5j (sales on transfers outside
34 usual course of business; report; payment of assessment;

1 rights and duties of purchaser; penalty).

2 (11) ROTA, Section 6 (erroneous payments; credit or
3 refund), provided that (i) the ~~Illinois~~ Department of
4 Public Aid may only apply an amount otherwise subject to
5 credit or refund to a liability arising under this
6 Article; (ii) except in the case of an extended period
7 agreed to by the ~~Illinois~~ Department of Public Aid and
8 the hospital provider before the expiration of this
9 limitation period, a claim for credit or refund must be
10 filed no more than 3 years after the due date of the
11 return required by Section 5A-5 (rather than the time
12 limitation stated in ROTA, Section 6); and (iii) credits
13 or refunds shall not bear interest.

14 (12) ROTA, Section 6a (claims for credit or
15 refund).

16 (13) ROTA, Section 6b (tentative determination of
17 claim; notice; hearing; review), provided that a hospital
18 provider or its representative shall have 60 days (rather
19 than 20 days) within which to file a protest and request
20 for hearing in response to a tentative determination of
21 claim.

22 (14) ROTA, Section 6c (finality of tentative
23 determinations).

24 (15) ROTA, Section 8 (investigations and
25 hearings).

26 (16) ROTA, Section 9 (witness; immunity).

27 (17) ROTA, Section 10 (issuance of subpoenas;
28 attendance of witnesses; production of books and
29 records).

30 (18) ROTA, Section 11 (information confidential;
31 exceptions).

32 (19) ROTA, Section 12 (rules and regulations;
33 hearing; appeals), except that a hospital provider shall
34 not be required to file a bond or be subject to a lien in

1 lieu thereof in order to seek court review under the
 2 Administrative Review Law of a final assessment or
 3 revised final assessment or the equivalent thereof issued
 4 by the Illinois Department of Public Aid under this
 5 Article.

6 (b) In addition to any other remedy provided for and
 7 without sending a notice of assessment liability, the
 8 Illinois Department of Public Aid may collect an unpaid
 9 assessment by withholding, as payment of the assessment,
 10 reimbursements or other amounts otherwise payable by the
 11 Illinois Department to the provider.

12 (Source: P.A. 87-861.)

13 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

14 Sec. 5A-8. Hospital Provider Fund.

15 (a) There is created in the State treasury the Hospital
 16 Provider Fund. Interest earned by the Fund shall be credited
 17 to the Fund. The Fund shall not be used to replace any
 18 moneys appropriated to the Medicaid program by the General
 19 Assembly.

20 (b) The Fund is created for the purpose of receiving
 21 moneys in accordance with Section 5A-6 and disbursing moneys
 22 as follows:

23 (1) For hospital inpatient care, hospital
 24 ambulatory care, and disproportionate share hospital
 25 distributive expenditures made under Title XIX of the
 26 Social Security Act and Article V of this Code.

27 (2) For the reimbursement of moneys collected by
 28 the Illinois Department of Public Aid from hospitals
 29 through error or mistake and for making required payments
 30 under Section 14-9 of this Code if there are no moneys
 31 available for those payments in the Hospital Services
 32 Trust Fund.

33 (3) For payment of administrative expenses incurred

1 by the Illinois Department of Public Aid or its agent in
2 performing the activities authorized by this Article.

3 (4) For payments of any amounts which are
4 reimbursable to the federal government for payments from
5 this Fund which are required to be paid by State warrant.

6 (5) For making transfers to the General Obligation
7 Bond Retirement and Interest Fund, as those transfers are
8 authorized in the proceedings authorizing debt under the
9 Short Term Borrowing Act, but transfers made under this
10 paragraph (5) shall not exceed the principal amount of
11 debt issued in anticipation of the receipt by the State
12 of moneys to be deposited into the Fund.

13 Disbursements from the Fund, other than transfers to the
14 General Obligation Bond Retirement and Interest Fund, shall
15 be by warrants drawn by the State Comptroller upon receipt of
16 vouchers duly executed and certified by the Illinois
17 Department of Public Aid.

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

19 (1) All moneys collected or received by the
20 Illinois Department of Public Aid from the hospital
21 provider assessment imposed by this Article.

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

26 (3) Any interest or penalty levied in conjunction
27 with the administration of this Article.

28 (4) Any balance in the Hospital Services Trust Fund
29 in the State treasury. The balance shall be transferred
30 to the Fund upon certification by the Illinois Department
31 of Public Aid to the State Comptroller that all of the
32 disbursements required by Section 14-2(b) of this Code
33 have been made.

34 (5) All other moneys received for the Fund from any

1 other source, including interest earned thereon.

2 (d) The Fund shall cease to exist on October 1, 1999.
3 Any balance in the Fund as of that date shall be transferred
4 to the General Revenue Fund. Any moneys that otherwise would
5 be paid into the Fund on or after that date shall be
6 deposited into the General Revenue Fund. Any disbursements
7 on or after that date that otherwise would be made from the
8 Fund may be appropriated by the General Assembly from the
9 General Revenue Fund.

10 (Source: P.A. 89-626, eff. 8-9-96; 90-587, eff. 7-1-98.)

11 (305 ILCS 5/5A-9) (from Ch. 23, par. 5A-9)

12 Sec. 5A-9. Emergency services audits. The Illinois
13 Department of Public Aid may audit hospital claims for
14 payment for emergency services provided to a recipient who
15 does not require admission as an inpatient. The Illinois
16 Department shall adopt rules that describe how the emergency
17 services audit process will be conducted. These rules shall
18 include, but need not be limited to, the following
19 provisions:

20 (1) The determination that an emergency medical
21 condition exists shall be based upon the symptoms and
22 condition of the recipient at the time the recipient is
23 initially examined by the hospital emergency department
24 and not upon the final determination of the recipient's
25 actual medical condition.

26 (2) The Illinois Department of Public Aid or its
27 authorized representative shall meet with the chief
28 executive officer of the hospital, or a person designated
29 by the chief executive officer, upon arrival at the
30 hospital to conduct the audit and before leaving the
31 hospital at the conclusion of the audit. The purpose of
32 the pre-audit meeting shall be to inform the hospital
33 concerning the scope of the audit. The purpose of the

1 post-audit meeting shall be to provide the hospital with
2 the preliminary findings of the audit.

3 (3) An emergency services audit shall be limited to
4 a review of records related to services rendered within 3
5 years of the date of the audit. The hospital's business
6 and professional records for at least 12 previous
7 calendar months shall be maintained and available for
8 inspection by authorized Illinois Department of Public
9 Aid personnel on the premises of the hospital. Illinois
10 Department of Public Aid personnel shall make requests in
11 writing to inspect records more than 12 months old at
12 least 2 business days in advance of the date they must be
13 produced.

14 (4) Where the purpose of the audit is to determine
15 the appropriateness of the emergency services provided,
16 any final determination that would result in a denial of
17 or reduction in payment to the hospital shall be made by
18 a physician licensed to practice medicine in all of its
19 branches who is board certified in emergency medicine or
20 by the appropriate health care professionals under the
21 supervision of the physician.

22 (5) The preliminary audit findings shall be
23 provided to the hospital within 120 days of the date on
24 which the audit conducted on the hospital premises was
25 completed.

26 (6) The Illinois Department of Public Aid or its
27 designated review agent shall use statistically valid
28 sampling techniques when conducting audits.

29 (Source: P.A. 87-861.)

30 (305 ILCS 5/5B-4) (from Ch. 23, par. 5B-4)
31 Sec. 5B-4. Payment of assessment; penalty.

32 (a) The assessment imposed by Section 5B-2 for a State
33 fiscal year shall be due and payable in quarterly

1 installments, each equalling one-fourth of the assessment for
2 the year, on September 30, December 31, March 31, and June 30
3 of the year. The Illinois Department of Public Aid may
4 provide that county nursing homes directed and maintained
5 pursuant to Section 5-1005 of the Counties Code may meet
6 their assessment obligation by certifying to the Illinois
7 Department that county expenditures have been obligated for
8 the operation of the county nursing home in an amount at
9 least equal to the amount of the assessment.

10 (b) The Illinois Department of Public Aid is authorized
11 to establish delayed payment schedules for long-term care
12 providers that are unable to make installment payments when
13 due under this Section due to financial difficulties, as
14 determined by the Illinois Department.

15 (c) If a long-term care provider fails to pay the full
16 amount of an installment when due (including any extensions
17 granted under subsection (b)), there shall, unless waived by
18 the Illinois Department of Public Aid for reasonable cause,
19 be added to the assessment imposed by Section 5B-2 for the
20 State fiscal year a penalty assessment equal to the lesser of
21 (i) 5% of the amount of the installment not paid on or before
22 the due date plus 5% of the portion thereof remaining unpaid
23 on the last day of each month thereafter or (ii) 100% of the
24 installment amount not paid on or before the due date. For
25 purposes of this subsection, payments will be credited first
26 to unpaid installment amounts (rather than to penalty or
27 interest), beginning with the most delinquent installments.

28 (d) Nothing in this amendatory Act of 1993 shall be
29 construed to prevent the Illinois Department of Public Aid
30 from collecting all amounts due under this Article pursuant
31 to an assessment imposed before the effective date of this
32 amendatory Act of 1993.

33 (Source: P.A. 87-861; 88-88.)

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

Sec. 5B-5. Reporting; penalty; maintenance of records.

(a) After December 31 of each year, and on or before March 31 of the succeeding year, every long-term care provider subject to assessment under this Article shall file a return with the Illinois Department of Public Aid. The return shall report the occupied bed days for the calendar year just ended and shall be utilized by the Illinois Department of Public Aid to calculate the assessment for the State fiscal year commencing on the next July 1, except that the return for the State fiscal year commencing July 1, 1992 and the report of occupied bed days for calendar year 1991 shall be filed on or before September 30, 1992. The return shall be on a form prepared by the Illinois Department of Public Aid and shall state the following:

(1) The name of the long-term care provider.

(2) The address of the long-term care provider's principal place of business from which the provider engages in the occupation of long-term care provider in this State, and the name and address of each long-term care facility operated or maintained by the provider in this State.

(3) The number of occupied bed days of the long-term care provider for the calendar year just ended, the amount of assessment imposed under Section 5B-2 for the State fiscal year for which the return is filed, and the amount of each quarterly installment to be paid during the State fiscal year.

(4) The amount of penalty due, if any.

(5) Other reasonable information the Illinois Department of Public Aid requires.

(b) If a long-term care provider operates or maintains more than one long-term care facility in this State, the provider may not file a single return covering all those

1 long-term care facilities, but shall file a separate return
2 for each long-term care facility and shall compute and pay
3 the assessment for each long-term care facility separately.

4 (c) Notwithstanding any other provision in this Article,
5 in the case of a person who ceases to operate or maintain a
6 long-term care facility in respect of which the person is
7 subject to assessment under this Article as a long-term care
8 provider, the assessment for the State fiscal year in which
9 the cessation occurs shall be adjusted by multiplying the
10 assessment computed under Section 5B-2 by a fraction, the
11 numerator of which is the number of months in the year during
12 which the provider operates or maintains the long-term care
13 facility and the denominator of which is 12. The person
14 shall file a final, amended return with the ~~Illinois~~
15 Department of Public Aid not more than 90 days after the
16 cessation reflecting the adjustment and shall pay with the
17 final return the assessment for the year as so adjusted (to
18 the extent not previously paid).

19 (d) Notwithstanding any other provision of this Article,
20 a provider who commences operating or maintaining a long-term
21 care facility shall file an initial return for the State
22 fiscal year in which the commencement occurs within 90 days
23 thereafter and shall pay the assessment computed under
24 Section 5B-2 and subsection (e) in equal installments on the
25 due date of the return and on the regular installment due
26 dates for the State fiscal year occurring after the due date
27 of the initial return.

28 (e) Notwithstanding any other provision of this Article,
29 in the case of a long-term care provider that did not operate
30 or maintain a long-term care facility throughout the calendar
31 year preceding a State fiscal year, the assessment for that
32 State fiscal year shall be computed on the basis of
33 hypothetical occupied bed days for the full calendar year as
34 determined by rules adopted by the ~~Illinois~~ Department of

1 Public Aid (which may be based on annualization of the
2 provider's actual occupied bed days for a portion of the
3 calendar year, or the occupied bed days of a comparable
4 facility for the year, including the same facility while
5 operated by a prior provider).

6 (f) In the case of a long-term care provider existing as
7 a corporation or legal entity other than an individual, the
8 return filed by it shall be signed by its president,
9 vice-president, secretary, or treasurer or by its properly
10 authorized agent.

11 (g) If a long-term care provider fails to file its
12 return for a State fiscal year on or before the due date of
13 the return, there shall, unless waived by the Illinois
14 Department of Public Aid for reasonable cause, be added to
15 the assessment imposed by Section 5B-2 for the State fiscal
16 year a penalty assessment equal to 25% of the assessment
17 imposed for the year.

18 (h) Every long-term care provider subject to assessment
19 under this Article shall keep records and books that will
20 permit the determination of occupied bed days on a calendar
21 year basis. All such books and records shall be kept in the
22 English language and shall, at all times during business
23 hours of the day, be subject to inspection by the Illinois
24 Department of Public Aid or its duly authorized agents and
25 employees.

26 (Source: P.A. 87-861.)

27 (305 ILCS 5/5B-6) (from Ch. 23, par. 5B-6)

28 Sec. 5B-6. Disposition of proceeds. The Illinois
29 Department of Public Aid shall pay all moneys received from
30 long-term care providers under this Article into the
31 Long-Term Care Provider Fund. Upon certification by the
32 Illinois Department of Public Aid to the State Comptroller of
33 its intent to withhold from a provider under Section 5B-7(b),

1 the State Comptroller shall draw a warrant on the treasury or
2 other fund held by the State Treasurer, as appropriate. The
3 warrant shall state the amount for which the provider is
4 entitled to a warrant, the amount of the deduction, and the
5 reason therefor and shall direct the State Treasurer to pay
6 the balance to the provider, all in accordance with Section
7 10.05 of the State Comptroller Act. The warrant also shall
8 direct the State Treasurer to transfer the amount of the
9 deduction so ordered from the treasury or other fund into the
10 Long-Term Care Provider Fund.

11 (Source: P.A. 87-861.)

12 (305 ILCS 5/5B-7) (from Ch. 23, par. 5B-7)

13 Sec. 5B-7. Administration; enforcement provisions.

14 (a) To the extent practicable, the ~~Illinois~~ Department
15 of Public Aid shall administer and enforce this Article and
16 collect the assessments, interest, and penalty assessments
17 imposed under this Article, using procedures employed in its
18 administration of this Code generally and, as it deems
19 appropriate, in a manner similar to that in which the
20 Department of Revenue administers and collects the retailers'
21 occupation tax under the Retailers' Occupation Tax Act
22 ("ROTA"). Instead of certificates of registration, the
23 ~~Illinois~~ Department of Public Aid shall establish and
24 maintain a listing of all long-term care providers appearing
25 in the licensing records of the Department of Public Health,
26 which shall show each provider's name, principal place of
27 business, and the name and address of each long-term care
28 facility operated or maintained by the provider in this
29 State. In addition, the following provisions of the
30 Retailers' Occupation Tax Act are incorporated by reference
31 into this Section, except that the ~~Illinois~~ Department of
32 Public Aid and the its Director of Public Aid (rather than
33 the Department of Revenue and the its Director of Revenue)

1 and every long-term care provider subject to assessment
2 measured by occupied bed days and to the return filing
3 requirements of this Article (rather than persons subject to
4 retailers' occupation tax measured by gross receipts from the
5 sale of tangible personal property at retail and to the
6 return filing requirements of ROTA) shall have the powers,
7 duties, and rights specified in these ROTA provisions, as
8 modified in this Section or by the ~~Illinois~~ Department of
9 Public Aid in a manner consistent with this Article and
10 except as manifestly inconsistent with the other provisions
11 of this Article:

12 (1) ROTA, Section 4 (examination of return; notice
13 of correction; evidence; limitations; protest and
14 hearing), except that (i) the ~~Illinois~~ Department of
15 Public Aid shall issue notices of assessment liability
16 (rather than notices of tax liability as provided in
17 ROTA, Section 4); (ii) in the case of a fraudulent return
18 or in the case of an extended period agreed to by the
19 ~~Illinois~~ Department of Public Aid and the long-term care
20 provider before the expiration of the limitation period,
21 no notice of assessment liability shall be issued more
22 than 3 years after the later of the due date of the
23 return required by Section 5B-5 or the date the return
24 (or an amended return) was filed (rather within the
25 period stated in ROTA, Section 4); and (iii) the penalty
26 provisions of ROTA, Section 4 shall not apply.

27 (2) ROTA, Section 5 (failure to make return;
28 failure to pay assessment), except that the penalty and
29 interest provisions of ROTA, Section 5 shall not apply.

30 (3) ROTA, Section 5a (lien; attachment;
31 termination; notice; protest; review; release of lien;
32 status of lien).

33 (4) ROTA, Section 5b (State lien notices; State
34 lien index; duties of recorder and registrar of titles).

1 (5) ROTA, Section 5c (liens; certificate of
2 release).

3 (6) ROTA, Section 5d (Department not required to
4 furnish bond; claim to property attached or levied upon).

5 (7) ROTA, Section 5e (foreclosure on liens;
6 enforcement).

7 (8) ROTA, Section 5f (demand for payment; levy and
8 sale of property; limitation).

9 (9) ROTA, Section 5g (sale of property;
10 redemption).

11 (10) ROTA, Section 5j (sales on transfers outside
12 usual course of business; report; payment of assessment;
13 rights and duties of purchaser; penalty).

14 (11) ROTA, Section 6 (erroneous payments; credit or
15 refund), provided that (i) the ~~Illinois~~ Department of
16 Public Aid may only apply an amount otherwise subject to
17 credit or refund to a liability arising under this
18 Article; (ii) except in the case of an extended period
19 agreed to by the ~~Illinois~~ Department of Public Aid and
20 the long term care provider prior to the expiration of
21 this limitation period, a claim for credit or refund must
22 be filed no more than 3 years after the due date of the
23 return required by Section 5B-5 (rather than the time
24 limitation stated in ROTA, Section 6); and (iii) credits
25 or refunds shall not bear interest.

26 (12) ROTA, Section 6a (claims for credit or
27 refund).

28 (13) ROTA, Section 6b (tentative determination of
29 claim; notice; hearing; review), provided that a
30 long-term care provider or its representative shall have
31 60 days (rather than 20 days) within which to file a
32 protest and request for hearing in response to a
33 tentative determination of claim.

34 (14) ROTA, Section 6c (finality of tentative

1 determinations).

2 (15) ROTA, Section 8 (investigations and
3 hearings).

4 (16) ROTA, Section 9 (witness; immunity).

5 (17) ROTA, Section 10 (issuance of subpoenas;
6 attendance of witnesses; production of books and
7 records).

8 (18) ROTA, Section 11 (information confidential;
9 exceptions).

10 (19) ROTA, Section 12 (rules and regulations;
11 hearing; appeals), except that a long-term care provider
12 shall not be required to file a bond or be subject to a
13 lien in lieu thereof in order to seek court review under
14 the Administrative Review Law of a final assessment or
15 revised final assessment or the equivalent thereof issued
16 by the Illinois Department of Public Aid under this
17 Article.

18 (b) In addition to any other remedy provided for and
19 without sending a notice of assessment liability, the
20 Illinois Department of Public Aid may collect an unpaid
21 assessment by withholding, as payment of the assessment,
22 reimbursements or other amounts otherwise payable by the
23 Illinois Department to the provider.

24 (Source: P.A. 87-861.)

25 (305 ILCS 5/5B-8) (from Ch. 23, par. 5B-8)
26 Sec. 5B-8. Long-Term Care Provider Fund.

27 (a) There is created in the State treasury the Long-Term
28 Care Provider Fund. Interest earned by the Fund shall be
29 credited to the Fund. The Fund shall not be used to replace
30 any moneys appropriated to the Medicaid program by the
31 General Assembly.

32 (b) The Fund is created for the purpose of receiving and
33 disbursing moneys in accordance with this Article.

1 Disbursements from the Fund shall be made only as follows:

2 (1) For payments to skilled or intermediate nursing
3 facilities, including county nursing facilities but
4 excluding State-operated facilities, under Title XIX of
5 the Social Security Act and Article V of this Code.

6 (2) For the reimbursement of moneys collected by
7 the Illinois Department of Public Aid through error or
8 mistake, and for making required payments under Section
9 5-4.38(a)(1) if there are no moneys available for such
10 payments in the Medicaid Long Term Care Provider
11 Participation Fee Trust Fund.

12 (3) For payment of administrative expenses incurred
13 by the Illinois Department of Public Aid or its agent in
14 performing the activities authorized by this Article.

15 (4) For payments of any amounts that are
16 reimbursable to the federal government for payments from
17 this Fund that are required to be paid by State warrant.

18 (5) For making transfers to the General Obligation
19 Bond Retirement and Interest Fund, as those transfers are
20 authorized in the proceedings authorizing debt under the
21 Short Term Borrowing Act, but transfers made under this
22 paragraph (5) shall not exceed the principal amount of
23 debt issued in anticipation of the receipt by the State
24 of moneys to be deposited into the Fund.

25 Disbursements from the Fund, other than transfers to the
26 General Obligation Bond Retirement and Interest Fund, shall
27 be by warrants drawn by the State Comptroller upon receipt of
28 vouchers duly executed and certified by the Illinois
29 Department of Public Aid.

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

31 (1) All moneys collected or received by the
32 Illinois Department of Public Aid from the long-term care
33 provider assessment imposed by this Article.

34 (2) All federal matching funds received by the

1 Illinois Department of Public Aid as a result of
2 expenditures made by the Illinois Department that are
3 attributable to moneys deposited in the Fund.

4 (3) Any interest or penalty levied in conjunction
5 with the administration of this Article.

6 (4) Any balance in the Medicaid Long Term Care
7 Provider Participation Fee Fund in the State treasury.
8 The balance shall be transferred to the Fund upon
9 certification by the Illinois Department of Public Aid to
10 the State Comptroller that all of the disbursements
11 required by Section 5-4.31(b) of this Code have been
12 made.

13 (5) All other monies received for the Fund from any
14 other source, including interest earned thereon.

15 (Source: P.A. 89-626, eff. 8-9-96.)

16 (305 ILCS 5/5C-3) (from Ch. 23, par. 5C-3)

17 Sec. 5C-3. Payment of assessment; penalty.

18 (a) The assessment imposed by Section 5C-2 for a State
19 fiscal year shall be due and payable in quarterly
20 installments, each equalling one-fourth of the assessment for
21 the year, on September 30, December 31, March 31, and May 31
22 of the year.

23 (b) The Illinois Department of Public Aid authorized to
24 establish delayed payment schedules for developmentally
25 disabled care providers that are unable to make installment
26 payments when due under this Section due to financial
27 difficulties, as determined by the Illinois Department.

28 (c) If a developmentally disabled care provider fails to
29 pay the full amount of an installment when due (including any
30 extensions granted under subsection (b)), there shall, unless
31 waived by the Illinois Department of Public Aid for
32 reasonable cause, be added to the assessment imposed by
33 Section 5C-2 for the State fiscal year a penalty assessment

1 equal to the lesser of (i) 5% of the amount of the
 2 installment not paid on or before the due date plus 5% of the
 3 portion thereof remaining unpaid on the last day of each
 4 month thereafter or (ii) 100% of the installment amount not
 5 paid on or before the due date. For purposes of this
 6 subsection, payments will be credited first to unpaid
 7 installment amounts (rather than to penalty or interest),
 8 beginning with the most delinquent installments.

9 (Source: P.A. 87-861; 88-88.)

10 (305 ILCS 5/5C-4) (from Ch. 23, par. 5C-4)

11 Sec. 5C-4. Reporting; penalty; maintenance of records.

12 (a) After June 30 of each State fiscal year, and on or
 13 before September 30 of the succeeding State fiscal year,
 14 every developmentally disabled care provider subject to
 15 assessment under this Article shall file a return with the
 16 Illinois Department of Public Aid. The return shall report
 17 the adjusted gross developmentally disabled care revenue from
 18 the State fiscal year just ended and shall be utilized by the
 19 Illinois Department of Public Aid to calculate the assessment
 20 for the State fiscal year commencing on the preceding July 1.
 21 The return shall be on a form prepared by the Illinois
 22 Department of Public Aid and shall state the following:

23 (1) The name of the developmentally disabled care
 24 provider.

25 (2) The address of the developmentally disabled
 26 care provider's principal place of business from which
 27 the provider engages in the occupation of developmentally
 28 disabled care provider in this State, and the name and
 29 address of all developmentally disabled care facilities
 30 operated or maintained by the provider in this State.

31 (3) The adjusted gross developmentally disabled
 32 care revenue for the State fiscal year just ended, the
 33 amount of assessment imposed under Section 5C-2 for the

1 State fiscal year for which the return is filed, and the
2 amount of each quarterly installment to be paid during
3 the State fiscal year.

4 (4) The amount of penalty due, if any.

5 (5) Other reasonable information the Illinois
6 Department of Public Aid requires.

7 (b) If a developmentally disabled care provider operates
8 or maintains more than one developmentally disabled care
9 facility in this State, the provider may not file a single
10 return covering all those developmentally disabled care
11 facilities, but shall file a separate return for each
12 developmentally disabled care facility and shall compute and
13 pay the assessment for each developmentally disabled care
14 facility separately.

15 (c) Notwithstanding any other provision in this Article,
16 a person who ceases to conduct, operate, or maintain a
17 developmentally disabled care facility in respect of which
18 the person is subject to assessment under this Article as a
19 developmentally disabled care provider, the assessment for
20 the State fiscal year in which the cessation occurs shall be
21 adjusted by multiplying the assessment computed under Section
22 5C-2 by a fraction, the numerator of which is the number of
23 months in the year during which the provider conducts,
24 operates, or maintains the developmentally disabled care
25 facility and the denominator of which is 12. The person
26 shall file a final, amended return with the Illinois
27 Department of Public Aid not more than 90 days after the
28 cessation reflecting the adjustment and shall pay with the
29 final return the assessment for the year as so adjusted (to
30 the extent not previously paid).

31 (d) Notwithstanding any other provision of this Article,
32 a provider who commences conducting, operating, or
33 maintaining a developmentally disabled care facility shall
34 file an initial return for the State fiscal year in which the

1 commencement occurs within 90 days thereafter and shall pay
2 the assessment computed under Section 5C-2 and subsection
3 (e) in equal installments on the due date of the return and
4 on the regular installment due dates for the State fiscal
5 year occurring after the due date of the initial return.

6 (e) Notwithstanding any other provision of this Article,
7 in the case of a developmentally disabled care provider that
8 did not conduct, operate, or maintain a developmentally
9 disabled care facility throughout the prior State fiscal
10 year, the assessment for that State fiscal year shall be
11 computed on the basis of hypothetical adjusted gross
12 developmentally disabled care revenue for the prior year as
13 determined by rules adopted by the ~~Illinois~~ Department of
14 Public Aid (which may be based on annualization of the
15 provider's actual revenues for a portion of the State fiscal
16 year, or revenues of a comparable facility for such year,
17 including revenues realized by a prior provider from the same
18 facility during such year).

19 (f) In the case of a developmentally disabled care
20 provider existing as a corporation or legal entity other than
21 an individual, the return filed by it shall be signed by its
22 president, vice-president, secretary, or treasurer or by its
23 properly authorized agent.

24 (g) If a developmentally disabled care provider fails to
25 file its return for a State fiscal year on or before the due
26 date of the return, there shall, unless waived by the
27 ~~Illinois~~ Department of Public Aid for reasonable cause, be
28 added to the assessment imposed by Section 5C-2 for the State
29 fiscal year a penalty assessment equal to 25% of the
30 assessment imposed for the year.

31 (h) Every developmentally disabled care provider subject
32 to assessment under this Article shall keep records and books
33 that will permit the determination of adjusted gross
34 developmentally disabled care revenue on a State fiscal year

1 basis. All such books and records shall be kept in the
2 English language and shall, at all times during business
3 hours of the day, be subject to inspection by the Illinois
4 Department of Public Aid or its duly authorized agents and
5 employees.

6 (Source: P.A. 87-861.)

7 (305 ILCS 5/5C-5) (from Ch. 23, par. 5C-5)

8 Sec. 5C-5. Disposition of proceeds. The Illinois
9 Department of Public Aid shall pay all moneys received from
10 developmentally disabled care providers under this Article
11 into the Developmentally Disabled Care Provider Fund. Upon
12 certification by the Illinois Department of Public Aid to the
13 State Comptroller of its intent to withhold from a provider
14 under Section 5C-6(b), the State Comptroller shall draw a
15 warrant on the treasury or other fund held by the State
16 Treasurer, as appropriate. The warrant shall state the
17 amount for which the provider is entitled to a warrant, the
18 amount of the deduction, and the reason therefor and shall
19 direct the State Treasurer to pay the balance to the
20 provider, all in accordance with Section 10.05 of the State
21 Comptroller Act. The warrant also shall direct the State
22 Treasurer to transfer the amount of the deduction so ordered
23 from the treasury or other fund into the Developmentally
24 Disabled Care Provider Fund.

25 (Source: P.A. 87-861.)

26 (305 ILCS 5/5C-6) (from Ch. 23, par. 5C-6)

27 Sec. 5C-6. Administration; enforcement provisions.

28 (a) To the extent practicable, the Illinois Department
29 of Public Aid shall administer and enforce this Article and
30 collect the assessments, interest, and penalty assessments
31 imposed under this Article, using procedures employed in its
32 administration of this Code generally and, as it deems

1 appropriate, in a manner similar to that in which the
2 Department of Revenue administers and collects the retailers'
3 occupation tax pursuant to the Retailers' Occupation Tax Act
4 ("ROTA"). Instead of certificates of registration, the
5 Illinois Department of Public Aid shall establish and
6 maintain a listing of all developmentally disabled care
7 providers appearing in the licensing records of the
8 Department of Public Health, which shall show each provider's
9 name, principal place of business, and the name and address
10 of each developmentally disabled care facility operated or
11 maintained by the provider in this State. In addition, the
12 following Retailers' Occupation Tax Act provisions are
13 incorporated by reference into this Section, except that the
14 Illinois Department of Public Aid and the its Director of
15 Public Aid (rather than the Department of Revenue and the its
16 Director of Revenue) and every developmentally disabled care
17 provider subject to assessment measured by adjusted gross
18 developmentally disabled care revenue and to the return
19 filing requirements of this Article (rather than persons
20 subject to retailers' occupation tax measured by gross
21 receipts from the sale of tangible personal property at
22 retail and to the return filing requirements of ROTA) shall
23 have the powers, duties, and rights specified in these ROTA
24 provisions, as modified in this Section or by the Illinois
25 Department of Public Aid in a manner consistent with this
26 Article and except as manifestly inconsistent with the other
27 provisions of this Article:

28 (1) ROTA, Section 4 (examination of return; notice
29 of correction; evidence; limitations; protest and
30 hearing), except that (i) the Illinois Department of
31 Public Aid shall issue notices of assessment liability
32 (rather than notices of tax liability as provided in
33 ROTA, Section 4); (ii) in the case of a fraudulent return
34 or in the case of an extended period agreed to by the

1 Illinois Department of Public Aid and the developmentally
2 disabled care provider before the expiration of the
3 limitation period, no notice of assessment liability
4 shall be issued more than 3 years after the later of the
5 due date of the return required by Section 5C-5 or the
6 date the return (or an amended return) was filed (rather
7 within the period stated in ROTA, Section 4); and (iii)
8 the penalty provisions of ROTA, Section 4 shall not
9 apply.

10 (2) ROTA, Section 5 (failure to make return;
11 failure to pay assessment), except that the penalty and
12 interest provisions of ROTA, Section 5 shall not apply.

13 (3) ROTA, Section 5a (lien; attachment;
14 termination; notice; protest; review; release of lien;
15 status of lien).

16 (4) ROTA, Section 5b (State lien notices; State
17 lien index; duties of recorder and registrar of titles).

18 (5) ROTA, Section 5c (liens; certificate of
19 release).

20 (6) ROTA, Section 5d (Department not required to
21 furnish bond; claim to property attached or levied upon).

22 (7) ROTA, Section 5e (foreclosure on liens;
23 enforcement).

24 (8) ROTA, Section 5f (demand for payment; levy and
25 sale of property; limitation).

26 (9) ROTA, Section 5g (sale of property;
27 redemption).

28 (10) ROTA, Section 5j (sales on transfers outside
29 usual course of business; report; payment of assessment;
30 rights and duties of purchaser; penalty).

31 (11) ROTA, Section 6 (erroneous payments; credit or
32 refund), provided that (i) the Illinois Department of
33 Public Aid may only apply an amount otherwise subject to
34 credit or refund to a liability arising under this

1 Article; (ii) except in the case of an extended period
2 agreed to by the Illinois Department of Public Aid and
3 the developmentally disabled care provider prior to the
4 expiration of this limitation period, a claim for credit
5 or refund must be filed no more than 3 years after the
6 due date of the return required by Section 5C-5 (rather
7 than the time limitation stated in ROTA, Section 6); and
8 (iii) credits or refunds shall not bear interest.

9 (12) ROTA, Section 6a (claims for credit or
10 refund).

11 (13) ROTA, Section 6b (tentative determination of
12 claim; notice; hearing; review), provided that a
13 developmentally disabled care provider or its
14 representative shall have 60 days (rather than 20
15 days) within which to file a protest and request for
16 hearing in response to a tentative determination of
17 claim.

18 (14) ROTA, Section 6c (finality of tentative
19 determinations).

20 (15) ROTA, Section 8 (investigations and
21 hearings).

22 (16) ROTA, Section 9 (witness; immunity).

23 (17) ROTA, Section 10 (issuance of subpoenas;
24 attendance of witnesses; production of books and
25 records).

26 (18) ROTA, Section 11 (information confidential;
27 exceptions).

28 (19) ROTA, Section 12 (rules and regulations;
29 hearing; appeals), except that a developmentally disabled
30 care provider shall not be required to file a bond or be
31 subject to a lien in lieu thereof in order to seek court
32 review under the Administrative Review Law of a final
33 assessment or revised final assessment or the equivalent
34 thereof issued by the Illinois Department of Public Aid

1 under this Article.

2 (b) In addition to any other remedy provided for and
3 without sending a notice of assessment liability, the
4 Illinois Department of Public Aid may collect an unpaid
5 assessment by withholding, as payment of the assessment,
6 reimbursements or other amounts otherwise payable by the
7 Illinois Department to the provider.

8 (Source: P.A. 87-861.)

9 (305 ILCS 5/5C-7) (from Ch. 23, par. 5C-7)

10 Sec. 5C-7. Developmentally Disabled Care Provider Fund.

11 (a) There is created in the State treasury the
12 Developmentally Disabled Care Provider Fund. Interest earned
13 by the Fund shall be credited to the Fund. The Fund shall
14 not be used to replace any moneys appropriated to the
15 Medicaid program by the General Assembly.

16 (b) The Fund is created for the purpose of receiving and
17 disbursing assessment moneys in accordance with this Article.
18 Disbursements from the Fund shall be made only as follows:

19 (1) For payments to intermediate care facilities
20 for the developmentally disabled under Title XIX of the
21 Social Security Act and Article V of this Code.

22 (2) For the reimbursement of moneys collected by
23 the Illinois Department of Public Aid through error or
24 mistake, and to make required payments under Section
25 5-4.28(a)(1) of this Code if there are no moneys
26 available for such payments in the Medicaid
27 Developmentally Disabled Provider Participation Fee Trust
28 Fund.

29 (3) For payment of administrative expenses incurred
30 by the Department of Human Services or its agent or the
31 Illinois Department of Public Aid or its agent in
32 performing the activities authorized by this Article.

33 (4) For payments of any amounts which are

1 reimbursable to the federal government for payments from
2 this Fund which are required to be paid by State warrant.

3 (5) For making transfers to the General Obligation
4 Bond Retirement and Interest Fund as those transfers are
5 authorized in the proceedings authorizing debt under the
6 Short Term Borrowing Act, but transfers made under this
7 paragraph (5) shall not exceed the principal amount of
8 debt issued in anticipation of the receipt by the State
9 of moneys to be deposited into the Fund.

10 Disbursements from the Fund, other than transfers to the
11 General Obligation Bond Retirement and Interest Fund, shall
12 be by warrants drawn by the State Comptroller upon receipt of
13 vouchers duly executed and certified by the Illinois
14 Department of Public Aid.

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

16 (1) All moneys collected or received by the
17 Illinois Department of Public Aid from the
18 developmentally disabled care provider assessment imposed
19 by this Article.

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

24 (3) Any interest or penalty levied in conjunction
25 with the administration of this Article.

26 (4) Any balance in the Medicaid Developmentally
27 Disabled Care Provider Participation Fee Trust Fund in
28 the State treasury. The balance shall be transferred to
29 the Fund upon certification by the Illinois Department of
30 Public Aid to the State Comptroller that all of the
31 disbursements required by Section 5-4.21(b) of this Code
32 have been made.

33 (5) All other moneys received for the Fund from any
34 other source, including interest earned thereon.

1 (Source: P.A. 89-21, eff. 7-1-95; 89-507, eff. 7-1-97.)

2 (305 ILCS 5/5E-10)

3 Sec. 5E-10. Fee. Every nursing home provider shall pay
4 to the Illinois Department of Public Aid, on or before
5 September 10, December 10, March 10, and June 10, a fee in
6 the amount of \$1.50 for each licensed nursing bed day for the
7 calendar quarter in which the payment is due. This fee shall
8 not be billed or passed on to any resident of a nursing home
9 operated by the nursing home provider. All fees received by
10 the Illinois Department of Public Aid under this Section
11 shall be deposited into the Long-Term Care Provider Fund.

12 (Source: P.A. 88-88; 89-21, eff. 7-1-95.)

13 (305 ILCS 5/6-1) (from Ch. 23, par. 6-1)

14 Sec. 6-1. Eligibility requirements. Financial aid in
15 meeting basic maintenance requirements shall be given under
16 this Article to or in behalf of persons who meet the
17 eligibility conditions of Sections 6-1.1 through 6-1.10. In
18 addition, each unit of local government subject to this
19 Article shall provide persons receiving financial aid in
20 meeting basic maintenance requirements with financial aid for
21 either (a) necessary treatment, care, and supplies required
22 because of illness or disability, or (b) acute medical
23 treatment, care, and supplies only. If a local governmental
24 unit elects to provide financial aid for acute medical
25 treatment, care, and supplies only, the general types of
26 acute medical treatment, care, and supplies for which
27 financial aid is provided shall be specified in the general
28 assistance rules of the local governmental unit, which rules
29 shall provide that financial aid is provided, at a minimum,
30 for acute medical treatment, care, or supplies necessitated
31 by a medical condition for which prior approval or
32 authorization of medical treatment, care, or supplies is not

1 required by the general assistance rules of the Illinois
2 Department of Human Services. Nothing in this Article shall
3 be construed to permit the granting of financial aid where
4 the purpose of such aid is to obtain an abortion, induced
5 miscarriage or induced premature birth unless, in the opinion
6 of a physician, such procedures are necessary for the
7 preservation of the life of the woman seeking such treatment,
8 or except an induced premature birth intended to produce a
9 live viable child and such procedure is necessary for the
10 health of the mother or her unborn child.

11 (Source: P.A. 92-111, eff. 1-1-02.)

12 (305 ILCS 5/6-1.2) (from Ch. 23, par. 6-1.2)

13 Sec. 6-1.2. Need. Income available to the person, when
14 added to contributions in money, substance, or services from
15 other sources, including contributions from legally
16 responsible relatives, must be insufficient to equal the
17 grant amount established by Department of Human Services
18 regulation (or by local governmental unit in units which do
19 not receive State funds) for such a person.

20 In determining income to be taken into account:

21 (1) The first \$75 of earned income in income
22 assistance units comprised exclusively of one adult
23 person shall be disregarded, and for not more than 3
24 months in any 12 consecutive months that portion of
25 earned income beyond the first \$75 that is the difference
26 between the standard of assistance and the grant amount,
27 shall be disregarded.

28 (2) For income assistance units not comprised
29 exclusively of one adult person, when authorized by rules
30 and regulations of the Illinois Department of Human
31 Services, a portion of earned income, not to exceed the
32 first \$25 a month plus 50% of the next \$75, may be
33 disregarded for the purpose of stimulating and aiding

1 rehabilitative effort and self-support activity.

2 "Earned income" means money earned in self-employment or
3 wages, salary, or commission for personal services performed
4 as an employee. The eligibility of any applicant for or
5 recipient of public aid under this Article is not affected by
6 the payment of any grant under the "Senior Citizens and
7 Disabled Persons Property Tax Relief and Pharmaceutical
8 Assistance Act", any refund or payment of the federal Earned
9 Income Tax Credit, or any distributions or items of income
10 described under subparagraph (X) of paragraph (2) of
11 subsection (a) of Section 203 of the Illinois Income Tax Act.
12 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

13 (305 ILCS 5/6-1.3) (from Ch. 23, par. 6-1.3)

14 Sec. 6-1.3. Utilization of aid available under other
15 provisions of Code. The person must have been determined
16 ineligible for aid under the federally funded programs to aid
17 refugees and Articles III, IV or V. Nothing in this Section
18 shall prevent the use of General Assistance funds to pay any
19 portion of the costs of care and maintenance in a residential
20 drug abuse treatment program licensed by the Department of
21 Human Services, or in a County Nursing Home, or in a private
22 nursing home, retirement home or other facility for the care
23 of the elderly, of a person otherwise eligible to receive
24 General Assistance except for the provisions of this
25 paragraph.

26 A person otherwise eligible for aid under the federally
27 funded programs to aid refugees or Articles III, IV or V who
28 fails or refuses to comply with provisions of this Code or
29 other laws, or rules and regulations of the ~~Illinois~~
30 Department of Human Services, which would qualify him for aid
31 under those programs or Articles, shall not receive General
32 Assistance under this Article nor shall any of his dependents
33 whose eligibility is contingent upon such compliance receive

1 General Assistance.

2 Persons and families who are ineligible for aid under
3 Article IV due to having received benefits under Article IV
4 for any maximum time limits set under the Illinois Temporary
5 Assistance to Needy Families (TANF) Plan shall not be
6 eligible for General Assistance under this Article unless the
7 Illinois Department of Human Services or the local
8 governmental unit, by rule, specifies that those persons or
9 families may be eligible.

10 (Source: P.A. 89-507, eff. 7-1-97; 90-17, eff. 7-1-97.)

11 (305 ILCS 5/6-1.3a) (from Ch. 23, par. 6-1.3a)

12 Sec. 6-1.3a. Residents of public institutions.
13 Residents of municipal, county, State or national
14 institutions for persons with mental illness or persons with
15 a developmental disability or for the tuberculous, or
16 residents of a home or other institution maintained by such
17 governmental bodies when not in need of institutional care
18 because of sickness, convalescence, infirmity, or chronic
19 illness, and inmates of penal or correctional institutions
20 maintained by such governmental bodies, may qualify for aid
21 under this Article only after they have ceased to be
22 residents or inmates.

23 A person shall not be deemed a resident of a State
24 institution for persons with mental illness or persons with a
25 developmental disability within the meaning of this Section
26 if he has been conditionally discharged by the Department of
27 Mental Health and Developmental Disabilities or the
28 Department of Human Services (acting as successor to the
29 Department of Mental Health and Developmental Disabilities)
30 and is no longer residing in the institution.

31 Recipients of benefits under this Article who become
32 residents of such institutions shall be permitted a period of
33 up to 30 days in such institutions without suspension or

1 termination of eligibility. Benefits for which such person is
2 eligible shall be restored, effective on the date of
3 discharge or release, for persons who are residents of
4 institutions. Within a reasonable time after the discharge
5 of a person who was a resident of an institution, the
6 Department of Human Services shall redetermine the
7 eligibility of such person.

8 The Department of Human Services shall provide for
9 procedures to expedite the determination of ability to engage
10 in employment of persons scheduled to be discharged from
11 facilities operated by the Department.

12 (Source: P.A. 92-111, eff. 1-1-02.)

13 (305 ILCS 5/6-1.6) (from Ch. 23, par. 6-1.6)

14 Sec. 6-1.6. Acceptance of assignment to job search,
15 training and work programs. A person for whom the job search,
16 training and work programs established under Sections Section
17 9-6 through 9-6.0050 of Article IX are applicable must accept
18 assignment to such programs. In conducting job search
19 programs, the Illinois Department of Human Services and the
20 local governmental unit shall by rule specify a reasonable
21 minimum number of employer contacts, and methods of
22 documentation, to be made by program participants each month
23 and shall determine, pursuant to rules and regulations,
24 sanctions for persons failing to comply with the requirements
25 under Sections Section 9-6 through 9-6.0050. However, no
26 participant shall be sanctioned for failure to satisfy job
27 search requirements prior to a full assessment of his job
28 readiness and employability. No participant shall be
29 sanctioned for failure to satisfy the minimum number of
30 employer contacts if he has made a good faith effort to
31 comply. The Illinois Department of Human Services and local
32 governmental units shall provide payment for transportation
33 and other necessary expenses to comply with the requirements

1 of such programs, as defined by rule. Sanctions shall not
2 apply to participants who are not provided with such
3 payments. Such payments to participants shall be provided in
4 advance of participant program compliance by the ~~Illinois~~
5 Department of Human Services and may be provided in advance
6 of such compliance by the local governmental unit.
7 Sanctions may include the loss of eligibility to receive aid
8 under this Article for a period of time of up to 3 months.
9 (Source: P.A. 85-114.)

10 (305 ILCS 5/6-1.7) (from Ch. 23, par. 6-1.7)

11 Sec. 6-1.7. Registration for work with local
12 governmental unit. A recipient of financial aid under this
13 Article, which money or vendor payment is made by a local
14 governmental unit which administers aid under this Article
15 and is not a County Department, who is required under Section
16 6-1.4 to register for and accept bona fide offers of
17 employment as provided in Section 11-20 but is not required
18 to participate in a job search, training and work program
19 under Sections Section 9-6 through 9-6.0050, must also
20 register for work with such local governmental unit and must
21 perform work without compensation for a taxing district or
22 private not-for-profit organization as provided in this
23 Section.

24 A local governmental unit which administers aid under
25 this Article shall maintain a roster of the persons who have
26 registered for work in such local governmental unit, and
27 shall assure that such roster is available for the inspection
28 of the governing authorities of all taxing districts or
29 private not-for-profit organizations, or the duly authorized
30 agents thereof, for the selection of possible workers. Each
31 such local governmental unit shall cause persons, who are
32 selected by a taxing district or private not-for-profit
33 organization to perform work, to be notified at least 24

1 hours in advance of the time the work is to begin.

2 Each such local governmental unit shall assure that the
3 following additional requirements are complied with:

4 (a) The taxing district or private not-for-profit
5 organization may not use a person selected to work under
6 this Section to replace a regular employee.

7 (b) The work to be performed for the taxing
8 district or private not-for-profit organization must be
9 reasonably related to the skills or interests of the
10 recipient.

11 (c) The maximum number of hours such work may be
12 performed is 8 hours per day and 40 hours per week.

13 (d) The recipient shall be provided or compensated
14 for transportation to and from the work location.

15 (e) The person selected to work under this Section
16 shall receive credit against his or her monthly benefits
17 under this Article, based on the State minimum wage rate,
18 for the work performed.

19 However, a taxing district or private not-for-profit
20 organization using the services of such recipient must pay
21 the recipient at least the State minimum wage after such
22 recipient has received credit by the ~~Illinois~~ Department of
23 Human Services equal to the amount of financial aid received
24 under this Article, or the recipient shall be discharged.
25 Moneys made available for public aid purposes under this
26 Article may be expended to purchase worker's compensation
27 insurance or to pay worker's compensation claims.

28 For the purposes of this Section, "taxing district" means
29 any unit of local government, as defined in Section 1 of
30 Article VII of the Constitution, with the power to tax, and
31 any school district or community college district.

32 (Source: P.A. 85-114.)

33 (305 ILCS 5/6-2) (from Ch. 23, par. 6-2)

1 Sec. 6-2. Amount of aid. The amount and nature of
2 General Assistance for basic maintenance requirements shall
3 be determined in accordance with local budget standards for
4 local governmental units which do not receive State funds.
5 For local governmental units which do receive State funds,
6 the amount and nature of General Assistance for basic
7 maintenance requirements shall be determined in accordance
8 with the standards, rules and regulations of the Illinois
9 Department of Human Services. However, the amount and
10 nature of any financial aid is not affected by the payment of
11 any grant under the Senior Citizens and Disabled Persons
12 Property 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. Due regard shall be given to the
16 requirements and the conditions existing in each case, and to
17 the income, money contributions and other support and
18 resources available, from whatever source. In local
19 governmental units which do not receive State funds, the
20 grant shall be sufficient when added to all other income,
21 money contributions and support in excess of any excluded
22 income or resources, to provide the person with a grant in
23 the amount established for such a person by the local
24 governmental unit based upon standards meeting basic
25 maintenance requirements. In local governmental units which
26 do receive State funds, the grant shall be sufficient when
27 added to all other income, money contributions and support in
28 excess of any excluded income or resources, to provide the
29 person with a grant in the amount established for such a
30 person by Department of Human Services regulation based upon
31 standards providing a livelihood compatible with health and
32 well-being, as directed by Section 12-4.11 of this Code.

33 The Illinois Department of Human Services may conduct
34 special projects, which may be known as Grant Diversion

1 Projects, under which recipients of financial aid under this
2 Article are placed in jobs and their grants are diverted to
3 the employer who in turn makes payments to the recipients in
4 the form of salary or other employment benefits. The
5 Illinois Department shall by rule specify the terms and
6 conditions of such Grant Diversion Projects. Such projects
7 shall take into consideration and be coordinated with the
8 programs administered under the Illinois Emergency Employment
9 Development Act.

10 The allowances provided under Article IX for recipients
11 participating in the training and rehabilitation programs
12 shall be in addition to such maximum payment.

13 Payments may also be made to provide persons receiving
14 basic maintenance support with necessary treatment, care and
15 supplies required because of illness or disability or with
16 acute medical treatment, care, and supplies. Payments for
17 necessary or acute medical care under this paragraph may be
18 made to or in behalf of the person. Obligations incurred for
19 such services but not paid for at the time of a recipient's
20 death may be paid, subject to the rules and regulations of
21 the Illinois Department of Human Services, after the death of
22 the recipient.

23 (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

24 (305 ILCS 5/6-2.1) (from Ch. 23, par. 6-2.1)

25 Sec. 6-2.1. Assets of homeless persons.

26 (a) For the purpose of assisting homeless persons in
27 securing housing, all assistance units that include a
28 homeless person shall have an asset disregard no less than
29 that applicable to recipients of benefits under Article 4 of
30 this Code. For purposes of this Section, "homeless" or
31 "homeless person" means either of the following:

32 (1) An individual who lacks a fixed, regular, and
33 adequate nighttime residence; or

1 (2) An individual who has a primary nighttime
2 residence that is any of the following:

3 (A) A supervised publicly or privately
4 operated shelter designed to provide temporary
5 living accommodations (including welfare hotels,
6 congregate shelters, and transitional housing for
7 the mentally ill).

8 (B) An institution that provides a temporary
9 residence for individuals intended to be
10 institutionalized.

11 (C) A public or private place not designed
12 for, or ordinarily used as, a regular sleeping
13 accommodation for human beings.

14 (b) While the Illinois Department of Human Services
15 shall consider other indicia of homelessness in determining
16 whether a person is homeless, a letter from a shelter
17 provider stating that a person is homeless or residing in its
18 shelter shall create a rebuttable presumption that the person
19 is homeless.

20 (Source: P.A. 87-1185.)

21 (305 ILCS 5/6-6) (from Ch. 23, par. 6-6)

22 Sec. 6-6. Funeral and burial. If the estate of a
23 deceased recipient is insufficient to pay for funeral and
24 burial expenses and if no other resources including
25 assistance from legally responsible relatives or the United
26 States Veterans Administration, are available for such
27 purposes, there shall be paid, in accordance with the
28 standards, rules and regulations of the Illinois Department
29 of Human Services, such amounts as may be necessary to meet
30 costs of the funeral, burial space, and cemetery charges, or
31 to reimburse any person not financially responsible for the
32 deceased who has voluntarily made expenditures for such
33 costs.

1 (Source: P.A. 90-372, eff. 7-1-98.)

2 (305 ILCS 5/6-7) (from Ch. 23, par. 6-7)

3 Sec. 6-7. Exemption for townships. Nothing in this
4 Article shall be construed as requiring townships to provide,
5 in whole or in part, medical assistance to persons who are
6 not residents of the State of Illinois.

7 In all instances under this Article where medical aid or
8 assistance to a person who is not a resident of this State
9 would otherwise be, in whole or in part, the responsibility
10 of a township, the Illinois Department shall be responsible
11 for such provision.

12 The Illinois Department shall, by rule or regulation,
13 insure that provision of such aid or assistance to a
14 non-resident is identical to the uniform standard of
15 eligibility established by the Illinois Department.

16 (Source: P.A. 81-519.)

17 (305 ILCS 5/6-9) (from Ch. 23, par. 6-9)

18 Sec. 6-9. Major disasters or emergencies.

19 (a) (1) A local governmental unit may provide assistance
20 to households under its General Assistance program following
21 a declaration by the President of the United States of a
22 major disaster or emergency pursuant to the Federal Disaster
23 Relief Act of 1974, as now or hereafter amended, if the local
24 governmental unit is within the area designated under the
25 declaration. Assistance under this Section may be provided to
26 households which have suffered damage, loss or hardships as a
27 result of the major disaster or emergency. Assistance under
28 this Section may be provided to households without regard to
29 the eligibility requirements and other requirements of this
30 Code. Assistance under this Section may be provided only
31 during the 90-day period following the date of declaration of
32 a major disaster or emergency.

1 (2) A local governmental unit shall not use State funds
2 to provide assistance under this Section. If a local
3 governmental unit receives State funds to provide General
4 Assistance under this Article, assistance provided by the
5 local governmental unit under this Section shall not be
6 considered in determining whether a local governmental unit
7 has qualified to receive State funds under Article XII. A
8 local governmental unit which provides assistance under this
9 Section shall not, as a result of payment of such assistance,
10 change the nature or amount of assistance provided to any
11 other individual or family under this Article.

12 (3) This Section shall not apply to any municipality of
13 more than 500,000 population in which a separate program has
14 been established by the ~~Illinois~~ Department of Human Services
15 under Section 6-1.

16 (b) (1) A local governmental unit may provide assistance
17 to households for food and temporary shelter. To qualify for
18 assistance a household shall submit to the local governmental
19 unit: (A) such application as the local governmental unit
20 may require; (B) a copy of an application to the Federal
21 Emergency Management Agency (hereinafter "FEMA") or the Small
22 Business Administration (hereinafter "SBA") for assistance;
23 (C) such other proof of damage, loss or hardship as the
24 local governmental unit may require; and (D) an agreement to
25 reimburse the local governmental unit for the amount of any
26 assistance received by the household under this subsection
27 (b).

28 (2) Assistance under this subsection (b) may be in the
29 form of cash or vouchers. The amount of assistance provided
30 to a household in any month under this subsection (b) shall
31 not exceed the maximum amount payable under Section 6-2.

32 (3) No assistance shall be provided to a household after
33 it receives a determination of its application to FEMA or SBA
34 for assistance.

1 (4) A household which has received assistance under this
2 subsection (b) shall reimburse the local governmental unit in
3 full for any assistance received under this subsection. If
4 the household receives assistance from FEMA or SBA in the
5 form of loans or grants, the household shall reimburse the
6 local governmental unit from those funds. If the household's
7 request for assistance is denied or rejected by the FEMA or
8 SBA, the household shall repay the local governmental unit in
9 accordance with a repayment schedule prescribed by the local
10 governmental unit.

11 (c) (1) A local governmental unit may provide assistance
12 to households for structural repairs to homes or for repair
13 or replacement of home electrical or heating systems, bedding
14 and food refrigeration equipment. To qualify for assistance
15 a household shall submit to the local governmental unit:
16 (A) such application as the local governmental unit may
17 require; (B) a copy of claim to an insurance company for
18 reimbursement for the damage or loss for which assistance is
19 sought; (C) such other proof of damage, loss or hardship as
20 the local governmental unit may require; and (D) an
21 agreement to reimburse the local governmental unit for the
22 amount of any assistance received by the household under this
23 subsection (c).

24 (2) Any assistance provided under this subsection
25 (c) shall be in the form of direct payments to vendors, and
26 shall not be made directly to a household. The total amount
27 of assistance provided to a household under this subsection
28 (c) shall not exceed \$1,500.

29 (3) No assistance shall be provided to a household after
30 it receives a determination of its insurance claims.

31 (4) A household which has received assistance under this
32 subsection (c) shall reimburse the local governmental unit in
33 full for any assistance received under this subsection. If
34 the household's insurance claim is approved, the household

1 shall reimburse the local governmental unit from the
2 proceeds. If the household's insurance claim is denied, the
3 household shall repay the local governmental unit in
4 accordance with a repayment schedule prescribed by the local
5 governmental unit.

6 (Source: P.A. 85-1233.)

7 (305 ILCS 5/6-10) (from Ch. 23, par. 6-10)

8 Sec. 6-10. Emergency financial assistance.

9 (a) Except in a city, village or incorporated town of
10 more than 500,000 population, when an applicant resides in
11 the local governmental unit in which he makes application,
12 emergency financial assistance to alleviate life-threatening
13 circumstances or to assist the individual in attaining
14 self-sufficiency may be given to or in behalf of the
15 applicant. The emergency assistance so given shall be by
16 vendor payment in an amount necessary to meet the need, up to
17 the maximum established by the local governmental unit.
18 Emergency assistance shall not be granted under this Section
19 more than once to any applicant during any 12 consecutive
20 month period.

21 (b) Persons currently receiving financial assistance
22 under this Article or under any other Article of this Code
23 shall not be eligible for emergency financial assistance
24 under this Section. Persons receiving only medical
25 assistance from the Illinois Department of Public Aid may,
26 however, receive emergency financial assistance under this
27 Section. Emergency financial assistance may be provided
28 under this Section to persons who are applicants for public
29 aid from the Illinois Department of Public Aid or the
30 Department of Human Services in order to cover time periods
31 prior to receipt of public aid from either or both of those
32 departments the-Illinois-Department.

33 (c) A local governmental unit may use General Assistance

1 moneys to provide emergency financial assistance under this
2 Section but shall not use State funds to provide assistance
3 under this Section. If a local governmental unit receives
4 State funds to provide General Assistance under this Article,
5 assistance provided by the local governmental unit under
6 this Section shall not be considered in determining whether a
7 local governmental unit has qualified to receive State funds
8 under Article XII. A local governmental unit which provides
9 assistance under this Section shall not, as a result of
10 payment of such assistance, change the nature or amount of
11 assistance provided to any other individual or family under
12 this Article.

13 (Source: P.A. 88-412.)

14 (305 ILCS 5/6-11) (was 305 ILCS 5/6-11, subsecs. (a) and
15 (b))

16 Sec. 6-11. State funded General Assistance.

17 (a) Effective July 1, 1992, all State funded General
18 Assistance and related medical benefits shall be governed by
19 this Section through Section 6-11.15. Other parts of this
20 Code or other laws related to General Assistance shall remain
21 in effect to the extent they do not conflict with the
22 provisions of this Section through Section 6-11.15. If any
23 other part of this Code or other laws of this State conflict
24 with the provisions of this Section through Section 6-11.15,
25 the provisions of this Section through Section 6-11.15 shall
26 control.

27 (b) State funded General Assistance shall consist of 2
28 separate programs. One program shall be for adults with no
29 children and shall be known as State Transitional Assistance.
30 The other program shall be for families with children and for
31 pregnant women and shall be known as State Family and
32 Children Assistance.

33 (Source: P.A. 92-111, eff. 1-1-02.)

1 (305 ILCS 5/6-11.5 new) (was 305 ILCS 5/6-11, subsecs.
2 (c) and (g))

3 Sec. 6-11.5. State Transitional Assistance.

4 (a) (e)-(1) To be eligible for State Transitional
5 Assistance on or after July 1, 1992, an individual must be
6 ineligible for assistance under any other Article of this
7 Code, must be determined chronically needy, and must be one
8 of the following:

9 (1) (A) age 18 or over; or

10 (2) (B) married and living with a spouse,
11 regardless of age.

12 (b) (2) The Illinois Department of Human Services or the
13 local governmental unit shall determine whether individuals
14 are chronically needy as follows:

15 (1) (A) Individuals who have applied for
16 Supplemental Security Income (SSI) and are awaiting a
17 decision on eligibility for SSI who are determined
18 disabled by the Illinois Department of Human Services
19 using the SSI standard shall be considered chronically
20 needy, except that individuals whose disability is based
21 solely on substance addictions (drug abuse and
22 alcoholism) and whose disability would cease were their
23 addictions to end shall be eligible only for medical
24 assistance and shall not be eligible for cash assistance
25 under the State Transitional Assistance program.

26 (2) (B) If an individual has been denied SSI due to
27 a finding of "not disabled" (either at the Administrative
28 Law Judge level or above, or at a lower level if that
29 determination was not appealed), the Illinois Department
30 of Human Services shall adopt that finding and the
31 individual shall not be eligible for State Transitional
32 Assistance or any related medical benefits. Such an
33 individual may not be determined disabled by the Illinois
34 Department for a period of 12 months, unless the

1 individual shows that there has been a substantial change
2 in his or her medical condition or that there has been a
3 substantial change in other factors, such as age or work
4 experience, that might change the determination of
5 disability.

6 (3) ~~(C)~~ The Illinois Department of Human Services,
7 by rule, may specify other categories of individuals as
8 chronically needy; nothing in Sections 6-11 through
9 6-11.15 ~~this-Section~~, however, shall be deemed to require
10 the inclusion of any specific category other than as
11 specified in paragraphs (1) ~~(A)~~ and (2) ~~of this~~
12 subsection ~~(B)~~.

13 (c) ~~(3)~~ For individuals in State Transitional
14 Assistance, medical assistance shall be provided in an amount
15 and nature determined by the Illinois Department of Public
16 Aid by rule. The amount and nature of medical assistance
17 provided need not be the same as that provided under
18 ~~paragraph-(4)-of~~ subsection (d) of this Section 6-11.10, and
19 nothing in this subsection (c) ~~paragraph--(3)~~ shall be
20 construed to require the coverage of any particular medical
21 service. In addition, the amount and nature of medical
22 assistance provided may be different for different categories
23 of individuals determined chronically needy.

24 (d) ~~(4)~~ The Illinois Department of Human Services shall
25 determine, by rule, those assistance recipients under Article
26 VI who shall be subject to employment, training, or education
27 programs including Earnfare, the content of those programs,
28 and the penalties for failure to cooperate in those programs.

29 (e) ~~(5)~~ The Illinois Department of Human Services shall,
30 by rule, establish further eligibility requirements,
31 including but not limited to residence, need, and the level
32 of payments.

33 (f) ~~(g)~~ Notwithstanding any other provision in this
34 Code, the Illinois Department of Human Services is authorized

1 to reduce payment levels used to determine cash grants
 2 provided to recipients of State Transitional Assistance at
 3 any time within a Fiscal Year in order to ensure that cash
 4 benefits for State Transitional Assistance do not exceed the
 5 amounts appropriated for those cash benefits. Changes in
 6 payment levels may be accomplished by emergency rule under
 7 Section 5-45 of the Illinois Administrative Procedure Act,
 8 except that the limitation on the number of emergency rules
 9 that may be adopted in a 24-month period shall not apply and
 10 the provisions of Sections 5-115 and 5-125 of the Illinois
 11 Administrative Procedure Act shall not apply. This provision
 12 shall also be applicable to any reduction in payment levels
 13 made upon implementation of this amendatory Act of 1995.

14 (Source: P.A. 92-111, eff. 1-1-02.)

15 (305 ILCS 5/6-11.10 new) (was 305 ILCS 5/6-11, subsec.
 16 (d))

17 Sec. 6-11.10. State Family and Children Assistance.

18 (a) ~~(d)-(1)~~ To be eligible for State Family and Children
 19 Assistance, a family unit must be ineligible for assistance
 20 under any other Article of this Code and must contain a child
 21 who is:

- 22 (1) ~~(A)~~ under age 18; or
- 23 (2) ~~(B)~~ age 18 and a full-time student in a
 24 secondary school or the equivalent level of vocational or
 25 technical training, and who may reasonably be expected to
 26 complete the program before reaching age 19.

27 Those children shall be eligible for State Family and
 28 Children Assistance.

29 (b) ~~(2)~~ The natural or adoptive parents of the child
 30 living in the same household may be eligible for State Family
 31 and Children Assistance.

32 (c) ~~(3)~~ A pregnant woman whose pregnancy has been
 33 verified shall be eligible for income maintenance assistance

1 under the State Family and Children Assistance program.

2 (d) ~~(4)~~ The amount and nature of medical assistance
3 provided under the State Family and Children Assistance
4 program shall be determined by the ~~Illinois~~ Department of
5 Public Aid by rule. The amount and nature of medical
6 assistance provided need not be the same as that provided
7 under ~~paragraph-(3)-of~~ subsection (c) of this Section 6-11.5,
8 and nothing in this subsection (d) ~~paragraph-(4)~~ shall be
9 construed to require the coverage of any particular medical
10 service.

11 (e) ~~(5)~~ The ~~Illinois~~ Department of Human Services shall,
12 by rule, establish further eligibility requirements,
13 including but not limited to residence, need, and the level
14 of payments.

15 (Source: P.A. 92-111, eff. 1-1-02.)

16 (305 ILCS 5/6-11.15 new) (was 305 ILCS 5/6-11, subsecs.
17 (e) and (f))

18 Sec. 6-11.15. Local governmental units; funding.

19 (a) ~~(e)~~ A local governmental unit that chooses to
20 participate in a General Assistance program under Sections
21 6-11 through this Section shall provide funding in accordance
22 with Section 12-21.13 of this Act. Local governmental funds
23 used to qualify for State funding may only be expended for
24 clients eligible for assistance under Sections 6-11 through
25 this Section ~~6-11~~ and related administrative expenses.

26 (b) ~~(f)~~ In order to qualify for State funding under this
27 Section, a local governmental unit shall be subject to the
28 supervision and the rules and regulations of the ~~Illinois~~
29 Department of Human Services.

30 (Source: P.A. 92-111, eff. 1-1-02.)

31 (305 ILCS 5/6-12) (from Ch. 23, par. 6-12)

32 Sec. 6-12. General Assistance not funded by State.

1 General Assistance programs in local governments that do not
2 receive State funds shall continue to be governed by Sections
3 6-1 through 6-10, as applicable, as well as other relevant
4 parts of this Code and other laws. However, notwithstanding
5 any other provision of this Code, any unit of local
6 government that does not receive State funds may implement a
7 General Assistance program that complies with Sections
8 Section 6-11 through 6-11.15. So long as that program
9 complies with Sections Section 6-11 through 6-11.15, the
10 program shall not be deemed out of compliance with or in
11 violation of this Code.

12 (Source: P.A. 87-860.)

13 (305 ILCS 5/8A-2.5)

14 Sec. 8A-2.5. Unauthorized use of medical assistance.

15 (a) Any person who knowingly uses, acquires, possesses,
16 or transfers a medical card in any manner not authorized by
17 law or by rules and regulations of the ~~Illinois~~ Department of of
18 Public Aid, or who knowingly alters a medical card, or who
19 knowingly uses, acquires, possesses, or transfers an altered
20 medical card, is guilty of a violation of this Article and
21 shall be punished as provided in Section 8A-6.

22 (b) Any person who knowingly obtains unauthorized
23 medical benefits with or without use of a medical card is
24 guilty of a violation of this Article and shall be punished
25 as provided in Section 8A-6.

26 (Source: P.A. 89-289, eff. 1-1-96.)

27 (305 ILCS 5/8A-4) (from Ch. 23, par. 8A-4)

28 Sec. 8A-4. Penalty for unauthorized use of federal food
29 stamps or federal food stamp benefits. Any person who
30 knowingly uses, acquires, possesses, or transfers federal
31 food stamps, or federal food stamp benefits, or Electronic
32 Benefit Transfer card for federal food stamp benefits, or

1 authorizations to participate in the federal food stamp
2 program in any manner not authorized by law or the rules and
3 regulations of the Illinois Department of Human Services, or
4 who knowingly alters or uses, acquires, possesses or
5 transfers altered federal food stamps, or federal food stamp
6 benefits, or Electronic Benefit Transfer card for federal
7 food stamp benefits, or authorizations to participate in the
8 federal food stamp program, or who knowingly alters or
9 falsifies electronic federal food stamp benefit data or
10 possesses or uses altered or falsified electronic federal
11 food stamp benefit data for the purpose of making claims for
12 or receiving redemption of food stamp benefits or for the
13 substantiation of redemptions received, is guilty of a
14 violation of this Article and shall be punished as provided
15 in Section 8A-6.

16 (Source: P.A. 89-489, eff. 1-1-97.)

17 (305 ILCS 5/8A-4A) (from Ch. 23, par. 8A-4A)

18 Sec. 8A-4A. Penalty for unauthorized use of federal
19 surplus commodities. Any person who knowingly uses,
20 acquires, possesses, or transfers federal surplus food
21 commodities or authorizations to participate in the federal
22 surplus food commodities program, in original or altered
23 form, in any manner not authorized by law or the rules and
24 regulations of the Illinois Department of Human Services, or
25 who knowingly alters authorizations to participate in the
26 federal surplus food commodities program, is guilty of a
27 violation of this Article and shall be punished as provided
28 in Section 8A-6.

29 (Source: P.A. 85-555.)

30 (305 ILCS 5/8A-5) (from Ch. 23, par. 8A-5)

31 Sec. 8A-5. Administrative malfeasance.

32 (a) Any person who shall misappropriate, misuse or

1 unlawfully withhold or convert to his own use or to the use
2 of another, any public funds made available for public aid
3 purposes under this Code is guilty of a violation of this
4 Article and shall be punished as provided in Section 8A-6.

5 (b) Any official or employee of the ~~Illinois~~ Department
6 of Public Aid or the Department of Human Services or of a
7 county department or local governmental unit who willfully
8 fails to report a known violation of Sections 8A-2, 8A-3,
9 8A-4 or 8A-5 to the designated administrative personnel as
10 identified in the policy and procedures of the ~~Illinois~~
11 Department of Public Aid or the Department of Human Services
12 for employees of either of those departments the--~~Illinois~~
13 Department or of a county department, or to the State's
14 Attorney for employees of a local governmental unit, shall be
15 subject to disciplinary proceedings pursuant to regulations
16 of the ~~Illinois~~ Department of Public Aid or the Department of
17 Human Services or the local governmental unit.

18 (Source: P.A. 82-440.)

19 (305 ILCS 5/8A-5A) (from Ch. 23, par. 8A-5A)

20 Sec. 8A-5A. Unauthorized possession of identification
21 document. Any person who possesses for an unlawful purpose
22 another person's identification document issued by the
23 ~~Illinois~~ Department of Public Aid or the Department of Human
24 Services shall be guilty of a Class 4 felony. For purposes
25 of this Section, "identification document" includes but is
26 not limited to an authorization to participate in the federal
27 food stamp program or the federal surplus food commodities
28 program, or a card or other document which identifies a
29 person as being entitled to public aid under this Code.

30 (Source: P.A. 86-1012.)

31 (305 ILCS 5/8A-7) (was 305 ILCS 5/8A-7, subsecs. (a),
32 (b), and (c))

1 Sec. 8A-7. Civil remedies.

2 (a) A person who receives financial aid by means of a
3 false statement, willful misrepresentation or by his failure
4 to notify the county department or local governmental unit,
5 as the case may be, of a change in his status as required by
6 Sections 11-18 and 11-19, for the purpose of preventing the
7 denial, cancellation or suspension of his grant, or a
8 variation in the amount thereof, or by other fraudulent
9 device, or a person who knowingly aids or abets any person in
10 obtaining financial aid for which he is not eligible, shall
11 be answerable to the county department or the local
12 governmental unit, as the case may be, for refunding the
13 entire amount of aid received. If the refund is not made, it
14 shall be recoverable in a civil action from the person who
15 received the aid, or from anyone who willfully aided such
16 person to obtain the aid.

17 If an act which would be unlawful under Section 8A-2 is
18 proven, the court may as a penalty assess an additional sum
19 of money, not to exceed the entire amount of aid provided,
20 against the recipient or against any person who willfully
21 aided the recipient. If assessed, the penalty shall be
22 included in any judgment entered for the aid received, and
23 paid to the county department or the local governmental unit,
24 as the case may be.

25 Upon entry of the judgment a lien shall attach to all
26 property and assets of such person until the judgment is
27 satisfied.

28 (b) Any person, firm, corporation, association, agency,
29 institution or other legal entity, other than an individual
30 recipient, that willfully, by means of a false statement or
31 representation, or by concealment of any material fact or by
32 other fraudulent scheme or device on behalf of himself or
33 others, obtains or attempts to obtain benefits or payments
34 under this Code to which he or it is not entitled, or in a

1 greater amount than that to which he or it is entitled, shall
2 be liable for repayment of any excess benefits or payments
3 received and, in addition to any other penalties provided by
4 law, civil penalties consisting of (1) the interest on the
5 amount of excess benefits or payments at the maximum legal
6 rate in effect on the date the payment was made to such
7 person, firm, corporation, association, agency, institution
8 or other legal entity for the period from the date upon which
9 payment was made to the date upon which repayment is made to
10 the State, (2) an amount not to exceed 3 times the amount of
11 such excess benefits or payments, and (3) the sum of \$2,000
12 for each excessive claim for benefits or payments.

13 Upon entry of a judgment for repayment of any excess
14 benefits or payments, or for any civil penalties assessed by
15 the court, a lien shall attach to all property and assets of
16 such person, firm, corporation, association, agency,
17 institution or other legal entity until the judgment is
18 satisfied.

19 (c) Civil recoveries provided for in this Section
20 through Section 8A-7.025 may be recoverable in court
21 proceedings initiated by the Attorney General or, in actions
22 involving a local governmental unit, by the State's Attorney.
23 (Source: P.A. 85-707.)

24 (305 ILCS 5/8A-7.05 new) (was 305 ILCS 8A-7, subsec. (d),
25 in part)

26 Sec. 8A-7.05. Forfeiture of money or other property.

27 (a) (d) Any person who commits the offense of vendor
28 fraud or recipient fraud as defined in Section 8A-2 and
29 Section 8A-3 of this Article shall forfeit, according to the
30 provisions of this Section through Section 8A-7.025
31 ~~subsection~~, any monies, profits or proceeds, and any interest
32 or property which the sentencing court determines he has
33 acquired or maintained, directly or indirectly, in whole or

1 in part as a result of such offense. Such person shall also
 2 forfeit any interest in, securities of, claim against, or
 3 contractual right of any kind which affords him a source of
 4 influence over, any enterprise which he has established,
 5 operated, controlled, conducted, or participated in
 6 conducting, where his relationship to or connection with any
 7 such thing or activity directly or indirectly, in whole or in
 8 part, is traceable to any thing or benefit which he has
 9 obtained or acquired through vendor fraud or recipient fraud.

10 (b) Proceedings instituted pursuant to this Section
 11 through Section 8A-7.025 ~~subsectiøn~~ shall be subject to and
 12 conducted in accordance with the ~~following~~ procedures set
 13 forth in Sections 8A-7.010 through 8A-7.025.÷

14 (Source: P.A. 85-707.)

15 (305 ILCS 5/8A-7.010 new) (was 305 ILCS 5/8A-7, subsec.
 16 (d), in part)

17 Sec. 8A-7.010. Forfeiture hearing. †1‡ The sentencing
 18 court shall, upon petition by the Attorney General or State's
 19 Attorney at any time following sentencing, conduct a hearing
 20 to determine whether any property or property interest is
 21 subject to forfeiture under Sections 8A-7.05 through 8A-7.025
 22 ~~this-subsectiøn~~. At the forfeiture hearing the People shall
 23 have the burden of establishing, by a preponderance of the
 24 evidence, that the property or property interests are subject
 25 to such forfeiture.

26 (Source: P.A. 85-707.)

27 (305 ILCS 5/8A-7.015 new) (was 305 ILCS 5/8A-7, subsec.
 28 (d), in part)

29 Sec. 8A-7.015. Restraining order, injunction, or
 30 prohibition.

31 (a) †2‡ In any action brought by the People of the State
 32 of Illinois under Sections 8A-7 through 8A-7.025 ~~this~~

1 Section, in which any restraining order, injunction or
2 prohibition or any other action in connection with any
3 property or interest subject to forfeiture under Sections
4 8A-7.05 through 8A-7.025 ~~this--subsection~~ is sought, the
5 circuit court presiding over the trial of the person charged
6 with recipient fraud or vendor fraud as defined in Sections
7 8A-2 or 8A-3 of this Article shall first determine whether
8 there is probable cause to believe that the person so charged
9 has committed the offense of recipient fraud or vendor fraud
10 and whether the property or interest is subject to forfeiture
11 under Sections 8A-7.05 through 8A-7.025 ~~this-subsection~~.

12 (b) To make such a determination, prior to entering any
13 such order, the court shall conduct a hearing without a jury,
14 at which the People shall establish that there is (i)
15 probable cause that the person so charged has committed the
16 offense of recipient fraud or vendor fraud and (ii) probable
17 cause that any property or interest may be subject to
18 forfeiture pursuant to Sections 8A-7.05 through 8A-7.025 ~~this~~
19 ~~subsection~~. Such hearing may be conducted simultaneously
20 with a preliminary hearing, if the prosecution is commenced
21 by information or complaint, or by motion of the People at
22 any stage in the proceedings.

23 (c) The court may accept a finding of probable cause at
24 a preliminary hearing following the filing of an information
25 charging the offense of recipient fraud or vendor fraud as
26 defined in Sections 8A-2 or 8A-3 or the return of an
27 indictment by a grand jury charging the offense of recipient
28 fraud or vendor fraud as defined in Sections 8A-2 or 8A-3 of
29 this Article as sufficient evidence of probable cause as
30 provided in item (i) above. Upon such a finding, the circuit
31 court shall enter such restraining order, injunction or
32 prohibition, or shall take such other action in connection
33 with any such property or other interest subject to
34 forfeiture under this Act as is necessary to insure that such

1 property is not removed from the jurisdiction of the court,
2 concealed, destroyed or otherwise disposed of by the owner of
3 that property or interest prior to a forfeiture hearing under
4 Section 8A-7.010 ~~this-subsection~~.

5 (d) The Attorney General or State's Attorney shall file
6 a certified copy of such restraining order, injunction or
7 other prohibition with the recorder of deeds or registrar of
8 titles of each county where any such property of the
9 defendant may be located. No such injunction, restraining
10 order or other prohibition shall affect the rights of any
11 bonafide purchaser, mortgagee, judgement creditor or other
12 lien holder arising prior to the date of such filing.

13 (e) The court may, at any time, upon verified petition
14 by the defendant, conduct a hearing to determine whether all
15 or portions of any such property or interest which the court
16 previously determined to be subject to forfeiture or subject
17 to any restraining order, injunction, or prohibition or other
18 action, should be released. The court may in its discretion
19 release such property to the defendant for good cause shown.

20 (Source: P.A. 85-707.)

21 (305 ILCS 5/8A-7.020 new) (was 305 ILCS 5/8A-7, subsec.
22 (d), in part)

23 Sec. 8A-7.020. Seizure of property. {3} Upon conviction
24 of a person under this Article, the court shall authorize the
25 Director of the Illinois Department of State Police to seize
26 all property or other interest declared forfeited under
27 Sections 8A-7.05 through 8A-7.025 ~~this-subsection~~ upon such
28 terms and conditions as the court shall deem proper.

29 (Source: P.A. 85-707.)

30 (305 ILCS 5/8A-7.025 new) (was 305 ILCS 5/8A-7, subsec.
31 (d), in part)

32 Sec. 8A-7.025. Sale of forfeited property; distribution

1 of proceeds.

2 (a) (4) The Director of the Illinois Department of State
3 Police is authorized to sell all property forfeited and
4 seized pursuant to Section 8A-7.05 through this Section
5 subsection, unless such property is required by law to be
6 destroyed or is harmful to the public.

7 (b) After the deduction of all requisite expenses of
8 administration and sale, the court shall order the Director
9 of State Police to distribute to the ~~Illinois~~ Department of
10 Public Aid or the Department of Human Services, or both, an
11 amount from the proceeds of the forfeited property, or monies
12 forfeited or seized, which will satisfy any unsatisfied court
13 order of restitution entered pursuant to a conviction under
14 this Article. If the proceeds are less than the amount
15 necessary to satisfy the order of restitution, the Director
16 of State Police shall distribute to the ~~Illinois~~ Department
17 of Public Aid or the Department of Human Services, or both,
18 the entire amount of the remaining proceeds.

19 (c) The Director of State Police shall distribute any
20 remaining proceeds of such sale, along with any monies
21 forfeited or seized, in accordance with the following
22 schedules:

23 (A) 25% shall be distributed to the unit of local
24 government whose officers or employees conducted the
25 investigation into recipient fraud or vendor fraud and
26 caused the arrest or arrests and prosecution leading to
27 the forfeiture. Amounts distributed to units of local
28 government shall be used solely for enforcement matters
29 relating to detection, investigation or prosecution of
30 recipient fraud or vendor fraud as defined in Section
31 8A-2 or 8A-3 of this Article.

32 Where the investigation, arrest or arrests leading
33 to the prosecution and forfeiture is undertaken solely by
34 the Illinois Department of State Police, the portion

1 provided hereunder shall be paid into the Medicaid Fraud
2 and Abuse Prevention Fund, which is hereby created in the
3 State treasury. Monies from this fund shall be used by
4 the Department of State Police for the furtherance of
5 enforcement matters relating to detection, investigation
6 or prosecution of recipient fraud or vendor fraud.
7 Monies directed to this fund shall be used in addition
8 to, and not as a substitute for, funds annually
9 appropriated to the Department of State Police for
10 medicaid fraud enforcement.

11 (B) 25% shall be distributed to the county in which
12 the prosecution and petition for forfeiture resulting in
13 the forfeiture was instituted, and deposited in a special
14 fund in the county treasury and appropriated to the
15 State's Attorney for use solely in enforcement matters
16 relating to detection, investigation or prosecution of
17 recipient fraud or vendor fraud; however, if the Attorney
18 General brought the prosecution resulting in the
19 forfeiture, the portion provided hereunder shall be paid
20 into the Medicaid Fraud and Abuse Prevention Fund, to be
21 used by the Medicaid Fraud Control Unit of the Illinois
22 Department of State Police for enforcement matters
23 relating to detection, investigation or prosecution of
24 recipient fraud or vendor fraud. Where the Attorney
25 General and a State's Attorney have jointly participated
26 in any portion of the proceedings, 12.5% shall be
27 distributed to the county in which the prosecution
28 resulting in the forfeiture was instituted, and used as
29 specified herein, and 12.5% shall be paid into the
30 Medicaid Fraud and Abuse Prevention Fund, and used as
31 specified herein.

32 (C) 50% shall be transmitted to the State Treasurer
33 for deposit in the General Revenue Fund.

34 (Source: P.A. 85-707.)

1 (305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

2 Sec. 8A-7.1. Health care professional; danger to the
3 public. The Director, upon making a determination based upon
4 information in the possession of the Illinois Department,
5 that continuation in practice of a licensed health care
6 professional would constitute an immediate danger to the
7 public, shall submit a written communication to the Director
8 of Professional Regulation indicating such determination and
9 additionally providing a complete summary of the information
10 upon which such determination is based, and recommending that
11 the Director of Professional Regulation immediately suspend
12 such person's license. All relevant evidence, or copies
13 thereof, in the Illinois Department's possession may also be
14 submitted in conjunction with the written communication. A
15 copy of such written communication, which is exempt from the
16 copying and inspection provisions of the Freedom of
17 Information Act, shall at the time of submittal to the
18 Director of Professional Regulation be simultaneously mailed
19 to the last known business address of such licensed health
20 care professional by certified or registered postage, United
21 States Mail, return receipt requested. Any evidence, or
22 copies thereof, which is submitted in conjunction with the
23 written communication is also exempt from the copying and
24 inspection provisions of the Freedom of Information Act.

25 The Director, upon making a determination based upon
26 information in the possession of the Illinois Department,
27 that a licensed health care professional is willfully
28 committing fraud upon the Illinois Department's medical
29 assistance program, shall submit a written communication to
30 the Director of Professional Regulation indicating such
31 determination and additionally providing a complete summary
32 of the information upon which such determination is based.
33 All relevant evidence, or copies thereof, in the Illinois
34 Department's possession may also be submitted in conjunction

1 with the written communication.

2 Upon receipt of such written communication, the Director
3 of Professional Regulation shall promptly investigate the
4 allegations contained in such written communication. A copy
5 of such written communication, which is exempt from the
6 copying and inspection provisions of the Freedom of
7 Information Act, shall at the time of submission to the
8 Director of Professional Regulation, be simultaneously mailed
9 to the last known address of such licensed health care
10 professional by certified or registered postage, United
11 States Mail, return receipt requested. Any evidence, or
12 copies thereof, which is submitted in conjunction with the
13 written communication is also exempt from the copying and
14 inspection provisions of the Freedom of Information Act.

15 For the purposes of this Section, "licensed health care
16 professional" means any person licensed under the Illinois
17 Dental Practice Act, the Nursing and Advanced Practice
18 Nursing Act, the Medical Practice Act of 1987, the Pharmacy
19 Practice Act of 1987, the Podiatric Medical Practice Act of
20 1987, or and the Illinois Optometric Practice Act of 1987.
21 (Source: P.A. 90-742, eff. 8-13-98; revised 12-13-01.)

22 (305 ILCS 5/8A-8) (from Ch. 23, par. 8A-8)

23 Sec. 8A-8. Future participation in the public assistance
24 program.

25 (a) Any person applying for public assistance under this
26 Code who has been found guilty of a violation of this Article
27 or of any law of the United States or of any state which is
28 substantially similar to Sections 8A-2 through 8A-5 for
29 violations related to public assistance or medical assistance
30 programs of the kind provided under this Code and who has not
31 been previously convicted for a violation of this Article or
32 of any law of the United States or of any state which is
33 substantially similar to Sections 8A-2 through 8A-5 for

1 violations related to public assistance or medical assistance
2 programs of the kind provided under this Code shall have
3 applications for public assistance under this Code reviewed
4 by an administrative review board to determine the person's
5 eligibility and the need for administrative safeguards to
6 prevent any such further violations. The administrative
7 review board shall be composed of not less than two persons
8 who are selected in accordance with regulations of the
9 Illinois Department or the local governmental unit. Hearings
10 conducted by the board shall:

11 (1) be of an informal nature, permitting the
12 applicant to attend at his option;

13 (2) be open to the public, unless the applicant and
14 the administrative review board determine otherwise;

15 (3) be subject to reasonable time and notification
16 requirements as determined by regulations of the Illinois
17 Department or local governmental units; and

18 (4) be held at a location convenient to the
19 applicant.

20 At the hearing, the administrative review board may deny
21 the application based on an investigation of the person's
22 eligibility, or the board may appoint a substitute payee,
23 require more frequent visits or consultations, more frequent
24 financial reports or require any other action to the extent
25 permitted by State and federal law and regulations. A
26 decision by the administrative review board to deny a
27 person's application shall only be based on the person's
28 failure to qualify under the eligibility criteria applicable
29 to all applicants for the public assistance program in
30 question. Any decision by the administrative review board may
31 be appealed pursuant to the provisions of this Code. In no
32 instance shall the administrative review board delay the
33 hearing or its decision beyond the time allowed under State
34 or federal law and regulations for determining an applicant's

1 eligibility for public assistance.

2 If the person has been determined eligible, the Illinois
3 Department or the local governmental unit may recoup prior
4 payments obtained in violation of this Article from the
5 current cash assistance grants, unless such payments have
6 previously been repaid. The Illinois Department or the local
7 governmental unit, on a case by case basis, shall limit the
8 amount deducted from the current cash assistance grant so as
9 not to cause undue hardship to the person.

10 (b) To the extent permitted under federal law, any person
11 found guilty of a first violation of this Article or of any
12 law of the United States or of any state which is
13 substantially similar to Sections 8A-2 through 8A-5 for
14 violations related to public assistance or medical assistance
15 programs of the kind provided under this Code may be
16 suspended from eligibility for public aid under this Code.
17 Any person found guilty of a second or subsequent violation
18 of this Article or of any law of the United States or of any
19 state which is substantially similar to Sections 8A-2 through
20 8A-5 for violations related to public assistance or medical
21 assistance programs of the kind provided under this Code
22 shall be ineligible for public aid under this Code.

23 (c) In no instance shall this Section adversely affect
24 the eligibility of children who are in need of public aid
25 under this Code, or the amount of the grant received by such
26 children. If a child's caretaker relative is adversely
27 affected by this Section, a substitute payee may be appointed
28 until the Illinois Department can determine, by rule, that
29 the caretaker relative can manage the public aid in the best
30 interest of the child.

31 (d) Any person, firm, corporation, association, agency,
32 institution or other legal entity that has been convicted of
33 a violation of this Article shall be prohibited from
34 participating as a vendor of goods or services to recipients

1 of public aid under this Code. Such prohibition shall extend
 2 to any person with management responsibility in a firm,
 3 corporation, association, agency, institution, or other legal
 4 entity that has been convicted of any such violation and to
 5 an officer or person owning, either directly or indirectly,
 6 5% or more of the shares of stock or other evidences of
 7 ownership in a corporation.

8 (e) Any employee of the Illinois Department, county
 9 department or local governmental unit who has been found
 10 guilty of a violation of this Article shall be terminated
 11 from employment.

12 (Source: P.A. 89-489, eff. 1-1-97; 90-725, eff. 8-7-98.)

13 (305 ILCS 5/8A-9) (from Ch. 23, par. 8A-9)

14 Sec. 8A-9. Special Investigations Unit. There shall be
 15 established within the administrative staff a unit to
 16 investigate all matters pertaining to the fraudulent
 17 acquisition of public aid, including administrative funds.
 18 The investigation may be conducted without prior notice to
 19 the recipients, to the personnel administering the cases or
 20 to vendors or other persons involved. The unit shall also
 21 investigate any other matter relating to the administration
 22 of public aid assigned to it by the Director of the Illinois
 23 Department. The Illinois Department may make the facts
 24 revealed by any investigation available to the Attorney
 25 General or to the appropriate State's Attorney.

26 (Source: P.A. 82-440.)

27 (305 ILCS 5/8A-11) (from Ch. 23, par. 8A-11)

28 Sec. 8A-11. Medical assistance; prohibited acts.

29 (a) No person shall:

30 (1) Knowingly charge a resident of a nursing home
 31 for any services provided pursuant to Article V of the
 32 Illinois Public Aid Code, money or other consideration at

1 a rate in excess of the rates established for covered
2 services by the Illinois Department of Public Aid
3 pursuant to Article V of the Illinois Public Aid Code; or

4 (2) Knowingly charge, solicit, accept or receive,
5 in addition to any amount otherwise authorized or
6 required to be paid pursuant to Article V of the Illinois
7 Public Aid Code, any gift, money, donation or other
8 consideration:

9 (i) As a precondition to admitting or
10 expediting the admission of a recipient or
11 applicant, pursuant to Article V of the Illinois
12 Public Aid Code, to a long-term care facility as
13 defined in Section 1-113 of the Nursing Home Care
14 Act; and

15 (ii) As a requirement for the recipient's or
16 applicant's continued stay in such facility when the
17 cost of the services provided therein to the
18 recipient is paid for, in whole or in part, pursuant
19 to Article V of the Illinois Public Aid Code.

20 (b) Nothing herein shall prohibit a person from making a
21 voluntary contribution, gift or donation to a long-term care
22 facility.

23 (c) This paragraph shall not apply to agreements to
24 provide continuing care or life care between a life care
25 facility as defined by the Life Care Facilities Act, and a
26 person financially eligible for benefits pursuant to Article
27 V of the Illinois Public Aid Code.

28 (d) Any person who violates this Section shall be guilty
29 of a business offense and fined not less than \$5,000 nor more
30 than \$25,000.

31 (e) "Person", as used in this Section, means an
32 individual, corporation, partnership, or unincorporated
33 association.

34 (f) The State's Attorney of the county in which the

1 facility is located and the Attorney General shall be
2 notified by the Illinois Department of Public Aid of any
3 alleged violations of this Section known to the Department.

4 (g) The Illinois Department of Public Aid shall adopt
5 rules and regulations to carry out the provisions of this
6 Section.

7 (Source: P.A. 86-820.)

8 (305 ILCS 5/8A-12)

9 Sec. 8A-12. Early fraud prevention and detection
10 program. The Illinois Department may conduct an early fraud
11 prevention and detection program as provided in this Section.
12 If conducted, the program shall apply to all categories of
13 assistance and all applicants for aid. The program may be
14 conducted in appropriate counties as determined by the
15 Department. The program shall have the following features:

16 (1) No intimidation of applicants or recipients may
17 occur, either by referral or threat of referral for a
18 fraud prevention investigation.

19 (2) An applicant may not be referred for a fraud
20 prevention investigation until an application for aid is
21 completed and signed by the applicant or any authorized
22 representative.

23 (3) An applicant may be referred to the Inspector
24 General for a fraud prevention investigation if there are
25 reasonable grounds to question the accuracy of any
26 information, statements, documents, or other
27 representations by the applicant or any authorized
28 representative. Referrals for fraud prevention
29 investigations shall be made in accordance with
30 guidelines to be jointly determined by the Inspector
31 General and the Department.

32 (Source: P.A. 89-118, eff. 7-7-95.)

1 (305 ILCS 5/8A-16)

2 Sec. 8A-16. Unfair or deceptive marketing practices.

3 (a) As used in this Section, "health plan" has the
4 meaning attributed to that term in Section 8A-13.

5 (b) It is unlawful to knowingly and willfully engage in
6 any unfair or deceptive marketing practice in connection with
7 proposing, offering, selling, soliciting, or providing any
8 health care service or any health plan. Unfair or deceptive
9 marketing practices include the following:

10 (1) Making a false and misleading oral or written
11 statement, visual description, advertisement, or other
12 representation of any kind that has the capacity,
13 tendency, or effect of deceiving or misleading health
14 care consumers with respect to any health care service,
15 health plan, or health care provider.

16 (2) Making a representation that a health care plan
17 or a health care provider offers any service, benefit,
18 access to care, or choice that it does not in fact offer.

19 (3) Making a representation that a health plan or
20 health care provider has any status, certification,
21 qualification, sponsorship, affiliation, or licensure
22 that it does not have.

23 (4) A failure to state a material fact if the
24 failure deceives or tends to deceive.

25 (5) Offering any kickback, bribe, reward, or
26 benefit to any person as an inducement to select or to
27 refrain from selecting any health care service, health
28 plan, or health care provider, unless the benefit offered
29 is medically necessary health care or is permitted by the
30 Illinois Department of Public Aid.

31 (6) The use of health care consumer or other
32 information that is confidential or privileged or that
33 cannot be disclosed to or obtained by the user without
34 violating a State or federal confidentiality law,

1 including:

2 (A) medical records information; and

3 (B) information that identifies the health
4 care consumer or any member of his or her group as a
5 recipient of any government sponsored or mandated
6 welfare program.

7 (7) The use of any device or artifice in
8 advertising a health plan or soliciting a health care
9 consumer that misrepresents the solicitor's profession,
10 status, affiliation, or mission.

11 (c) Any person who commits a first violation of this
12 Section is guilty of a Class A misdemeanor and is subject to
13 a fine of not more than \$5,000. Any person who commits a
14 second or subsequent violation of this Section is guilty of a
15 Class 4 felony and is subject to a fine of not more than
16 \$25,000.

17 (Source: P.A. 90-538, eff. 12-1-97.)

18 (305 ILCS 5/9-1) (from Ch. 23, par. 9-1)

19 Sec. 9-1. Declaration of Purpose. It is the purpose of
20 this Article to aid applicants for and recipients of public
21 aid under Articles III, IV, V, and VI, to increase their
22 capacities for self-support, self-care, and responsible
23 citizenship, and to assist them in maintaining and
24 strengthening family life. If authorized pursuant to Section
25 9-8, this Article may be extended to former and potential
26 recipients and to persons whose income does not exceed the
27 standard established to determine eligibility for aid as a
28 medically indigent person under Article V. The Department of
29 Human Services, with the written consent of the Governor, may
30 also:

31 (a) extend this Article to individuals and their
32 families with income closely related to national indices of
33 poverty who have special needs resulting from

1 institutionalization of a family member or conditions that
2 may lead to institutionalization or who live in impoverished
3 areas or in facilities developed to serve persons of low
4 income;

5 (b) establish, where indicated, schedules of payment for
6 service provided based on ability to pay;

7 (c) provide for the coordinated delivery of the services
8 described in this Article and related services offered by
9 other public or private agencies or institutions, and
10 cooperate with the Illinois Department on Aging to enable it
11 to properly execute and fulfill its duties pursuant to the
12 provisions of Section 4.01 of the "Illinois Act on the
13 Aging", as now or hereafter amended;

14 (d) provide in-home care services, such as chore and
15 housekeeping services or homemaker services, to recipients of
16 public aid under Articles IV and VI, the scope and
17 eligibility criteria for such services to be determined by
18 rule;

19 (e) contract with other State agencies for the purchase
20 of social service under Title XX of the Social Security Act,
21 such services to be provided pursuant to such other agencies'
22 enabling legislation; and

23 (f) cooperate with the Illinois Department of Public Aid
24 to provide services to public aid recipients for the
25 treatment and prevention of alcoholism and substance abuse.

26 (Source: P.A. 92-16, eff. 6-28-01; 92-111, eff. 1-1-02;
27 revised 10-15-01.)

28 (305 ILCS 5/9-2) (from Ch. 23, par. 9-2)

29 Sec. 9-2. Guidance and counseling services. Guidance and
30 counseling services shall be provided directly by the staffs
31 of the Illinois Department of Human Services, the county
32 departments, and local governmental units, or through
33 cooperating governmental and private agencies which will

1 assist in preventing or overcoming financial dependency or
2 social maladjustment; in maintaining and strengthening family
3 life; in assisting parents who are unmarried, divorced or
4 separated to share in the support and maintenance of their
5 children; in increasing the capacities of parents or other
6 adults for attaining or maintaining a decent and healthful
7 standard of living for themselves and any children they may
8 have under their care; and in encouraging and aiding parents
9 or other adults to provide children under their care with
10 maximum opportunities for realizing their full potentialities
11 for development.

12 In local governmental units receiving State funds, the
13 establishment of such services and the expenditure of funds
14 therefor shall be subject to the approval and supervision of
15 the Illinois Department of Human Services.

16 (Source: P.A. 81-968.)

17 (305 ILCS 5/9-3) (from Ch. 23, par. 9-3)

18 Sec. 9-3. Rehabilitative services. The Illinois
19 Department of Human Services, the county departments, and
20 local governmental units shall encourage and assist
21 applicants and recipients to make maximum use of the
22 facilities of public or private agencies providing
23 rehabilitative services for persons afflicted with physical,
24 mental or social disabilities requiring specialized care and
25 treatment.

26 (Source: Laws 1967, p. 122.)

27 (305 ILCS 5/9-4) (from Ch. 23, par. 9-4)

28 Sec. 9-4. Facilities for child care. When such
29 facilities are not otherwise available, the Illinois
30 Department of Human Services may establish facilities for the
31 care of children who are eligible for or receiving assistance
32 under Article IV whose parents are working or participating

1 in an educational or vocational training program.

2 (Source: P.A. 86-1184; 86-1381.)

3 (305 ILCS 5/9-5) (from Ch. 23, par. 9-5)

4 Sec. 9-5. Educational programs; vocational training and
5 retraining. The ~~Illinois~~ Department of Human Services, the
6 county departments, and local governmental units shall
7 cooperate with all public or private education and vocational
8 training or retraining agencies or facilities operating
9 within this State, or making their services available to
10 residents of this State, to the end that there may be
11 developed all necessary education and vocational training or
12 retraining services and facilities required to improve the
13 skills of persons receiving aid under Articles III, V, and VI
14 for whom jobs are not immediately available, or which will
15 provide education, training, and experience for persons who
16 lack the skills required for employment opportunities as are
17 or may become available. The education, training, or
18 retraining services and facilities shall assure that persons
19 receiving this assistance who are subject to participation
20 shall become enrolled in, and attend, programs that will lead
21 to graduation from high school or the equivalent when the
22 ~~Illinois~~ Department of Human Services determines these
23 programs will be beneficial to the person in obtaining
24 employment.

25 Participants in any educational or vocational training
26 program shall be provided with an extra allowance towards the
27 costs of their participation.

28 (Source: P.A. 92-111, eff. 1-1-02.)

29 (305 ILCS 5/9-6) (was 305 ILCS 5/9-6, in part)

30 Sec. 9-6. Job search, training and work programs.

31 (a) The ~~Illinois~~ Department of Human Services and local
32 governmental units shall initiate, promote and develop job

1 search, training and work programs which will provide
2 employment for and contribute to the training and experience
3 of persons receiving aid under Articles III, V, and VI. The
4 job search, training and work programs shall be designed to
5 preserve and improve the work habits and skills of recipients
6 for whom jobs are not otherwise immediately available and to
7 provide training and experience for recipients who lack the
8 skills required for such employment opportunities as are or
9 may become available.

10 (b) The programs may include, but shall not be limited
11 to, service in child care centers, in preschool programs as
12 teacher aides and in public health programs as home visitors
13 and health aides; the maintenance of or services required in
14 connection with public offices, buildings and grounds; state,
15 county and municipal hospitals, forest preserves, parks,
16 playgrounds, streets and highways, and other governmental
17 maintenance or construction directed toward environmental
18 improvement; and similar facilities.

19 (c) In addition to the programs authorized by this
20 Section through Section 9-6.0050, the ~~Illinois~~ Department of
21 Human Services is authorized to administer any job search,
22 training or work projects in conjunction with the federal
23 Food Stamp Program, either under this Section through Section
24 9-6.0050 or under other regulations required by the Federal
25 government.

26 (d) The ~~Illinois~~ Department of Human Services may also
27 administer pilot programs to provide job search, training and
28 work programs to unemployed parents of children receiving
29 support services under Article X of this Code.

30 (Source: P.A. 92-111, eff. 1-1-02.)

31 (305 ILCS 5/9-6.005 new) (was 305 ILCS 5/9-6, in part)
32 Sec. 9-6.005. Persons required to participate.

33 (a) The ~~Illinois~~ Department of Human Services and local

1 governmental unit shall determine by rule those classes of
2 recipients who shall be subject to participation in such
3 programs. If made subject to participation, every applicant
4 for or recipient of public aid who is determined to be "able
5 to engage in employment", as defined by the Department or
6 local governmental unit pursuant to rules and regulations,
7 for whom unsubsidized jobs are not otherwise immediately
8 available shall be required to participate in any program
9 established under Sections 9-6 through 9-6.0050 ~~this Section~~.

10 (b) The Department of Human Services, in cooperation
11 with a local governmental unit, may maintain a roster of
12 persons who are required to participate in a local job
13 search, training and work program. In such cases, the roster
14 shall be available for inspection by employers for the
15 selection of possible workers.

16 (Source: P.A. 92-111, eff. 1-1-02.)

17 (305 ILCS 5/9-6.0010 new) (was 305 ILCS 5/9-6, in part)

18 Sec. 9-6.0010. Outreach and training program. The
19 Illinois Department of Human Services shall establish with
20 the Director of Central Management Services an outreach and
21 training program designed to encourage and assist recipients
22 participating in job search, training and work programs to
23 participate in open competitive examinations for trainee and
24 other entry level positions to maximize opportunities for
25 placement on open competitive eligible listings and referral
26 to State agencies for employment consideration.

27 (Source: P.A. 92-111, eff. 1-1-02.)

28 (305 ILCS 5/9-6.0015 new) (was 305 ILCS 5/9-6, in part)

29 Sec. 9-6.0015. Payment for transportation and other
30 costs. The Department of Human Services shall provide payment
31 for transportation, day-care and Workers' Compensation costs
32 which occur for recipients as a result of participating in

1 job search, training and work programs as described in
2 Sections 9-6 through 9-6.0050 this-Section.

3 (Source: P.A. 92-111, eff. 1-1-02.)

4 (305 ILCS 5/9-6.0020 new) (was 305 ILCS 5/9-6, in part)
5 Sec. 9-6.0020. Agreements with local taxing bodies and
6 private not-for-profit organizations.

7 (a) The Illinois Department of Human Services or local
8 governmental units may enter into agreements with local
9 taxing bodies and private not-for-profit organizations,
10 agencies and institutions to provide for the supervision and
11 administration of job search, work and training projects
12 authorized by Sections 9-6 through 9-6.0050 this-Section.
13 Such agreements shall stipulate the requirements for
14 utilization of recipients in such projects.

15 (b) In addition to any other requirements dealing with
16 the administration of these programs, the Department of Human
17 Services shall assure, pursuant to rules and regulations,
18 that:

19 (1) (a) Recipients may not displace regular
20 employees.

21 (2) (b) The maximum number of hours of mandatory
22 work is 8 hours per day and 40 hours per week, not to
23 exceed 120 hours per month.

24 (3) (c) The maximum number of hours per month shall
25 be determined by dividing the recipient's benefits by the
26 federal minimum wage, rounded to the lowest full hour.
27 "Recipient's benefits" in this subsection includes: (i)
28 both cash assistance and food stamps provided to the
29 entire assistance unit or household by the Illinois
30 Department of Human Services where the job search, work
31 and training program is administered by the Illinois
32 Department and, where federal programs are involved,
33 includes all such cash assistance and food stamps

1 provided to the greatest extent allowed by federal law;
2 or (ii) includes only cash assistance provided to the
3 entire assistance unit by the local governmental unit
4 where the job search, work and training program is
5 administered by the local governmental unit.

6 (4) (d) The recipient shall be provided or
7 compensated for transportation to and from the work
8 location.

9 (5) (e) Appropriate terms regarding recipient
10 compensation are met.

11 (c) Local taxing bodies and private not-for-profit
12 organizations, agencies and institutions which utilize
13 recipients in job search, work and training projects
14 authorized by Sections 9-6 through 9-6.0050 ~~this-Section~~ are
15 urged to include such recipients in the formulation of their
16 employment policies.

17 (Source: P.A. 92-111, eff. 1-1-02.)

18 (305 ILCS 5/9-6.0025 new) (was 305 ILCS 5/9-6, in part)

19 Sec. 9-6.0025. Credit toward recipient's assistance
20 benefits; payments to employers.

21 (a) Unless directly paid by an employing local taxing
22 body or not-for-profit agency, a recipient participating in a
23 work project who meets all requirements set forth by the
24 Illinois Department Human Services shall receive credit
25 towards his or her monthly assistance benefits for work
26 performed based upon the applicable minimum wage rate. Where
27 a recipient is paid directly by an employing agency, the
28 Illinois Department of Human Services or local governmental
29 unit shall provide for payment to such employing entity the
30 appropriate amount of assistance benefits to which the
31 recipient would otherwise be entitled under this Code.

32 (b) The Illinois Department of Human Services or its
33 designee, including local governmental units, may enter into

1 agreements with the agencies or institutions providing work
2 under programs established hereunder for payment to each such
3 employer (hereinafter called "public service employer") of
4 all or a portion of the wages to be paid to persons for the
5 work performed and other appropriate costs.

6 (Source: P.A. 92-111, eff. 1-1-02.)

7 (305 ILCS 5/9-6.0030 new) (was 305 ILCS 5/9-6, in part)

8 Sec. 9-6.0030. Programs not economically justified. The
9 Department of Human Services may decline to initiate job
10 search, training and work such programs in areas where
11 eligible recipients would be so few in number as to not
12 economically justify such programs; and in this event the
13 Department shall not require persons in such areas to
14 participate in any job search, training, or work programs
15 whatsoever as a condition of their continued receipt of, or
16 application for, aid.

17 (b) If the number of persons receiving aid under Article
18 VI is insufficient to justify the establishment of job
19 search, training and work programs on a local basis by a
20 local governmental unit, or if for other good cause the
21 establishment of a local program is impractical or
22 unwarranted, the local governmental unit shall cooperate with
23 other local governmental units, with civic and non-profit
24 community agencies, and with the Illinois Department of Human
25 Services in developing a program or programs which will
26 jointly serve the participating governmental units and
27 agencies.

28 (Source: P.A. 92-111, eff. 1-1-02.)

29 (305 ILCS 5/9-6.0035 new) (was 305 ILCS 5/9-6, in part)

30 Sec. 9-6.0035. Local governmental referrals to programs.
31 A local governmental unit receiving State funds shall refer
32 all recipients able to engage in employment to such job

1 search, training and work programs as are established,
2 whether within or without the governmental unit, and as are
3 accessible to persons receiving aid from the governmental
4 unit. The ~~Illinois~~ Department of Human Services shall
5 withhold allocation of State funds to any governmental unit
6 which fails or refuses to make such referrals.

7 (Source: P.A. 92-111, eff. 1-1-02.)

8 (305 ILCS 5/9-6.0040 new) (was 305 ILCS 5/9-6, in part)
9 Sec. 9-6.0040. Registration for and acceptance of
10 regular employment and other opportunities.

11 (a) Participants in job search, training and work
12 programs shall be required to maintain current registration
13 for regular employment under Section 11-10 and to accept any
14 bona fide offer of regular employment. They shall likewise be
15 required to accept education, work and training opportunities
16 available to them under other provisions of this Code or
17 federal law.

18 (b) The ~~Illinois~~ Department of Human Services or local
19 governmental unit shall provide by rule for periodic review
20 of the circumstances of each participant to determine the
21 feasibility of his placement in regular employment or other
22 work, education and training opportunities.

23 (Source: P.A. 92-111, eff. 1-1-02.)

24 (305 ILCS 5/9-6.0045 new) (was 305 ILCS 5/9-6, in part)
25 Sec. 9-6.0045. Use of public aid moneys. Moneys made
26 available for public aid purposes under Articles IV and VI
27 may be expended to pay public service employers all or a
28 portion of the wages of public service employees and other
29 appropriate costs, to provide necessary supervisory personnel
30 and equipment, to purchase Workers' Compensation Insurance or
31 to pay Workers' Compensation claims, and to provide
32 transportation to and from work sites.

1 (Source: P.A. 92-111, eff. 1-1-02.)

2 (305 ILCS 5/9-6.0050 new) (was 305 ILCS 5/9-6, in part)

3 Sec. 9-6.0050. Sanctions. The Department of Human
4 Services shall provide through rules and regulations for
5 sanctions against applicants and recipients of aid under this
6 Code who fail to cooperate with the regulations and
7 requirements established pursuant to Sections 9-6 through
8 this Section. Such sanctions may include the loss of
9 eligibility to receive aid under Article VI of this Code for
10 up to 3 months.

11 (Source: P.A. 92-111, eff. 1-1-02.)

12 (305 ILCS 5/9-6.1) (from Ch. 23, par. 9-6.1)

13 Sec. 9-6.1. Housing education program. The ~~Illinois~~
14 Department of Human Services, upon consultation with and
15 advice of the Citizens Assembly/Council on Public Aid, shall
16 establish, either directly or by contract, a pilot project
17 for a housing education program that will provide persons
18 receiving aid under Articles III, IV, V, and VI with
19 instructions in the care and maintenance of dwelling units,
20 in the essentials of adequate housekeeping, and the problems
21 of urban living. If in accord with federal law and
22 regulations governing grants to this State for public aid
23 purposes, the Department of Human Services may require
24 recipients to attend a housing education program.
25 Non-recipients to whom services have been extended under the
26 provisions of Section 9-8 may also attend and participate in
27 a housing education program established hereunder.

28 (Source: P.A. 92-111, eff. 1-1-02.)

29 (305 ILCS 5/9-7) (from Ch. 23, par. 9-7)

30 Sec. 9-7. Establishing services not otherwise available
31 ~~State--Supervision-of-Services-in-Local-Units-Receiving-State~~

1 Funds. Where the services or facilities authorized by
2 Sections 9-3 or 9-5 are not available or insufficient to meet
3 needs, the Illinois Department of Human Services or local
4 governmental unit may establish and provide such services and
5 facilities. If the local governmental unit receives State
6 funds for such services or facilities under Sections 9-3 or
7 9-5, or for any local or joint programs under Sections
8 Section 9-6 through 9-6.0050, the establishment of such
9 services, facilities or programs and the expenditure of funds
10 therefor shall be subject to the approval and supervision of
11 the Illinois Department of Human Services.

12 (Source: P.A. 77-1802.)

13 (305 ILCS 5/9-8) (from Ch. 23, par. 9-8)

14 Sec. 9-8. Extension of coverage.} If appropriate and
15 sufficient facilities are not available through other
16 agencies, and upon consultation with and advice of the
17 Citizens Assembly/Council on Public Aid, the Illinois
18 Department of Human Services may extend those services
19 provided in this Article which relate to work adjustment,
20 education, training, and counseling and guidance on problems
21 of child care, family relationships, home and money
22 management, transportation, and health, to one or both of the
23 following:

24 (1) persons and families who have been recipients of aid
25 within 1 year preceding their request for the services, and
26 who are likely to become recipients of aid again unless
27 needed services are provided;

28 (2) other persons and families who request the services
29 and whose economic, personal or social situation is such as
30 to make it likely that without counseling, training or other
31 services financial aid could reasonably be expected to be
32 required within 6 months.

33 The services may be continued for such time as may be

1 necessary to overcome the conditions which may result in
2 dependency upon financial aid but each case shall be reviewed
3 at least quarterly to assure that the services are not
4 continued beyond a reasonable period of time.

5 Any extension of services under the foregoing provisions
6 shall be limited to a pilot county or counties, or other test
7 area, until the cost and effectiveness of the services
8 provided are determined to be in the public interest. The
9 initiation in any county or the extension in any county, of
10 the services specified in the first paragraph of this Section
11 shall require prior consultation with and advice of the
12 Citizens Assembly/Council on Public Aid.

13 Upon consultation with and advice of the Citizens
14 Assembly/Council on Public Aid, the ~~Illinois~~ Department of
15 Human Services may also extend the educational and vocational
16 training programs provided under Section 9-5 or Section 9-7
17 to persons whose income does not exceed the standard
18 established to determine eligibility for aid as a medically
19 indigent person under Article V, subject to the minimum
20 quarterly review requirement established in this Section for
21 persons designated in subparagraphs (1) and (2).

22 (Source: P.A. 86-651.)

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

24 Sec. 9-9. Alcoholism and substance abuse programs. The
25 ~~Illinois~~ Department of Human Services shall make information
26 available in its local offices informing clients about
27 programs concerning alcoholism and substance abuse treatment
28 and prevention programs.

29 (Source: P.A. 89-507, eff. 7-1-97.)

30 (305 ILCS 5/9-11) (from Ch. 23, par. 9-11)

31 Sec. 9-11. Claim for federal veterans' benefits;
32 disbursement to attorney. The ~~Illinois~~ Department of Human

1 Services may make disbursements to any attorney, or advocate
2 working under the supervision of an attorney, who represents
3 a recipient of cash assistance under Article VI in a program
4 administered by the Illinois Department, in an appeal of any
5 claim for federal veterans' benefits before a hearing officer
6 at a Veterans' Administration Regional Office or upon an
7 initial appeal to the Board of Veterans' Appeals which is
8 decided in favor of the recipient. The amount of the
9 disbursement shall be equal to the disbursement awarded under
10 Section 3-13 of this Code. No disbursement shall be made
11 unless a petition and a copy of the favorable decision is
12 submitted by an attorney or advocate to the Illinois
13 Department of Human Services within 60 days of the date of
14 the favorable decision. The disbursement shall be made
15 within 30 days after the petition is received. The Illinois
16 Department of Human Services shall promulgate rules and
17 regulations necessary to implement this Section.

18 (Source: P.A. 89-21, eff. 7-1-95.)

19 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

20 Sec. 9A-3. Establishment of program and level of
21 services.

22 (a) The Illinois Department of Human Services shall
23 establish and maintain a program to provide recipients with
24 services consistent with the purposes and provisions of this
25 Article. The program offered in different counties of the
26 State may vary depending on the resources available to the
27 State to provide a program under this Article, and no program
28 may be offered in some counties, depending on the resources
29 available. Services may be provided directly by the Illinois
30 Department of Human Services or through contract. References
31 to the Illinois Department of Human Services or staff of the
32 Illinois Department shall include contractors when the
33 Illinois Department has entered into contracts for these

1 purposes. The Illinois Department of Human Services shall
2 provide each recipient who participates with such services
3 available under the program as are necessary to achieve his
4 employability plan as specified in the plan.

5 (b) The Illinois Department of Human Services, in
6 operating the program, shall cooperate with public and
7 private education and vocational training or retraining
8 agencies or facilities, the Illinois State Board of
9 Education, the Illinois Community College Board, the
10 Departments of Employment Security and Commerce and Community
11 Affairs or other sponsoring organizations funded under the
12 federal Job Training Partnership Act and other public or
13 licensed private employment agencies.

14 (Source: P.A. 92-111, eff. 1-1-02.)

15 (305 ILCS 5/9A-4) (from Ch. 23, par. 9A-4)

16 Sec. 9A-4. Participation.

17 (a) Except for those exempted under subsection (b)
18 below, and to the extent resources permit, the Illinois
19 Department of Human Services as a condition of eligibility
20 for public aid, may, as provided by rule, require all
21 recipients to participate in an education, training, and
22 employment program, which shall include accepting suitable
23 employment and refraining from terminating employment or
24 reducing earnings without good cause.

25 (b) Recipients shall be exempt from the requirement of
26 participation in the education, training, and employment
27 program in the following circumstances:

- 28 (1) The recipient is a person over age 60; or
29 (2) The recipient is a person with a child under
30 age one.

31 (Source: P.A. 89-6, eff. 3-6-95; 90-17, eff. 7-1-97.)

32 (305 ILCS 5/9A-7) (was 305 ILCS 5/9A-7, in part, and

1 subsec. (b))

2 Sec. 9A-7. Good cause and pre-sanction process.

3 (a) The Department of Human Services shall establish by
4 rule what constitutes good cause for failure to participate
5 in education, training and employment programs, failure to
6 accept suitable employment or terminating employment or
7 reducing earnings.

8 (b) The Department of Human Services shall establish, by
9 rule, a pre-sanction process to assist in resolving disputes
10 over proposed sanctions and in determining if good cause
11 exists. Good cause shall include, but not be limited to:

- 12 (1) temporary illness for its duration;
- 13 (2) court required appearance or temporary
14 incarceration;
- 15 (3) (blank);
- 16 (4) death in the family;
- 17 (5) (blank);
- 18 (6) (blank);
- 19 (7) (blank);
- 20 (8) (blank);
- 21 (9) extreme inclement weather;
- 22 (10) (blank);
- 23 (11) lack of any support service even though the
24 necessary service is not specifically provided under the
25 Department of Human Services program, to the extent the
26 lack of the needed service presents a significant barrier
27 to participation;
- 28 (12) if an individual is engaged in employment or
29 training or both that is consistent with the employment
30 related goals of the program, if such employment and
31 training is later approved by Department of Human
32 Services staff;
- 33 (13) (blank);
- 34 (14) failure of Department of Human Services staff

1 to correctly forward the information to other Department
2 staff;

3 (15) failure of the participant to cooperate
4 because of attendance at a test or a mandatory class or
5 function at an educational program (including college),
6 when an education or training program is officially
7 approved by the Department of Human Services.

8 (16) failure of the participant due to his or her
9 illiteracy;

10 (17) failure of the participant because it is
11 determined that he or she should be in a different
12 activity;

13 (18) non-receipt by the participant of a notice
14 advising him or her of a participation requirement, if
15 documented by the participant. Documentation can include,
16 but is not limited to: a written statement from the post
17 office or other informed individual: the notice not sent
18 to the participant's last known address in Department of
19 Human Services records; return of the notice by the post
20 office; other returned mail; proof of previous mail theft
21 problems. When determining whether or not the
22 participant has demonstrated non-receipt, the Department
23 of Human Services shall take into consideration a
24 participant's history of cooperation or non-cooperation
25 in the past. If the documented non-receipt of mail
26 occurs frequently, the Department shall explore an
27 alternative means of providing notices of participation
28 requests to participants;

29 (19) (blank);

30 (20) non-comprehension of English, either written
31 or oral or both;

32 (21) (blank);

33 (22) (blank);

34 (23) child care (or day care for an incapacitated

1 individual living in the same home as a dependent child)
2 is necessary for the participation or employment and such
3 care is not available for a child under age 13;

4 (24) failure to participate in an activity due to a
5 scheduled job interview;

6 (25) the individual is homeless. Homeless
7 individuals (including the family) have no current
8 residence and no expectation of acquiring one in the next
9 30 days. This includes individuals residing in overnight
10 and transitional (temporary) shelters. This does not
11 include individuals who are sharing a residence with
12 friends or relatives on a continuing basis; or

13 (26) circumstances beyond the control of the
14 participant which prevent the participant from completing
15 program requirements. ~~;-er~~

16 (27) (blank).

17 ~~(b)--(Blank)-~~

18 (Source: P.A. 90-17, eff. 7-1-97.)

19 (305 ILCS 5/9A-7.5 new) (was 305 ILCS 5/9A-7, subsec.
20 (c))

21 Sec. 9A-7.5. Reconciliation procedure for resolving
22 disputes.

23 (a) ~~(e)-(1)~~ The Department of Human Services shall
24 establish a reconciliation procedure to assist in resolving
25 disputes related to any aspect of participation, including
26 exemptions, good cause, sanctions or proposed sanctions,
27 supportive services, assessments, responsibility and service
28 plans, assignment to activities, suitability of employment,
29 or refusals of offers of employment. Through the
30 reconciliation process the Department shall have a mechanism
31 to identify good cause, ensure that the client is aware of
32 the issue, and enable the client to perform required
33 activities without facing sanction.

1 (b) (2) A participant may request reconciliation and
2 receive notice in writing of a meeting. At least one
3 face-to-face meeting may be scheduled to resolve
4 misunderstandings or disagreements related to program
5 participation and situations which may lead to a potential
6 sanction. The meeting will address the underlying reason for
7 the dispute and plan a resolution to enable the individual to
8 participate in TANF employment and work activity
9 requirements.

10 (c) (2-5) If the individual fails to appear at the
11 reconciliation meeting without good cause, the reconciliation
12 is unsuccessful and a sanction shall be imposed.

13 (d) (3) The reconciliation process shall continue after
14 it is determined that the individual did not have good cause
15 for non-cooperation. Any necessary demonstration of
16 cooperation on the part of the participant will be part of
17 the reconciliation process. Failure to demonstrate
18 cooperation will result in immediate sanction.

19 (e) (4) For the first instance of non-cooperation, if
20 the client reaches agreement to cooperate, the client shall
21 be allowed 30 days to demonstrate cooperation before any
22 sanction activity may be imposed. In any subsequent
23 instances of non-cooperation, the client shall be provided
24 the opportunity to show good cause or remedy the situation by
25 immediately complying with the requirement.

26 (f) (5) The Department of Human Services shall document
27 in the case record the proceedings of the reconciliation and
28 provide the client in writing with a reconciliation
29 agreement.

30 (g) (6) If reconciliation resolves the dispute, no
31 sanction shall be imposed. If the client fails to comply with
32 the reconciliation agreement, the Department of Human
33 Services shall then immediately impose the original sanction.
34 If the dispute cannot be resolved during reconciliation, a

1 sanction shall not be imposed until the reconciliation
2 process is complete.

3 (Source: P.A. 90-17, eff. 7-1-97.)

4 (305 ILCS 5/9A-8) (was 305 ILCS 5/9A-8, subsecs. (a),
5 (b), and (c))

6 Sec. 9A-8. Information concerning ~~Operation of~~ program.

7 (a) At the time of application or redetermination of
8 eligibility under Article IV, as determined by rule, the
9 Illinois Department of Human Services shall provide
10 information in writing and orally regarding the education,
11 training and employment program to all applicants and
12 recipients. The information required shall be established by
13 rule and shall include, but need not be limited to:

14 (1) education (including literacy training),
15 employment and training opportunities available, the
16 criteria for approval of those opportunities, and the
17 right to request changes in the personal responsibility
18 and services plan to include those opportunities;

19 (1.1) a complete list of all activities that are
20 approvable activities, and the circumstances under which
21 they are approvable, including work activities, substance
22 abuse or mental health treatment, activities to escape
23 and prevent domestic violence, caring for a medically
24 impaired family member, and any other approvable
25 activities, together with the right to and procedures for
26 amending the responsibility and services plan to include
27 these activities;

28 (1.2) the rules concerning the lifetime limit on
29 eligibility, including the current status of the
30 applicant or recipient in terms of the months of
31 remaining eligibility, the criteria under which a month
32 will not count towards the lifetime limit, and the
33 criteria under which a recipient may receive benefits

1 beyond the end of the lifetime limit;

2 (2) supportive services including child care and
3 the rules regarding eligibility for and access to the
4 child care assistance program, transportation, initial
5 expenses of employment, job retention, books and fees,
6 and any other supportive services;

7 (3) the obligation of the Department of Human
8 Services to provide supportive services;

9 (4) the rights and responsibilities of
10 participants, including exemption, sanction,
11 reconciliation, and good cause criteria and procedures,
12 termination for non-cooperation and reinstatement rules
13 and procedures, and appeal and grievance procedures; and

14 (5) the types and locations of child care services.

15 (b) The Illinois Department of Human Services shall
16 notify the recipient in writing of the opportunity to
17 volunteer to participate in the program.

18 {e}--(Blank)-

19 (Source: P.A. 90-17, eff. 7-1-97; 91-331, eff. 7-29-99.)

20 (305 ILCS 5/9A-8.05 new) (was 305 ILCS 5/9A-8, subsecs.

21 (d) and (e))

22 Sec. 9A-8.05. Assessment of employability.

23 (a) {d} As part of the personal plan for achieving
24 employment and self-sufficiency, the Department of Human
25 Services shall conduct an individualized assessment of the
26 participant's employability. Except as to participation in
27 the Get-A-Job Program, no participant may be assigned to any
28 component of the education, training and employment activity
29 prior to such assessment, provided that a participant may be
30 assigned up to 4 weeks of Job Search prior to such
31 assessment.

32 The plan shall include collection of information on the
33 individual's background, proficiencies, skills deficiencies,

1 education level, work history, employment goals, interests,
2 aptitudes, and employment preferences, as well as factors
3 affecting employability or ability to meet participation
4 requirements (e.g., health, physical or mental limitations,
5 child care, family circumstances, domestic violence,
6 substance abuse, and special needs of any child of the
7 individual). As part of the plan, individuals and
8 Department of Human Services staff shall work together to
9 identify any supportive service needs required to enable the
10 client to participate and meet the objectives of his or her
11 employability plan.

12 The assessment may be conducted through various methods
13 such as interviews, testing, counseling, and self-assessment
14 instruments. The assessment process shall include standard
15 literacy testing and a determination of English language
16 proficiency for those who display a potential need for
17 literacy or language services. For those individuals subject
18 to a job search demonstration, there may be an abbreviated
19 assessment, as defined by rule.

20 (b) Based on the assessment, the individual will be
21 assigned to the appropriate activity. The decision will be
22 based on a determination of the individual's level of
23 preparation for employment as defined by rule.

24 (c) (e) Recipients determined to be exempt may volunteer
25 to participate pursuant to Section 9A-4 and must be assessed.
26 (Source: P.A. 90-17, eff. 7-1-97; 91-331, eff. 7-29-99.)

27 (305 ILCS 5/9A-8.010 new) (was 305 ILCS 5/9A-8, subsecs.
28 (f), (g), and (h))

29 Sec. 9A-8.010. Employability plan; reassessment.

30 (a) (f) As part of the personal plan for achieving
31 employment and self-sufficiency under Section 4-1, an
32 employability plan for recipients shall be developed in
33 consultation with the participant. The Department of Human

1 Services shall have final responsibility for approving the
2 employability plan.

3 (b) The employability plan shall:

4 (1) contain an employment goal of the participant;

5 (2) describe the services to be provided by the
6 Department of Human Services, including child care and
7 other support services;

8 (3) describe the activities, such as component
9 assignment, that will be undertaken by the participant to
10 achieve the employment goal; and

11 (4) describe any other needs of the family that
12 might be met by the Department of Human Services.

13 (c) ~~(g)~~ The employability plan shall take into account:

14 (1) available program resources;

15 (2) the participant's support service needs;

16 (3) the participant's skills level and aptitudes;

17 (4) local employment opportunities; and

18 (5) the preferences of the participant.

19 (d) ~~(h)~~ A reassessment shall be conducted to assess a
20 participant's progress and to review the employability plan
21 on the following occasions:

22 (1) upon completion of an activity and before
23 assignment to an activity;

24 (2) upon the request of the participant;

25 (3) if the individual is not cooperating with the
26 requirements of the program; and

27 (4) if the individual has failed to make
28 satisfactory progress in an education or training
29 program.

30 Based on the reassessment, the Department of Human
31 Services may revise the employability plan of the
32 participant.

33 (Source: P.A. 90-17, eff. 7-1-97; 91-331, eff. 7-29-99.)

1 (305 ILCS 5/9A-8.1)

2 Sec. 9A-8.1. Improvement of information to applicants
3 and recipients. The ~~Illinois~~ Department of Human Services
4 shall annually review all procedures and written materials
5 that it has in place for purposes of compliance with
6 subsection (a) of Section 9A-8 and Section 11-20.1 requiring
7 the ~~Illinois~~ Department to provide full and timely
8 information to applicants and recipients of aid under Article
9 IV of this Code about their opportunities, rights and
10 responsibilities under the Temporary Assistance for Needy
11 Families program and related programs.

12 As part of this annual review, the ~~Illinois~~ Department of
13 Human Services shall provide copies of all procedures and
14 materials to the Family Self Sufficiency Advisory Council or
15 any successor advisory body containing a similar number and
16 assortment of advocates, providers, contractors, clients, and
17 citizens. The Family Self Sufficiency Advisory Council or
18 successor advisory body shall review the existing procedures
19 and materials in light of program rules, recent changes in
20 the law or rules, and experience in the field, and it shall
21 suggest changes to the ~~Illinois~~ Department of Human Services.

22 The ~~Illinois~~ Department of Human Services shall produce
23 new or revised procedures and materials, or ratify the
24 existing ones, for use beginning each October 1.

25 If the ~~Illinois~~ Department of Human Services rejects
26 changes suggested by the Family Self Sufficiency Advisory
27 Council, it shall explain the reasons in a written response.

28 (Source: P.A. 91-331, eff. 7-29-99.)

29 (305 ILCS 5/9A-9) (from Ch. 23, par. 9A-9)

30 Sec. 9A-9. Program activities. The Department of Human
31 Services shall establish education, training and placement
32 activities by rule. Not all of the same activities need be
33 provided in each county in the State. Such activities may

1 include the following:

2 (a) Education (Below post secondary). In the Education
3 (below post secondary) activity, the individual receives
4 information, referral, counseling services and support
5 services to increase the individual's employment potential.
6 Participants may be referred to testing, counseling and
7 education resources. Educational activities will include
8 basic and remedial education; English proficiency classes;
9 high school or its equivalency (e.g., GED) or alternative
10 education at the secondary level; and with any educational
11 program, structured study time to enhance successful
12 participation. An individual's participation in an education
13 program such as literacy, basic adult education, high school
14 equivalency (GED), or a remedial program shall be limited to
15 2 years unless the individual also is working or
16 participating in a work activity approved by the Illinois
17 Department of Human Services as defined by rule; this
18 requirement does not apply, however, to students enrolled in
19 high school.

20 (b) Job Skills Training (Vocational). Job Skills
21 Training is designed to increase the individual's ability to
22 obtain and maintain employment. Job Skills Training
23 activities will include vocational skill classes designed to
24 increase a participant's ability to obtain and maintain
25 employment. Job Skills Training may include certificate
26 programs.

27 (c) Job Readiness. The job readiness activity is
28 designed to enhance the quality of the individual's level of
29 participation in the world of work while learning the
30 necessary essentials to obtain and maintain employment. This
31 activity helps individuals gain the necessary job finding
32 skills to help them find and retain employment that will lead
33 to economic independence.

34 (d) Job Search. Job Search may be conducted

1 individually or in groups. Job Search includes the provision
2 of counseling, job seeking skills training and information
3 dissemination. Group job search may include training in a
4 group session. Assignment exclusively to job search cannot
5 be in excess of 8 consecutive weeks (or its equivalent) in
6 any period of 12 consecutive months.

7 (e) Work Experience. Work Experience assignments may be
8 with private employers or not-for-profit or public agencies
9 in the State. The Illinois Department of Human Services
10 shall provide workers' compensation coverage. Participants
11 who are not members of a 2-parent assistance unit may not be
12 assigned more hours than their cash grant amount plus food
13 stamps divided by the minimum wage. Private employers and
14 not-for-profit and public agencies shall not use Work
15 Experience participants to displace regular employees.
16 Participants in Work Experience may perform work in the
17 public interest (which otherwise meets the requirements of
18 this Section) for a federal office or agency with its
19 consent, and notwithstanding the provisions of 31 U.S.C.
20 1342, or any other provision of law, such agency may accept
21 such services, but participants shall not be considered
22 federal employees for any purpose. A participant shall be
23 reassessed at the end of assignment to Work Experience. The
24 participant may be reassigned to Work Experience or assigned
25 to another activity, based on the reassessment.

26 (f) On the Job Training. In On the Job Training, a
27 participant is hired by a private or public employer and
28 while engaged in productive work receives training that
29 provides knowledge or skills essential to full and adequate
30 performance of the job.

31 (g) Work Supplementation. In work supplementation, the
32 Department of Human Services pays a wage subsidy to an
33 employer who hires a participant. The cash grant which a
34 participant would receive if not employed is diverted and the

1 diverted cash grant is used to pay the wage subsidy.

2 (h) Post Secondary Education. Post secondary education
3 must be administered by an educational institution accredited
4 under requirements of State law. The ~~Illinois~~ Department of
5 Human Services may not approve an individual's participation
6 in any post-secondary education program, other than
7 full-time, short-term vocational training for a specific job,
8 unless the individual also is employed part-time, as defined
9 by the ~~Illinois~~ Department by rule.

10 (i) Self Initiated Education. Participants who are
11 attending an institution of higher education or a vocational
12 or technical program of their own choosing and who are in
13 good standing, may continue to attend and receive supportive
14 services only if the educational program is approved by the
15 Department of Human Services, and is in conformity with the
16 participant's personal plan for achieving employment and
17 self-sufficiency and the participant is employed part-time,
18 as defined by the ~~Illinois~~ Department by rule.

19 (j) Job Development and Placement. Department of Human
20 Services staff shall develop through contacts with public and
21 private employers unsubsidized job openings for participants.
22 Job interviews will be secured for clients by the marketing
23 of participants for specific job openings. Job ready
24 individuals may be assigned to Job Development and Placement.

25 (k) Job Retention. The job retention component is
26 designed to assist participants in retaining employment.
27 Initial employment expenses and job retention services are
28 provided. The individual's support service needs are
29 assessed and the individual receives counseling regarding job
30 retention skills.

31 (l) (Blank).

32 (m) Pay-after-performance Program. A parent may be
33 required to participate in a pay-after-performance program in
34 which the parent must work a specified number of hours to

1 earn the grant. The program shall comply with provisions of
2 this Code governing work experience programs.

3 (n) Community Service. A participant whose youngest
4 child is 13 years of age or older may be required to perform
5 at least 20 hours of community service per week as a
6 condition of eligibility for aid under Article IV. The
7 Illinois Department of Human Services shall give priority to
8 community service placements in public schools, where
9 participants can serve as hall and lunchroom monitors, assist
10 teachers, and perform other appropriate services.

11 (Source: P.A. 89-289, eff. 1-1-96; 90-17, eff. 7-1-97;
12 90-457, eff. 1-1-98; 90-655, eff. 7-30-98.)

13 (305 ILCS 5/9A-10) (from Ch. 23, par. 9A-10)

14 Sec. 9A-10. Support services.

15 (a) The Illinois Department of Human Services shall
16 provide or pay for child care and other support services, if
17 otherwise unavailable, to enable recipients to participate in
18 or prepare for education, training and employment programs
19 authorized under this Article. The Illinois Department shall
20 provide and pay for such support services in accordance with
21 procedures, standards and rates established by rule.

22 (b) Support services may include:

- 23 (1) transportation;
- 24 (2) child care;
- 25 (3) job search allowance;
- 26 (4) initial employment expenses;
- 27 (5) required books, fees, supplies; and
- 28 (6) required physical examinations and medical
29 services.

30 (c) Participation shall not be required if support
31 services are needed for effective participation but
32 unavailable from the Department of Human Services or some
33 other reasonably available source. Support services shall be

1 made available to the participant at no cost.

2 (Source: P.A. 86-1184; 86-1381; 87-860.)

3 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

4 Sec. 9A-11. Child care.

5 (a) The General Assembly recognizes that families with
6 children need child care in order to work. Child care is
7 expensive and families with low incomes, including those who
8 are transitioning from welfare to work, often struggle to pay
9 the costs of day care. The General Assembly understands the
10 importance of helping low income working families become and
11 remain self-sufficient. The General Assembly also believes
12 that it is the responsibility of families to share in the
13 costs of child care. It is also the preference of the
14 General Assembly that all working poor families should be
15 treated equally, regardless of their welfare status.

16 (b) To the extent resources permit, the Illinois
17 Department of Human Services shall provide child care
18 services to parents or other relatives as defined by rule who
19 are working or participating in employment or Department
20 approved education or training programs. At a minimum, the
21 Illinois Department shall cover the following categories of
22 families:

23 (1) recipients of TANF under Article IV
24 participating in work and training activities as
25 specified in the personal plan for employment and
26 self-sufficiency;

27 (2) families transitioning from TANF to work;

28 (3) families at risk of becoming recipients of
29 TANF;

30 (4) families with special needs as defined by rule;
31 and

32 (5) working families with very low incomes as
33 defined by rule.

1 The Department of Human Services shall specify by rule
2 the conditions of eligibility, the application process, and
3 the types, amounts, and duration of services. Eligibility
4 for child care benefits and the amount of child care provided
5 may vary based on family size, income, and other factors as
6 specified by rule. In determining income eligibility for
7 child care benefits, the Department shall establish, by rule,
8 one income threshold for each family size, in relation to
9 percentage of State median income for a family of that size,
10 that makes families with incomes below the specified
11 threshold eligible for assistance and families with incomes
12 above the specified threshold ineligible for assistance. In
13 determining eligibility for assistance, the Department shall
14 not give preference to any category of recipients or give
15 preference to individuals based on their receipt of benefits
16 under this Code.

17 The Department of Human Services shall allocate
18 \$7,500,000 annually for a test program for families who are
19 income-eligible for child care assistance, who are not
20 recipients of TANF under Article IV, and who need child care
21 assistance to participate in education and training
22 activities. The Department shall specify by rule the
23 conditions of eligibility for this test program.

24 It is the intent of the General Assembly that, for fiscal
25 year 1998, to the extent resources permit, the Department of
26 Human Services shall establish an income eligibility
27 threshold of 50% of the State median income. Notwithstanding
28 the income level at which families become eligible to receive
29 child care assistance, any family that is already receiving
30 child care assistance on the effective date of this
31 amendatory Act of 1997 shall remain eligible for assistance
32 for fiscal year 1998.

33 Nothing in this Section shall be construed as conferring
34 entitlement status to eligible families.

1 The Illinois Department of Human Services is authorized
2 to lower income eligibility ceilings, raise parent
3 co-payments, create waiting lists, or take such other actions
4 during a fiscal year as are necessary to ensure that child
5 care benefits paid under this Article do not exceed the
6 amounts appropriated for those child care benefits. These
7 changes may be accomplished by emergency rule under Section
8 5-45 of the Illinois Administrative Procedure Act, except
9 that the limitation on the number of emergency rules that may
10 be adopted in a 24-month period shall not apply.

11 The Illinois Department of Human Services may contract
12 with other State agencies or child care organizations for the
13 administration of child care services.

14 (c) Payment shall be made for child care that otherwise
15 meets the requirements of this Section and applicable
16 standards of State and local law and regulation, including
17 any requirements the Illinois Department of Human Services
18 promulgates by rule in addition to the licensure requirements
19 promulgated by the Department of Children and Family Services
20 and Fire Prevention and Safety requirements promulgated by
21 the Office of the State Fire Marshal and is provided in any
22 of the following:

23 (1) a child care center which is licensed or exempt
24 from licensure pursuant to Section 2.09 of the Child Care
25 Act of 1969;

26 (2) a licensed child care home or home exempt from
27 licensing;

28 (3) a licensed group child care home;

29 (4) other types of child care, including child care
30 provided by relatives or persons living in the same home
31 as the child, as determined by the Illinois Department of
32 Human Services by rule.

33 (d) The Illinois Department of Human Services shall, by
34 rule, require co-payments for child care services by any

1 parent, including parents whose only income is from
2 assistance under this Code. The co-payment shall be assessed
3 based on a sliding scale based on family income, family size,
4 and the number of children in care.

5 (e) The Illinois Department of Human Services shall
6 conduct a market rate survey based on the cost of care and
7 other relevant factors which shall be completed by July 1,
8 1998.

9 (f) The Illinois Department of Human Services shall, by
10 rule, set rates to be paid for the various types of child
11 care. Child care may be provided through one of the following
12 methods:

13 (1) arranging the child care through eligible
14 providers by use of purchase of service contracts or
15 vouchers;

16 (2) arranging with other agencies and community
17 volunteer groups for non-reimbursed child care;

18 (3) (blank); or

19 (4) adopting such other arrangements as the
20 Department determines appropriate.

21 (g) Families eligible for assistance under this Section
22 shall be given the following options:

23 (1) receiving a child care certificate issued by
24 the Department or a subcontractor of the Department of
25 Human Services that may be used by the parents as payment
26 for child care and development services only; or

27 (2) if space is available, enrolling the child with
28 a child care provider that has a purchase of service
29 contract with the Department of Human Services or a
30 subcontractor of the Department for the provision of
31 child care and development services. The Department may
32 identify particular priority populations for whom they
33 may request special consideration by a provider with
34 purchase of service contracts, provided that the

1 providers shall be permitted to maintain a balance of
2 clients in terms of household incomes and families and
3 children with special needs, as defined by rule.

4 (Source: P.A. 90-17, eff. 7-1-97; 91-509, eff. 1-1-00.)

5 (305 ILCS 5/9A-11.5)

6 Sec. 9A-11.5. Investigate child care providers. Any
7 child care provider receiving funds from the child care
8 assistance program under this Code who is not required to be
9 licensed under the Child Care Act of 1969 shall, as a
10 condition of eligibility to participate in the child care
11 assistance program under this Code, authorize in writing on a
12 form prescribed by the Department of Children and Family
13 Services, an investigation of the Central Register, as
14 defined in the Abused and Neglected Child Reporting Act, to
15 ascertain if the child care provider has been determined to
16 be a perpetrator in an indicated report of child abuse or
17 neglect.

18 The Department of Children and Family Services shall
19 conduct an investigation of the Central Register at the
20 request of the Department of Human Services. The Department
21 of Human Services shall request the Department of Children
22 and Family Services to conduct an investigation of the
23 Central Register. The Department of Human Services shall by
24 rule determine when payment to an unlicensed child care
25 provider may be withheld if there is an indicated finding
26 against the provider in the Central Register.

27 (Source: P.A. 90-684, eff. 7-31-98.)

28 (305 ILCS 5/9A-14)

29 Sec. 9A-14. Job skills enhancement pilot program.

30 (a) The ~~Illinois~~ Department of Human Services shall
31 establish a job skills enhancement pilot program to provide
32 newly employed current and former recipients of aid under

1 Article IV with training to enable those recipients to do any
2 one or more of the following:

- 3 (1) Enhance their existing job-related skills.
- 4 (2) Gain additional or alternative job skills.
- 5 (3) Learn interpersonal communication and other
6 related skills.

7 (b) The pilot program must target unskilled and
8 semiskilled current and former recipients of aid under
9 Article IV who are newly employed in entry level positions
10 that have limited potential for advancement beyond entry
11 level. To be eligible to participate in the pilot program, a
12 person must meet all of the following requirements:

13 (1) The person must have been a recipient of aid
14 under Article IV within 18 months before the date the
15 person proposes to begin participating in the pilot
16 program.

17 (2) The person must have been employed in
18 entry-level employment for at least 6 months before the
19 date the person proposes to begin participating in the
20 pilot program and must provide satisfactory evidence of
21 that employment status.

22 (3) The person must possess limited job skills.

23 (4) The person must have limited opportunity for
24 advancement in his or her current employment.

25 (c) A recipient's participation in the pilot program
26 must be voluntary. Every person participating in the pilot
27 program must sign a training agreement with the Illinois
28 Department of Human Services.

29 (d) The Illinois Department of Human Services must
30 establish a pilot program under this Section in each of 3
31 counties as follows:

- 32 (1) One pilot program in Cook County.
- 33 (2) One pilot program in a county that is
34 contiguous to Cook County.

1 (3) One pilot program in a county that is not
2 described in item (1) or (2).

3 (e) The Secretary of Human Services, in his or her
4 discretion and in consultation with the county department of
5 a county in which the pilot program is established under this
6 Section, may direct that the pilot program be administered by
7 the county department or through the State service delivery
8 area system under the federal Job Training Partnership Act.
9 As part of their administrative responsibilities under this
10 subsection, a county department or persons at a service
11 delivery area location must do all of the following:

12 (1) Manage each pilot program participant's
13 training plan.

14 (2) Maintain a database of appropriate vendors of
15 training services.

16 (3) Contract for training services to be provided
17 under the pilot program.

18 (4) Compile necessary fiscal reports on the pilot
19 program.

20 (Source: P.A. 91-624, eff. 1-1-00.)

21 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

22 Sec. 10-1. ~~Declaration of Public Policy; Persons~~
23 ~~Eligible for~~ child and spouse support services ~~Fees for~~
24 ~~Non-Applicants and Non-Recipients.~~ It is the intent of this
25 Code that the financial aid and social welfare services
26 herein provided supplement rather than supplant the primary
27 and continuing obligation of the family unit for self-support
28 to the fullest extent permitted by the resources available to
29 it. This primary and continuing obligation applies whether
30 the family unit of parents and children or of husband and
31 wife remains intact and resides in a common household or
32 whether the unit has been broken by absence of one or more
33 members of the unit. The obligation of the family unit is

1 particularly applicable when a member is in necessitous
2 circumstances and lacks the means of a livelihood compatible
3 with health and well-being.

4 It is the purpose of this Article to provide for locating
5 an absent parent or spouse, for determining his financial
6 circumstances, and for enforcing his legal obligation of
7 support, if he is able to furnish support, in whole or in
8 part. The Illinois Department of Public Aid shall give
9 priority to establishing, enforcing and collecting the
10 current support obligation, and then to past due support owed
11 to the family unit, except with respect to collections
12 effected through the intercept programs provided for in this
13 Article.

14 The child and spouse support services provided hereunder
15 shall be furnished dependents of an absent parent or spouse
16 who are applicants for or recipients of financial aid under
17 this Code. It is not, however, a condition of eligibility
18 for financial aid that there be no responsible relatives who
19 are reasonably able to provide support. Nor, except as
20 provided in Sections 4-1.7 and 10-8, shall the existence of
21 such relatives or their payment of support contributions
22 disqualify a needy person for financial aid.

23 By accepting financial aid under this Code, a spouse or a
24 parent or other person having custody of a child shall be
25 deemed to have made assignment to the Illinois Department of
26 Public Aid for aid under Articles III, IV, V and VII or to a
27 local governmental unit for aid under Article VI of any and
28 all rights, title, and interest in any support obligation up
29 to the amount of financial aid provided. The rights to
30 support assigned to the Illinois Department of Public Aid or
31 local governmental unit shall constitute an obligation owed
32 the State or local governmental unit by the person who is
33 responsible for providing the support, and shall be
34 collectible under all applicable processes.

1 The Illinois Department of Public Aid shall also furnish
2 the child and spouse support services established under this
3 Article in behalf of persons who are not applicants for or
4 recipients of financial aid under this Code in accordance
5 with the requirements of Title IV, Part D of the Social
6 Security Act. The Department may establish a schedule of
7 reasonable fees, to be paid for the services provided and may
8 deduct a collection fee, not to exceed 10% of the amount
9 collected, from such collection. The Illinois Department of
10 Public Aid shall cause to be published and distributed
11 publications reasonably calculated to inform the public that
12 individuals who are not recipients of or applicants for
13 public aid under this Code are eligible for the child and
14 spouse support services under this Article X. Such
15 publications shall set forth an explanation, in plain
16 language, that the child and spouse support services program
17 is independent of any public aid program under the Code and
18 that the receiving of child and spouse support service in no
19 way implies that the person receiving such service is
20 receiving public aid.

21 (Source: P.A. 90-18, eff. 7-1-97.)

22 (305 ILCS 5/10-3) (from Ch. 23, par. 10-3)

23 Sec. 10-3. Standard and regulations for determining
24 ability to support.} The Illinois Department of Public Aid
25 shall establish a standard by which shall be measured the
26 ability of responsible relatives to provide support, and
27 shall implement the standard by rules governing its
28 application. The standard and the rules shall take into
29 account the buying and consumption patterns of
30 self-supporting persons of modest income, present or future
31 contingencies having direct bearing on maintenance of the
32 relative's self-support status and fulfillment of his
33 obligations to his immediate family, and any unusual or

1 exceptional circumstances including estrangement or other
2 personal or social factors, that have a bearing on family
3 relationships and the relative's ability to meet his support
4 obligations. The standard shall be recomputed periodically
5 to reflect changes in the cost of living and other pertinent
6 factors.

7 In addition to the standard, the ~~Illinois~~ Department of
8 Public Aid may establish guidelines to be used exclusively to
9 measure the ability of responsible relatives to provide
10 support on behalf of applicants for or recipients of
11 financial aid under Article IV of this Act and other persons
12 who are given access to the child and spouse support services
13 of this Article as provided in Section 10-1. In such case,
14 the ~~Illinois~~ Department shall base the guidelines upon the
15 applicable provisions of Sections 504, 505 and 505.2 of the
16 Illinois Marriage and Dissolution of Marriage Act, as
17 amended, and shall implement such guidelines by rules
18 governing their application.

19 The term "administrative ~~administration~~ enforcement
20 unit", when used in this Article, means local governmental
21 units or the Child and Spouse Support Unit established under
22 Section 10-3.1 when exercising the powers designated in this
23 Article. The administrative enforcement unit shall apply the
24 standard or guidelines, rules and procedures provided for by
25 this Section and Sections 10-4 through 10-8 in determining
26 the ability of responsible relatives to provide support for
27 applicants for or recipients of financial aid under this
28 Code, except that the administrative enforcement unit may
29 apply such standard or guidelines, rules and procedures at
30 its discretion with respect to those applicants for or
31 recipients of financial aid under Article IV and other
32 persons who are given access to the child and spouse support
33 services of this Article as provided by Section 10-1.

34 (Source: P.A. 86-649; revised 12-13-01.)

1 (305 ILCS 5/10-3.1) (was 305 ILCS 5/10-3.1, in part)

2 Sec. 10-3.1. Child and Spouse Support Unit.

3 (a) The Illinois Department of Public Aid shall
4 establish within its administrative staff a Child and Spouse
5 Support Unit to search for and locate absent parents and
6 spouses liable for the support of persons resident in this
7 State and to exercise the support enforcement powers and
8 responsibilities assigned the Department by this Article.
9 The unit shall cooperate with all law enforcement officials
10 in this State and with the authorities of other States in
11 locating persons responsible for the support of persons
12 resident in other States and shall invite the cooperation of
13 these authorities in the performance of its duties.

14 (b) In addition to other duties assigned the Child and
15 Spouse Support Unit by this Article, the Unit may refer to
16 the Attorney General or units of local government with the
17 approval of the Attorney General, any actions under Sections
18 10-10 through 10-10.080 and Section 10-15 for judicial
19 enforcement of the support liability. The Child and Spouse
20 Support Unit shall act for the Department of Public Aid in
21 referring to the Attorney General support matters requiring
22 judicial enforcement under other laws.

23 (c) If requested by the Attorney General to so act, as
24 provided in Section 12-16, attorneys of the Unit may assist
25 the Attorney General or themselves institute actions in
26 behalf of the Illinois Department under the Revised Uniform
27 Reciprocal Enforcement of Support Act; under the Illinois
28 Parentage Act of 1984; under the Non-Support of Spouse and
29 Children Act; under the Non-Support Punishment Act; or under
30 any other law, State or Federal, providing for support of a
31 spouse or dependent child.

32 An attorney who provides representation pursuant to this
33 Section shall represent the Illinois Department exclusively.
34 Regardless of the designation of the plaintiff in an action

1 brought pursuant to this Section, an attorney-client
2 relationship does not exist for purposes of that action
3 between that attorney and (i) an applicant for or recipient
4 of child and spouse support services or (ii) any other party
5 to the action other than the Illinois Department. Nothing in
6 this Section shall be construed to modify any power or duty
7 (including a duty to maintain confidentiality) of the Child
8 and Spouse Support Unit or the Illinois Department otherwise
9 provided by law.

10 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99;
11 92-16, eff. 6-28-01.)

12 (305 ILCS 5/10-3.1a new) (was 305 ILCS 5/10-3.1, in part)
13 Sec. 10-3.1a. Collection agreements with local
14 governmental units or individuals. The Illinois Department
15 shall also have the authority to enter into agreements with
16 local governmental units or individuals, with the approval of
17 the Attorney General, for the collection of moneys owing
18 because of the failure of a parent to make child support
19 payments for any child receiving services under this Article.
20 Such agreements may be on a contingent fee basis, but such
21 contingent fee shall not exceed 25% of the total amount
22 collected.

23 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99;
24 92-16, eff. 6-28-01.)

25 (305 ILCS 5/10-3.1b new) (was 305 ILCS 5/10-3.1, in part)
26 Sec. 10-3.1b. Investigative and enforcement agreements
27 with local governmental units. The Illinois Department may
28 also enter into agreements with local governmental units for
29 the Child and Spouse Support Unit to exercise the
30 investigative and enforcement powers designated in this
31 Article, including the issuance of administrative orders
32 under Section 10-11, in locating responsible relatives and

1 obtaining support for persons applying for or receiving aid
2 under Article VI. Payments for defrayment of administrative
3 costs and support payments obtained shall be deposited into
4 the DHS Recoveries Trust Fund. Support payments shall be
5 paid over to the General Assistance Fund of the local
6 governmental unit at such time or times as the agreement may
7 specify.

8 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99;
9 92-16, eff. 6-28-01.)

10 (305 ILCS 5/10-3.1c new) (was 305 ILCS 5/10-3.1, in part)
11 Sec. 10-3.1c. Review of orders for support; information
12 from responsible relatives and employers.

13 (a) With respect to those cases in which it has support
14 enforcement powers and responsibilities under this Article,
15 the ~~Illinois~~ Department of Public Aid may provide by rule for
16 periodic or other review of each administrative and court
17 order for support to determine whether a modification of the
18 order should be sought. The ~~Illinois~~ Department shall provide
19 for and conduct such review in accordance with any applicable
20 federal law and regulation.

21 (b) As part of its process for review of orders for
22 support, the ~~Illinois~~ Department of Public Aid, through
23 written notice, may require the responsible relative to
24 disclose his or her Social Security Number and past and
25 present information concerning the relative's address,
26 employment, gross wages, deductions from gross wages, net
27 wages, bonuses, commissions, number of dependent exemptions
28 claimed, individual and dependent health insurance coverage,
29 and any other information necessary to determine the
30 relative's ability to provide support in a case receiving
31 child and spouse support services under this Article X.

32 (c) The ~~Illinois~~ Department of Public Aid may send a
33 written request for the same information to the relative's

1 employer. The employer shall respond to the request for
2 information within 15 days after the date the employer
3 receives the request. If the employer willfully fails to
4 fully respond within the 15-day period, the employer shall
5 pay a penalty of \$100 for each day that the response is not
6 provided to the Illinois Department after the 15-day period
7 has expired. The penalty may be collected in a civil action
8 which may be brought against the employer in favor of the
9 Illinois Department of Public Aid.

10 A written request for information sent to an employer
11 pursuant to this Section shall consist of (i) a citation of
12 this Section as the statutory authority for the request and
13 for the employer's obligation to provide the requested
14 information, (ii) a returnable form setting forth the
15 employer's name and address and listing the name of the
16 employee with respect to whom information is requested, and
17 (iii) a citation of this Section as the statutory authority
18 authorizing the employer to withhold a fee of up to \$20 from
19 the wages or income to be paid to each responsible relative
20 for providing the information to the Illinois Department of
21 Public Aid within the 15-day period. If the employer is
22 withholding support payments from the responsible relative's
23 income pursuant to an order for withholding, the employer may
24 withhold the fee provided for in this Section only after
25 withholding support as required under the order. Any amounts
26 withheld from the responsible relative's income for payment
27 of support and the fee provided for in this Section shall not
28 be in excess of the amounts permitted under the federal
29 Consumer Credit Protection Act.

30 In a case receiving child and spouse support services,
31 the Illinois Department of Public Aid may request and obtain
32 information from a particular employer under this Section no
33 more than once in any 12-month period, unless the information
34 is necessary to conduct a review of a court or administrative

1 order for support at the request of the person receiving
2 child and spouse support services.

3 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99;
4 92-16, eff. 6-28-01.)

5 (305 ILCS 5/10-3.1d new) (was 305 ILCS 5/10-3.1, in part)
6 Sec. 10-3.1d. Administrative unit; denial or termination
7 of support services.

8 (a) The Illinois Department of Public Aid shall
9 establish and maintain an administrative unit to receive and
10 transmit to the Child and Spouse Support Unit information
11 supplied by persons applying for or receiving child and
12 spouse support services under Section 10-1.

13 (b) In addition, the Illinois Department of Public Aid
14 shall address and respond to any alleged deficiencies that
15 persons receiving or applying for services from the Child and
16 Spouse Support Unit may identify concerning the Child and
17 Spouse Support Unit's provision of child and spouse support
18 services.

19 (c) Within 60 days after an action or failure to act by
20 the Child and Spouse Support Unit that affects his or her
21 case, a recipient of or applicant for child and spouse
22 support services under Article X of this Code may request an
23 explanation of the Unit's handling of the case. At the
24 requestor's option, the explanation may be provided either
25 orally in an interview, in writing, or both.

26 (d) If the Illinois Department of Public Aid fails to
27 respond to the request for an explanation or fails to respond
28 in a manner satisfactory to the applicant or recipient within
29 30 days from the date of the request for an explanation, the
30 applicant or recipient may request a conference for further
31 review of the matter by the Office of the Administrator of
32 the Child and Spouse Support Unit. A request for a conference
33 may be submitted at any time within 60 days after the

1 explanation has been provided by the Child and Spouse Support
2 Unit or within 60 days after the time for providing the
3 explanation has expired.

4 The applicant or recipient may request a conference
5 concerning any decision denying or terminating child or
6 spouse support services under Article X of this Code, and the
7 applicant or recipient may also request a conference
8 concerning the Unit's failure to provide services or the
9 provision of services in an amount or manner that is
10 considered inadequate. For purposes of this Section, the
11 Child and Spouse Support Unit includes all local governmental
12 units or individuals with whom the ~~Illinois~~ Department of
13 Public Aid has contracted under Section 10-3.1a or 10-3.1b
14 ~~10-3-1~~.

15 (e) Upon receipt of a timely request for a conference,
16 the Office of the Administrator shall review the case. The
17 applicant or recipient requesting the conference shall be
18 entitled, at his or her option, to appear in person or to
19 participate in the conference by telephone. The applicant or
20 recipient requesting the conference shall be entitled to be
21 represented and to be afforded a reasonable opportunity to
22 review the Department of Public Aid's Illinois-Department's
23 file before or at the conference. At the conference, the
24 applicant or recipient requesting the conference shall be
25 afforded an opportunity to present all relevant matters in
26 support of his or her claim. Conferences shall be without
27 cost to the applicant or recipient requesting the conference
28 and shall be conducted by a representative of the Child or
29 Spouse Support Unit who did not participate in the action or
30 inaction being reviewed.

31 The Office of the Administrator shall conduct a
32 conference and inform all interested parties, in writing, of
33 the results of the conference within 60 days from the date of
34 filing of the request for a conference.

1 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99;
2 92-16, eff. 6-28-01.)

3 (305 ILCS 5/10-3.1e new) (was 305 ILCS 5/10-3.1, in part)
4 Sec. 10-3.1e. Annual assessment of institution-based
5 paternity establishment. In addition to its other powers and
6 responsibilities established by this Article, the Child and
7 Spouse Support Unit shall conduct an annual assessment of
8 each institution's program for institution based paternity
9 establishment under Section 12 of the Vital Records Act.

10 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99;
11 92-16, eff. 6-28-01.)

12 (305 ILCS 5/10-3.2) (from Ch. 23, par. 10-3.2)

13 Sec. 10-3.2. Parent Locator Service. The ~~Illinois~~
14 Department of Public Aid through its Child and Spouse Support
15 Unit shall enter into agreements with the Secretary of Health
16 and Human Services or his designee under which the services
17 of the federal Parent Locator Service established by the
18 Social Security Act are made available to this State and the
19 ~~Illinois~~ Department of Public Aid for the purpose of locating
20 an absent parent or child when the child has been abducted or
21 otherwise improperly removed or retained from the physical
22 custody of a parent or other person entitled to custody of
23 the child, or in connection with the making or enforcing of a
24 child custody determination in custody proceedings instituted
25 under the Uniform Child Custody Jurisdiction Act, or
26 otherwise in accordance with law. The ~~Illinois~~ Department of
27 Public Aid shall provide general information to the public
28 about the availability and use of the Parent Locator Service
29 in relation to child abduction and custody determination
30 proceedings, shall promptly respond to inquiries made by
31 those parties specified by federal regulations upon receipt
32 of information as to the location of an absent parent or

1 child from the federal Parent Locator Service and shall
2 maintain accurate records as to the number of such inquiries
3 received and processed by the Department.

4 (Source: P.A. 83-1396.)

5 (305 ILCS 5/10-3.3)

6 Sec. 10-3.3. Locating support obligor and others;
7 penalties.

8 (a) The Child and Spouse Support Unit may request and
9 receive from employers, labor unions, telephone companies,
10 and utility companies location information concerning
11 putative fathers and noncustodial parents for the purpose of
12 establishing a child's paternity or establishing, enforcing,
13 or modifying a child support obligation. In this Section,
14 "location information" means information about (i) the
15 physical whereabouts of a putative father or noncustodial
16 parent, (ii) the putative father or noncustodial parent's
17 employer, or (iii) the salary, wages, and other compensation
18 paid and the health insurance coverage provided to the
19 putative father or noncustodial parent by the employer of the
20 putative father or noncustodial parent or by a labor union of
21 which the putative father or noncustodial parent is a member.

22 The employer of a putative father or noncustodial parent
23 or the labor union of which the putative father or
24 noncustodial parent is a member shall respond to the request
25 of the Child and Spouse Support Unit within 15 days after the
26 employer or labor union receives the request. Any employer
27 or labor union that willfully fails to fully respond within
28 the 15-day period shall be subject to a penalty of \$100 for
29 each day that the response is not provided to the ~~Illinois~~
30 Department of Public Aid after the 15-day period has expired.
31 The penalty may be collected in a civil action, which may be
32 brought against the employer or labor union in favor of the
33 ~~Illinois~~ Department of Public Aid.

1 (b) Pursuant to an administrative subpoena as authorized
2 under this Code, the Child and Spouse Support Unit may
3 request and receive from utility companies and cable
4 television companies location information concerning
5 individuals who owe or are owed support or against whom or
6 with respect to whom a support obligation is sought.

7 (Source: P.A. 89-395, eff. 1-1-96; 90-18, eff. 7-1-97.)

8 (305 ILCS 5/10-3.4)

9 Sec. 10-3.4. Obtaining location information.

10 (a) The Illinois Department of Public Aid shall enter
11 into agreements with the Department of State Police and the
12 Secretary of State to obtain location information on persons
13 for the purpose of establishing paternity, and establishing,
14 modifying, and enforcing child support obligations.

15 (b) Upon request, the Illinois Department of Public Aid
16 shall provide information obtained pursuant to this Section
17 to federal agencies and other states' agencies conducting
18 child support enforcement activities under Title IV, Part D
19 of the Social Security Act.

20 (Source: P.A. 90-18, eff. 7-1-97.)

21 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

22 Sec. 10-4. Notification of support obligation. The
23 administrative enforcement unit within the authorized area of
24 its operation shall notify each responsible relative of an
25 applicant or recipient, or responsible relatives of other
26 persons given access to the support services of this Article,
27 of his legal obligation to support and shall request such
28 information concerning his financial status as may be
29 necessary to determine whether he is financially able to
30 provide such support, in whole or in part. In cases involving
31 a child born out of wedlock, the notification shall include a
32 statement that the responsible relative has been named as the

1 biological father of the child identified in the
2 notification.

3 In the case of applicants, the notification shall be sent
4 as soon as practical after the filing of the application. In
5 the case of recipients, the notice shall be sent at such time
6 as may be established by rule of the Illinois Department of
7 Public Aid.

8 The notice shall be accompanied by the forms or
9 questionnaires provided in Section 10-5. It shall inform the
10 relative that he may be liable for reimbursement of any
11 support furnished from public aid funds prior to
12 determination of the relative's financial circumstances, as
13 well as for future support. In the alternative, when support
14 is sought on behalf of applicants for or recipients of
15 financial aid under Article IV of this Code and other persons
16 who are given access to the child and spouse support services
17 of this Article as provided in Section 10-1, the notice shall
18 inform the relative that the relative may be required to pay
19 support for a period before the date an administrative
20 support order is entered, as well as future support.

21 Neither the mailing nor receipt of such notice shall be
22 deemed a jurisdictional requirement for the subsequent
23 exercise of the investigative procedures undertaken by an
24 administrative enforcement unit or the entry of any order or
25 determination of paternity or support or reimbursement by the
26 administrative enforcement unit; except that notice shall be
27 served by certified mail addressed to the responsible
28 relative at his or her last known address, return receipt
29 requested, or by any method provided by law for service of
30 summons, in cases where a determination of paternity or
31 support by default is sought on behalf of applicants for or
32 recipients of financial aid under Article IV of this Act and
33 other persons who are given access to the child and spouse
34 support services of this Article as provided in Section 10-1.

1 (Source: P.A. 88-687, eff. 1-24-95.)

2 (305 ILCS 5/10-5) (from Ch. 23, par. 10-5)

3 Sec. 10-5. Declarations by responsible relatives;
4 penalty. Information requested of responsible relatives shall
5 be submitted on forms or questionnaires prescribed by the
6 Illinois Department of Public Aid or local governmental
7 units, as the case may be, and shall contain a written
8 declaration to be signed by the relative in substantially the
9 following form:

10 "I declare under penalties of perjury that I have
11 examined this form (or questionnaire) and all
12 accompanying statements or documents pertaining to my
13 income, resources, or any other matter having bearing
14 upon my status and ability to provide support, and to the
15 best of my knowledge and belief the information supplied
16 is true, correct, and complete".

17 A person who makes and subscribes a form or questionnaire
18 which contains, as hereinabove provided, a written
19 declaration that it is made under the penalties of perjury,
20 knowing it to be false, incorrect or incomplete, in respect
21 to any material statement or representation bearing upon his
22 status as a responsible relative, or upon his income,
23 resources, or other matter concerning his ability to provide
24 support, shall be subject to the penalties for perjury
25 provided for in Section 32-2 of the "Criminal Code of 1961",
26 approved July 28, 1961, as amended.

27 (Source: Laws 1967, p. 122.)

28 (305 ILCS 5/10-6) (from Ch. 23, par. 10-6)

29 Sec. 10-6. Investigation and determination. The
30 administrative enforcement unit shall review the forms or
31 questionnaires returned by each responsible relative and
32 supplement the information provided therein, where required,

1 by such additional consultations with the responsible
2 relative and such other investigations as may be necessary,
3 including genetic testing if paternity is an issue and,
4 applying the standard or guidelines and regulations
5 established by the Illinois Department of Public Aid, shall
6 determine whether and the extent to which, the responsible
7 relative individually or together in any combination, are
8 reasonably able to provide support. If the child was born out
9 of wedlock and the case is subject to the voluntary
10 acknowledgment of paternity or the administrative
11 determination of paternity under rules established under
12 Section 10-17.7, the Child and Spouse Support Unit of the
13 Illinois Department of Public Aid shall determine the child
14 support obligation under subsection (b) of Section 10-7 upon
15 establishing the child's paternity. If the child's paternity
16 was established by judicial or administrative process in any
17 other state, the Illinois Department of Public Aid may use
18 administrative processes contained in this Article X to
19 establish a child support order.

20 In aid of its investigative authority, the Child and
21 Spouse Support Unit of the Illinois Department of Public Aid
22 may use the subpoena power as set forth in this Article.

23 The Illinois Department of Public Aid, by rule, may
24 authorize the administrative enforcement units to conduct
25 periodic or other reinvestigations and redeterminations of
26 the financial ability of responsible relatives. Any
27 redeterminations shall have the effect of altering, amending,
28 or modifying previous determinations and administrative
29 orders entered pursuant to Sections 10-7 and 10-11. However,
30 any redetermination which establishes liability for support
31 or reimbursement, or which modifies the support or
32 reimbursement liability specified in a prior order, shall be
33 subject to the provisions of Section 10-12 and the
34 administrative and judicial review procedures herein provided

1 for original orders.

2 (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

3 (305 ILCS 5/10-7) (from Ch. 23, par. 10-7)

4 Sec. 10-7. Notice of support due.

5 (a) When an administrative enforcement unit has
6 determined that a responsible relative is financially able to
7 contribute to the support of an applicant or recipient, the
8 responsible relative shall be notified by mailing him a copy
9 of the determination by United States registered or certified
10 mail, advising him of his legal obligation to make support
11 payments for such period or periods of time, definite in
12 duration or indefinite, as the circumstances require. The
13 notice shall direct payment as provided in Section 10-8.
14 Where applicable, the determination and notice may include a
15 demand for reimbursement for emergency aid granted an
16 applicant or recipient during the period between the
17 application and determination of the relative's obligation
18 for support and for aid granted during any subsequent period
19 the responsible relative was financially able to provide
20 support but failed or refused to do so.

21 (b) In the alternative, when support is sought on behalf
22 of applicants for or recipients of financial aid under
23 Article IV of this Act and other persons who are given access
24 to the child and spouse support services of this Article as
25 provided in Section 10-1, the administrative enforcement unit
26 shall not be required to send the notice and may enter an
27 administrative order immediately under the provisions of
28 Section 10-11. The order shall be based upon the
29 determination made under the provisions of Section 10-6 or,
30 in instances of default, upon the needs of the persons for
31 whom support is sought. In addition to requiring payment of
32 future support, the administrative order may require payment
33 of support for a period before the date the order is entered.

1 The amount of support to be paid for the prior period shall
 2 be determined under the guidelines established by the
 3 Illinois Department of Public Aid pursuant to Section 10-3.
 4 The order shall direct payment as provided in Sections
 5 Section 10-10 through 10-10.080.

6 (Source: P.A. 88-687, eff. 1-24-95.)

7 (305 ILCS 5/10-8) (from Ch. 23, par. 10-8)

8 Sec. 10-8. Support payments ~~Partial--Support--Full~~
 9 ~~Support.~~ The notice to responsible relatives issued pursuant
 10 to Section 10-7 shall direct payment (a) to the Illinois
 11 Department in cases of applicants and recipients under
 12 Articles III, IV, V and VII, (b) except as provided in
 13 Sections ~~Section~~ 10-3.1 through 10-3.1e, to the local
 14 governmental unit in the case of applicants and recipients
 15 under Article VI, and (c) to the Illinois Department in cases
 16 of non-applicants and non-recipients given access to the
 17 child and spouse support services of this Article, as
 18 provided by Section 10-1. However, if the support payments
 19 by responsible relatives are sufficient to meet needs of a
 20 recipient in full, including current and anticipated medical
 21 needs, and the Illinois Department or the local governmental
 22 unit, as the case may be, has reasonable grounds to believe
 23 that such needs will continue to be provided in full by the
 24 responsible relatives, the relatives may be directed to make
 25 subsequent support payments to the needy person or to some
 26 person or agency in his behalf and the recipient shall be
 27 removed from the rolls. In such instance the recipient also
 28 shall be notified by registered or certified mail of the
 29 action taken. If a recipient removed from the rolls requests
 30 the Illinois Department to continue to collect the support
 31 payments in his behalf, the Department, at its option, may do
 32 so and pay amounts so collected to the person. The
 33 Department may provide for deducting any costs incurred by it

1 in making the collection from the amount of any recovery made
2 and pay only the net amount to the person.

3 Payments under this Section to the ~~Illinois~~ Department of
4 Public Aid pursuant to the Child Support Enforcement Program
5 established by Title IV-D of the Social Security Act shall be
6 paid into the Child Support Enforcement Trust Fund. All
7 payments under this Section to the ~~Illinois~~ Department of
8 Human Services shall be deposited in the DHS Recoveries Trust
9 Fund. Disbursements from these funds shall be as provided in
10 Sections 12-9.1 and 12-10.2 of this Code. Payments received
11 by a local governmental unit shall be deposited in that
12 unit's General Assistance Fund.

13 To the extent the provisions of this Section are
14 inconsistent with the requirements pertaining to the State
15 Disbursement Unit under Sections 10-10.4 and 10-26 of this
16 Code, the requirements pertaining to the State Disbursement
17 Unit shall apply.

18 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
19 92-16, eff. 6-28-01.)

20 (305 ILCS 5/10-8.1)

21 Sec. 10-8.1. Temporary order for child support.
22 Notwithstanding any other law to the contrary, pending the
23 outcome of an administrative determination of parentage, the
24 ~~Illinois~~ Department of Public Aid shall issue a temporary
25 order for child support, upon motion by a party and a showing
26 of clear and convincing evidence of paternity. In
27 determining the amount of the temporary child support award,
28 the ~~Illinois~~ Department shall use the guidelines and
29 standards set forth in subsection (a) of Section 505 and in
30 Section 505.2 of the Illinois Marriage and Dissolution of
31 Marriage Act.

32 Any new or existing support order entered by the ~~Illinois~~
33 Department of Public Aid under this Section shall be deemed

1 to be a series of judgments against the person obligated to
2 pay support thereunder, each such judgment to be in the
3 amount of each payment or installment of support and each
4 judgment to be deemed entered as of the date the
5 corresponding payment or installment becomes due under the
6 terms of the support order. Each such judgment shall have
7 the full force, effect, and attributes of any other judgment
8 of this State, including the ability to be enforced. Any
9 such judgment is subject to modification or termination only
10 in accordance with Section 510 of the Illinois Marriage and
11 Dissolution of Marriage Act. A lien arises by operation of
12 law against the real and personal property of the
13 noncustodial parent for each installment of overdue support
14 owed by the noncustodial parent.

15 All orders for support entered or modified in a case in
16 which a party is receiving child and spouse support services
17 under this Article X shall include a provision requiring the
18 non-custodial parent to notify the ~~Illinois~~ Department of
19 Public Aid, within 7 days, (i) of the name, address, and
20 telephone number of any new employer of the non-custodial
21 parent, (ii) whether the non-custodial parent has access to
22 health insurance coverage through the employer or other group
23 coverage, and, if so, the policy name and number and the
24 names of persons covered under the policy, and (iii) of any
25 new residential or mailing address or telephone number of the
26 non-custodial parent.

27 In any subsequent action to enforce a support order, upon
28 sufficient showing that diligent effort has been made to
29 ascertain the location of the non-custodial parent, service
30 of process or provision of notice necessary in that action
31 may be made at the last known address of the non-custodial
32 parent, in any manner expressly provided by the Code of Civil
33 Procedure or this Act, which service shall be sufficient for
34 purposes of due process.

1 An order for support shall include a date on which the
 2 current support obligation terminates. The termination date
 3 shall be no earlier than the date on which the child covered
 4 by the order will attain the age of majority or is otherwise
 5 emancipated. The order for support shall state that the
 6 termination date does not apply to any arrearage that may
 7 remain unpaid on that date. Nothing in this paragraph shall
 8 be construed to prevent the Illinois Department of Public Aid
 9 from modifying the order.

10 (Source: P.A. 90-18, eff. 7-1-97.)

11 (305 ILCS 5/10-9) (from Ch. 23, par. 10-9)

12 Sec. 10-9. Alternative actions to enforce support. If a
 13 responsible relative fails or refuses to furnish support, or
 14 contributes less than the amount indicated by the
 15 determination, the administrative enforcement unit shall take
 16 action to enforce support in accordance with Sections ~~Section~~
 17 10-10 through 10-10.080 or Section 10-11.

18 (Source: Laws 1967, p. 122.)

19 (305 ILCS 5/10-10) (was 3-5 ILCS 5/10-10, in part)

20 Sec. 10-10. Court enforcement of support; local
 21 governmental units applicability-also-to-persons-who-are--not
 22 applicants---or---recipients. Except where the Illinois
 23 Department, by agreement, acts for the local governmental
 24 unit, as provided in Section 10-3.1a or 10-3.1b ~~10-3.1~~, local
 25 governmental units shall refer to the State's Attorney or to
 26 the proper legal representative of the governmental unit, for
 27 judicial enforcement as herein provided, instances of
 28 non-support or insufficient support when the dependents are
 29 applicants or recipients under Article VI.

30 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
 31 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
 32 6-28-01.)

1 (305 ILCS 5/10-10.05 new) (was 305 ILCS 5/10-10, in part)
 2 Sec. 10-10.05. Action for judicial enforcement of support
 3 liability.

4 (a) The Child and Spouse Support Unit established by
 5 Section 10-3.1 may institute in behalf of the Illinois
 6 Department any actions under Sections 10-10 through 10-10.080
 7 ~~this---Section~~ for judicial enforcement of the support
 8 liability when the dependents are (i) (a) applicants or
 9 recipients under Articles III, IV, V or VII; (ii) (b)
 10 applicants or recipients in a local governmental unit when
 11 the Illinois Department, by agreement, acts for the unit; or
 12 (iii) (c) non-applicants or non-recipients who are receiving
 13 support enforcement services under this Article X, as
 14 provided in Section 10-1. Where the Child and Spouse Support
 15 Unit has exercised its option and discretion not to apply the
 16 provisions of Sections 10-3 through 10-8, the failure by the
 17 Unit to apply such provisions shall not be a bar to bringing
 18 an action under Sections 10-10 through 10-10.080 ~~this~~
 19 ~~Section~~.

20 (b) Action shall be brought in the circuit court to
 21 obtain support, or for the recovery of aid granted during the
 22 period such support was not provided, or both for the
 23 obtainment of support and the recovery of the aid provided.
 24 Actions for the recovery of aid may be taken separately or
 25 they may be consolidated with actions to obtain support.
 26 Such actions may be brought in the name of the person or
 27 persons requiring support, or may be brought in the name of
 28 the Illinois Department or the local governmental unit, as
 29 the case requires, in behalf of such persons.

30 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
 31 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
 32 6-28-01.)

33 (305 ILCS 5/10-10.010 new) (was 305 ILCS 5/10-10, in

1 part)

2 Sec. 10-10.010. Evidence. If (i) the responsible
3 relative was properly served with a request for discovery of
4 financial information relating to the responsible relative's
5 ability to provide child support, (ii) the responsible
6 relative failed to comply with the request, despite having
7 been ordered to do so by the court, and (iii) the responsible
8 relative is not present at the hearing to determine support
9 despite having received proper notice, then any relevant
10 financial information concerning the responsible relative's
11 ability to provide child support that was obtained pursuant
12 to subpoena and proper notice shall be admitted into evidence
13 without the need to establish any further foundation for its
14 admission.

15 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
16 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
17 6-28-01.)

18 (305 ILCS 5/10-10.015 new) (was 305 ILCS 5/10-10, in
19 part)

20 Sec. 10-10.015. Order for payment of support.

21 (a) The court may enter such orders for the payment of
22 moneys for the support of the person as may be just and
23 equitable and may direct payment thereof for such period or
24 periods of time as the circumstances require, including
25 support for a period before the date the order for support is
26 entered. The order may be entered against any or all of the
27 defendant responsible relatives and may be based upon the
28 proportionate ability of each to contribute to the person's
29 support.

30 (b) The court shall determine the amount of child
31 support (including child support for a period before the date
32 the order for child support is entered) by using the
33 guidelines and standards set forth in subsection (a) of

1 Section 505 and in Section 505.2 of the Illinois Marriage and
 2 Dissolution of Marriage Act. For purposes of determining the
 3 amount of child support to be paid for a period before the
 4 date the order for child support is entered, there is a
 5 rebuttable presumption that the responsible relative's net
 6 income for that period was the same as his or her net income
 7 at the time the order is entered.

8 (c) The court shall determine the amount of maintenance
 9 using the standards set forth in Section 504 of the Illinois
 10 Marriage and Dissolution of Marriage Act.

11 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
 12 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
 13 6-28-01.)

14 (305 ILCS 5/10-10.020 new) (was 305 ILCS 5/10-10, in
 15 part)

16 Sec. 10-10.020. Report of change in employment or
 17 residence.

18 (a) An order entered under Sections 10-10 through
 19 10-10.080 ~~this--Section~~ shall include a provision requiring
 20 the obligor to report to the obligee and to the clerk of
 21 court within 10 days each time the obligor obtains new
 22 employment, and each time the obligor's employment is
 23 terminated for any reason. The report shall be in writing and
 24 shall, in the case of new employment, include the name and
 25 address of the new employer.

26 Failure to report new employment or the termination of
 27 current employment, if coupled with nonpayment of support for
 28 a period in excess of 60 days, is indirect criminal contempt.
 29 For any obligor arrested for failure to report new employment
 30 bond shall be set in the amount of the child support that
 31 should have been paid during the period of unreported
 32 employment.

33 (b) An order entered under Sections 10-10 through

1 ~~10-10.080~~ this--Section shall also include a provision
2 requiring the obligor and obligee parents to advise each
3 other of a change in residence within 5 days of the change
4 except when the court finds that the physical, mental, or
5 emotional health of a party or that of a minor child, or
6 both, would be seriously endangered by disclosure of the
7 party's address.

8 (c) All orders for support, when entered or modified,
9 shall include a provision requiring the non-custodial parent
10 to notify the court and, in cases in which a party is
11 receiving child and spouse support services under this
12 Article X, the Illinois Department of Public Aid, within 7
13 days, (i) of the name, address, and telephone number of any
14 new employer of the non-custodial parent, (ii) whether the
15 non-custodial parent has access to health insurance coverage
16 through the employer or other group coverage and, if so, the
17 policy name and number and the names of persons covered under
18 the policy, and (iii) of any new residential or mailing
19 address or telephone number of the non-custodial parent. In
20 any subsequent action to enforce a support order, upon a
21 sufficient showing that a diligent effort has been made to
22 ascertain the location of the non-custodial parent, service
23 of process or provision of notice necessary in the case may
24 be made at the last known address of the non-custodial parent
25 in any manner expressly provided by the Code of Civil
26 Procedure or this Code, which service shall be sufficient for
27 purposes of due process.

28 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
29 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
30 6-28-01.)

31 (305 ILCS 5/10-10.025 new) (was 305 ILCS 5/10-10, in
32 part)

33 Sec. 10-10.025. Effect of support order.

1 (a) Any new or existing support order entered by the
2 court under Sections 10-10 through 10-10.080 ~~this-Section~~
3 shall be deemed to be a series of judgments against the
4 person obligated to pay support thereunder, each such
5 judgment to be in the amount of each payment or installment
6 of support and each such judgment to be deemed entered as of
7 the date the corresponding payment or installment becomes due
8 under the terms of the support order. Each such judgment
9 shall have the full force, effect and attributes of any other
10 judgment of this State, including the ability to be enforced.

11 (b) Any such judgment is subject to modification or
12 termination only in accordance with Section 510 of the
13 Illinois Marriage and Dissolution of Marriage Act.

14 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
15 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
16 6-28-01.)

17 (305 ILCS 5/10-10.030 new) (was 305 ILCS 5/10-10, in
18 part)

19 Sec. 10-10.030. Lien. A lien arises by operation of law
20 against the real and personal property of the noncustodial
21 parent for each installment of overdue support owed by the
22 noncustodial parent.

23 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
24 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
25 6-28-01.)

26 (305 ILCS 5/10-10.035 new) (was 305 ILCS 5/10-10, in
27 part)

28 Sec. 10-10.035. Order for visitation.

29 (a) When an order is entered for the support of a minor,
30 the court may provide therein for reasonable visitation of
31 the minor by the person or persons who provided support
32 pursuant to the order.

1 **(b)** Whoever willfully refuses to comply with such
2 visitation order or willfully interferes with its enforcement
3 may be declared in contempt of court and punished therefor.

4 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
5 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
6 6-28-01.)

7 (305 ILCS 5/10-10.040 new) (was 305 ILCS 5/10-10, in
8 part)

9 Sec. 10-10.040. Payment of support; applicants for and
10 recipients of aid.

11 **(a)** Except where the local governmental unit has entered
12 into an agreement with the Illinois Department for the Child
13 and Spouse Support Unit to act for it, as provided in Section
14 10-3.1a or 10-3.1b ~~10-3-1~~, support orders entered by the
15 court in cases involving applicants or recipients under
16 Article VI shall provide that payments thereunder be made
17 directly to the local governmental unit. Orders for the
18 support of all other applicants or recipients shall provide
19 that payments thereunder be made directly to the Illinois
20 Department.

21 **(b)** In accordance with federal law and regulations, the
22 Illinois Department may continue to collect current
23 maintenance payments or child support payments, or both,
24 after those persons cease to receive public assistance and
25 until termination of services under Article X. The Illinois
26 Department shall pay the net amount collected to those
27 persons after deducting any costs incurred in making the
28 collection or any collection fee from the amount of any
29 recovery made.

30 **(c)** In both cases described in subsection (a), the order
31 shall permit the local governmental unit or the Illinois
32 Department, as the case may be, to direct the responsible
33 relative or relatives to make support payments directly to

1 the needy person, or to some person or agency in his behalf,
2 upon removal of the person from the public aid rolls or upon
3 termination of services under Article X.

4 (d) If the notice of support due issued pursuant to
5 Section 10-7 directs that support payments be made directly
6 to the needy person, or to some person or agency in his
7 behalf, and the recipient is removed from the public aid
8 rolls, court action may be taken against the responsible
9 relative hereunder if he fails to furnish support in
10 accordance with the terms of such notice.

11 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
12 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
13 6-28-01.)

14 (305 ILCS 5/10-10.045 new) (was 305 ILCS 5/10-10, in
15 part)

16 Sec. 10-10.045. Persons other than applicants for or
17 recipients of aid.

18 (a) Actions may also be brought under Sections 10-10
19 through 10-10.080 ~~this-Section~~ in behalf of any person who is
20 in need of support from responsible relatives, as defined in
21 Section 2-11 of Article II who is not an applicant for or
22 recipient of financial aid under this Code. In such
23 instances, the State's Attorney of the county in which such
24 person resides shall bring action against the responsible
25 relatives hereunder.

26 (b) If the Illinois Department of Public Aid, as
27 authorized by Section 10-1, extends the support services
28 provided by this Article to spouses and dependent children
29 who are not applicants or recipients under this Code, the
30 Child and Spouse Support Unit established by Section 10-3.1
31 shall bring action against the responsible relatives
32 hereunder and any support orders entered by the court in such
33 cases shall provide that payments thereunder be made directly

1 to the Illinois Department.

2 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
3 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
4 6-28-01.)

5 (305 ILCS 5/10-10.050 new) (was 305 ILCS 5/10-10, in
6 part)

7 Sec. 10-10.050. Unemployed persons owing duty of support.

8 Whenever it is determined in a proceeding to establish or
9 enforce a child support or maintenance obligation that the
10 person owing a duty of support is unemployed, the court may
11 order the person to seek employment and report periodically
12 to the court with a diary, listing or other memorandum of his
13 or her efforts in accordance with such order. Additionally,
14 the court may order the unemployed person to report to the
15 Department of Employment Security for job search services or
16 to make application with the local Job Training Partnership
17 Act provider for participation in job search, training or
18 work programs and where the duty of support is owed to a
19 child receiving support services under this Article X, the
20 court may order the unemployed person to report to the
21 Illinois Department for participation in job search, training
22 or work programs established under Sections Section 9-6
23 through 9-6.0050 and Article IXA of this Code.

24 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
25 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
26 6-28-01.)

27 (305 ILCS 5/10-10.055 new) (was 305 ILCS 5/10-10, in
28 part)

29 Sec. 10-10.055. Past-due support.

30 (a) Whenever it is determined that a person owes
31 past-due support for a child receiving assistance under this
32 Code, the court shall order at the request of the Illinois

1 Department of Public Aid:

2 (1) that the person pay the past-due support in
3 accordance with a plan approved by the court; or

4 (2) if the person owing past-due support is
5 unemployed, is subject to such a plan, and is not
6 incapacitated, that the person participate in such job
7 search, training, or work programs established under
8 Sections Section 9-6 through 9-6.0050 and Article IXA of
9 this Code as the court deems appropriate.

10 (b) A one-time charge of 20% is imposable upon the
11 amount of past-due child support owed on July 1, 1988 which
12 has accrued under a support order entered by the court. The
13 charge shall be imposed in accordance with the provisions of
14 Section 10-21 of this Code and shall be enforced by the court
15 upon petition.

16 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
17 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
18 6-28-01.)

19 (305 ILCS 5/10-10.060 new) (was 305 ILCS 5/10-10, in
20 part)

21 Sec. 10-10.060. Review. A determination under Sections
22 10-10 through 10-10.080 ~~this--Section~~ shall not be
23 administratively reviewable by the procedures specified in
24 Sections 10-12, and 10-13 through ~~to~~ 10-13.10. Any
25 determination under these Sections 10-12 and 10-13 through
26 10-13.10, if made the basis of court action under Sections
27 10-10 through 10-10.080 ~~this-Section~~, shall not affect the de
28 novo judicial determination required under this Section.

29 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
30 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
31 6-28-01.)

32 (305 ILCS 5/10-10.065 new) (was 305 ILCS 5/10-10, in

1 part)

2 Sec. 10-10.065. Termination of support obligation. An
 3 order for support shall include a date on which the current
 4 support obligation terminates. The termination date shall be
 5 no earlier than the date on which the child covered by the
 6 order will attain the age of majority or is otherwise
 7 emancipated. The order for support shall state that the
 8 termination date does not apply to any arrearage that may
 9 remain unpaid on that date. Nothing in this Section
 10 paragraph shall be construed to prevent the court from
 11 modifying the order.

12 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
 13 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
 14 6-28-01.)

15 (305 ILCS 5/10-10.070 new) (was 305 ILCS 5/10-10, in
 16 part)

17 Sec. 10-10.070. Notice to circuit clerk.

18 (a) Upon notification in writing or by electronic
 19 transmission from the Illinois Department of Public Aid to
 20 the clerk of the court that a person who is receiving support
 21 payments under Sections 10-10 through 10-10.080 ~~this-Section~~
 22 is receiving services under the Child Support Enforcement
 23 Program established by Title IV-D of the Social Security Act,
 24 any support payments subsequently received by the clerk of
 25 the court shall be transmitted in accordance with the
 26 instructions of the Illinois Department of Public Aid until
 27 the Illinois Department gives notice to the clerk of the
 28 court to cease the transmittal.

29 (b) After providing the notification authorized under
 30 subsection (a) ~~this--paragraph~~, the Illinois Department of
 31 Public Aid shall be entitled as a party to notice of any
 32 further proceedings in the case. The clerk of the court
 33 shall file a copy of the Illinois Department's notification

1 in the court file. The clerk's failure to file a copy of the
2 notification in the court file shall not, however, affect the
3 Illinois Department's right to receive notice of further
4 proceedings.

5 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
6 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
7 6-28-01.)

8 (305 ILCS 5/10-10.075 new) (was 305 ILCS 5/10-10, in
9 part)

10 Sec. 10-10.075. Payments into funds.

11 (a) Payments under Sections 10-10 through 10-10.080 this
12 Section to the Illinois Department of Public Aid pursuant to
13 the Child Support Enforcement Program established by Title
14 IV-D of the Social Security Act shall be paid into the Child
15 Support Enforcement Trust Fund. All payments under Sections
16 10-10 through 10-10.080 this--Section to the Illinois
17 Department of Human Services shall be deposited in the DHS
18 Recoveries Trust Fund. Disbursements from these funds shall
19 be as provided in Sections 12-9.1 and 12-10.2 of this Code.

20 (b) Payments received by a local governmental unit shall
21 be deposited in that unit's General Assistance Fund.

22 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
23 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
24 6-28-01.)

25 (305 ILCS 5/10-10.080 new) (was 305 ILCS 5/10-10, in
26 part)

27 Sec. 10-10.080. Applicability of requirements pertaining
28 to State Disbursement Unit. To the extent the provisions of
29 Sections 10-10 through this Section are inconsistent with the
30 requirements pertaining to the State Disbursement Unit under
31 Sections 10-10.4 and 10-26 of this Code, the requirements
32 pertaining to the State Disbursement Unit shall apply.

1 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
2 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
3 6-28-01.)

4 (305 ILCS 5/10-10.1) (from Ch. 23, par. 10-10.1)
5 Sec. 10-10.1. Public aid collection fee. In all cases
6 instituted by the ~~Illinois~~ Department of Public Aid on behalf
7 of a child or spouse, other than one receiving a grant of
8 financial aid under Article IV, on whose behalf an
9 application has been made and approved for support services
10 as provided by Section 10-1, the court shall impose a
11 collection fee on the individual who owes a child or spouse
12 support obligation in an amount equal to 10% of the amount so
13 owed as long as such collection is required by federal law,
14 which fee shall be in addition to the support obligation.
15 The imposition of such fee shall be in accordance with
16 provisions of Title IV, Part D, of the Social Security Act
17 and regulations duly promulgated thereunder. The fee shall
18 be payable to the clerk of the circuit court for transmittal
19 to the ~~Illinois~~ Department of Public Aid and shall continue
20 until support services are terminated by the Department.

21 (Source: P.A. 82-979.)

22 (305 ILCS 5/10-10.2) (from Ch. 23, par. 10-10.2)
23 Sec. 10-10.2. Notice to circuit clerk ~~of-Circuit-Court~~
24 of payment received by ~~the-Illinois~~ Department of Public Aid
25 ~~for-Recording~~. For those cases in which support is payable to
26 the clerk of the circuit court for transmittal to the
27 ~~Illinois~~ Department of Public Aid by order of court, and the
28 ~~Illinois~~ Department of Public Aid collects support by
29 assignment, offset, withholding, deduction or other process
30 permitted by law, the ~~Illinois~~ Department shall notify the
31 clerk of the date and amount of such collection. Upon
32 notification, the clerk shall record the collection on the

1 payment record for the case.

2 (Source: P.A. 82-1057.)

3 (305 ILCS 5/10-10.3) (from Ch. 23, par. 10-10.3)

4 Sec. 10-10.3. Transmittal of payments from circuit clerk
5 to Department of Public Aid. For those cases in which child
6 support is payable to the clerk of the circuit court for
7 transmittal to the ~~Illinois~~ Department of Public Aid by order
8 of court, the clerk shall transmit all such payments, within
9 4 working days of receipt, to insure that funds are available
10 for immediate distribution by the Department to the person or
11 entity entitled thereto in accordance with standards of the
12 Child Support Enforcement Program established under Title
13 IV-D of the Social Security Act. The clerk shall notify the
14 Department of Public Aid of the date of receipt and amount
15 thereof at the time of transmittal. Where the clerk has
16 entered into an agreement of cooperation with the Department
17 of Public Aid to record the terms of child support orders and
18 payments made thereunder directly into the Department's
19 automated data processing system, the clerk shall account
20 for, transmit and otherwise distribute child support payments
21 in accordance with such agreement in lieu of the requirements
22 contained herein.

23 To the extent the provisions of this Section are
24 inconsistent with the requirements pertaining to the State
25 Disbursement Unit under Sections 10-10.4 and 10-26 of this
26 Code, the requirements pertaining to the State Disbursement
27 Unit shall apply.

28 (Source: P.A. 91-212, eff. 7-20-99.)

29 (305 ILCS 5/10-10.4)

30 Sec. 10-10.4. Payment of support to State Disbursement
31 Unit.

32 (a) As used in this Section, ~~the term "order for support"~~ "Order for support"

1 "obligor", "obligee", and "payer" mean those terms as defined
 2 in the Income Withholding for Support Act, except that "order
 3 for support" shall not mean orders providing for spousal
 4 maintenance under which there is no child support obligation.

5 (b) Notwithstanding any other provision of this Code to
 6 the contrary, each court or administrative order for support
 7 entered or modified on or after October 1, 1999 shall require
 8 that support payments be made to the State Disbursement Unit
 9 established under Section 10-26 if:

10 (1) a party to the order is receiving child and
 11 spouse support services under this Article X; or

12 (2) no party to the order is receiving child and
 13 spouse support services, but the support payments are
 14 made through income withholding.

15 (c) Support payments shall be made to the State
 16 Disbursement Unit if:

17 (1) the order for support was entered before
 18 October 1, 1999, and a party to the order is receiving
 19 child and spouse support services under this Article X;
 20 or

21 (2) no party to the order is receiving child and
 22 spouse support services, and the support payments are
 23 being made through income withholding.

24 (c-5) If no party to the order is receiving child and
 25 spouse support services under this Article X, and the support
 26 payments are not being made through income withholding, then
 27 support payments shall be made as directed in the order for
 28 support.

29 (c-10) Within 15 days after the effective date of this
 30 amendatory Act of the 91st General Assembly, the Illinois
 31 Department of Public Aid shall provide written notice to the
 32 clerk of the circuit court, the obligor, and, where
 33 applicable, the obligor's payor to make payments to the State
 34 Disbursement Unit if:

1 (1) the order for support was entered before
2 October 1, 1999, and a party to the order is receiving
3 child and spouse support services under this Article X;
4 or

5 (2) no party to the order is receiving child and
6 spouse support services, and the support payments are
7 being made through income withholding.

8 (c-15) Within 15 days after the effective date of this
9 amendatory Act of the 91st General Assembly, the clerk of the
10 circuit court shall provide written notice to the obligor to
11 make payments directly to the clerk of the circuit court if
12 no party to the order is receiving child and spouse support
13 services under this Article X, the support payments are not
14 made through income withholding, and the order for support
15 requires support payments to be made directly to the clerk of
16 the circuit court.

17 (c-20) If the State Disbursement Unit receives a support
18 payment that was not appropriately made to the Unit under
19 this Section, the Unit shall immediately return the payment
20 to the sender, including, if possible, instructions detailing
21 where to send the support payments.

22 (d) The notices required under subsections (c-10) and
23 (c-15) may be sent by ordinary mail, certified mail, return
24 receipt requested, facsimile transmission, or other
25 electronic process, or may be served upon the obligor or
26 payor using any method provided by law for service of a
27 summons. A copy of the notice shall be provided to the
28 obligee and, when the order for support was entered by the
29 court, to the clerk of the court.

30 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

31 (305 ILCS 5/10-10.5)

32 Sec. 10-10.5. Information to State Case Registry.

33 (a) In this Section:

1 "Order--for-support", "obligor", "obligee", and "Business
2 day" is are defined as set forth in the Income Withholding
3 for Support Act.

4 "State Case Registry" means the State Case Registry
5 established under Section 10-27 of this Code.

6 (b) Each order for support entered or modified by the
7 circuit court under Sections Section 10-10 through 10-10.080
8 shall require that the obligor and obligee (i) file with the
9 clerk of the circuit court the information required by this
10 Section (and any other information required under Title IV,
11 Part D of the Social Security Act or by the federal
12 Department of Health and Human Services) at the time of entry
13 or modification of the order for support and (ii) file
14 updated information with the clerk within 5 business days of
15 any change. Failure of the obligor or obligee to file or
16 update the required information shall be punishable as in
17 cases of contempt. The failure shall not prevent the court
18 from entering or modifying the order for support, however.

19 (c) The obligor shall file the following information:
20 the obligor's name, date of birth, social security number,
21 and mailing address.

22 If either the obligor or the obligee receives child
23 support enforcement services from the ~~Illinois~~ Department of
24 Public Aid under Article X of this Code, the obligor shall
25 also file the following information: the obligor's telephone
26 number, driver's license number, and residential address (if
27 different from the obligor's mailing address), and the name,
28 address, and telephone number of the obligor's employer or
29 employers.

30 (d) The obligee shall file the following information:

31 (1) The names of the obligee and the child or
32 children covered by the order for support.

33 (2) The dates of birth of the obligee and the child
34 or children covered by the order for support.

1 (3) The social security numbers of the obligee and
2 the child or children covered by the order for support.

3 (4) The obligee's mailing address.

4 (e) In cases in which the obligee receives child support
5 enforcement services from the ~~Illinois~~ Department of Public
6 Aid under Article X of this Code, the order for support shall
7 (i) require that the obligee file the information required
8 under subsection (d) with the ~~Illinois~~ Department of Public
9 Aid for inclusion in the State Case Registry, rather than
10 file the information with the clerk, and (ii) require that
11 the obligee include the following additional information:

12 (1) The obligee's telephone and driver's license
13 numbers.

14 (2) The obligee's residential address, if different
15 from the obligee's mailing address.

16 (3) The name, address, and telephone number of the
17 obligee's employer or employers.

18 The order for support shall also require that the obligee
19 update the information filed with the ~~Illinois~~ Department of
20 Public Aid within 5 business days of any change.

21 (f) The clerk shall provide the information filed under
22 this Section, together with the court docket number and
23 county in which the order for support was entered, to the
24 State Case Registry within 5 business days after receipt of
25 the information.

26 (g) In a case in which a party is receiving child
27 support enforcement services under Article X of this Code,
28 the clerk shall provide the following additional information
29 to the State Case Registry within 5 business days after entry
30 or modification of an order for support or request from the
31 ~~Illinois~~ Department of Public Aid:

32 (1) The amount of monthly or other periodic support
33 owed under the order for support and other amounts,
34 including arrearage, interest, or late payment penalties

1 and fees, due or overdue under the order.

2 (2) Any such amounts that have been received by the
3 clerk, and the distribution of those amounts by the
4 clerk.

5 (h) Information filed by the obligor and obligee under
6 this Section that is not specifically required to be included
7 in the body of an order for support under other laws is not a
8 public record and shall be treated as confidential and
9 subject to disclosure only in accordance with the provisions
10 of this Section, Section 10-27 of this Code, and Title IV,
11 Part D of the Social Security Act. be

12 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;
13 92-463, eff. 8-22-01; revised 10-12-01.)

14 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

15 Sec. 10-11. Administrative orders. In lieu of actions
16 for court enforcement of support under Sections ~~Section~~ 10-10
17 through 10-10.080, the Child and Spouse Support Unit of the
18 ~~Illinois~~ Department of Public Aid, in accordance with the
19 rules of the ~~Illinois~~ Department of Public Aid, may issue an
20 administrative order requiring the responsible relative to
21 comply with the terms of the determination and notice of
22 support due, determined and issued under Sections 10-6 and
23 10-7. The Unit may also enter an administrative order under
24 subsection (b) of Section 10-7. The administrative order
25 shall be served upon the responsible relative by United
26 States registered or certified mail. In cases in which the
27 responsible relative appeared at the office of the Child and
28 Spouse Support Unit in response to the notice of support
29 obligation issued under Section 10-4, however, or in cases of
30 default in which the notice was served on the responsible
31 relative by certified mail, return receipt requested, or by
32 any method provided by law for service of summons, the
33 administrative determination of paternity or administrative

1 support order may be sent to the responsible relative by
2 ordinary mail addressed to the responsible relative's last
3 known address.

4 If a responsible relative or a person receiving child and
5 spouse support services under this Article fails to petition
6 the Illinois Department of Public Aid for release from or
7 modification of the administrative order, as provided in
8 Section 10-12 or Section 10-12.1, the order shall become
9 final and there shall be no further administrative or
10 judicial remedy. Likewise a decision by the Illinois
11 Department of Public Aid as a result of an administrative
12 hearing, as provided in Sections 10-13 to 10-13.10, shall
13 become final and enforceable if not judicially reviewed under
14 the Administrative Review Law, as provided in Section 10-14.

15 Any new or existing support order entered by the Illinois
16 Department of Public Aid under this Section shall be deemed
17 to be a series of judgments against the person obligated to
18 pay support thereunder, each such judgment to be in the
19 amount of each payment or installment of support and each
20 such judgment to be deemed entered as of the date the
21 corresponding payment or installment becomes due under the
22 terms of the support order. Each such judgment shall have
23 the full force, effect and attributes of any other judgment
24 of this State, including the ability to be enforced. Any
25 such judgment is subject to modification or termination only
26 in accordance with Section 510 of the Illinois Marriage and
27 Dissolution of Marriage Act. A lien arises by operation of
28 law against the real and personal property of the
29 noncustodial parent for each installment of overdue support
30 owed by the noncustodial parent.

31 An order entered under this Section shall include a
32 provision requiring the obligor to report to the obligee and
33 to the clerk of court within 10 days each time the obligor
34 obtains new employment, and each time the obligor's

1 employment is terminated for any reason. The report shall be
 2 in writing and shall, in the case of new employment, include
 3 the name and address of the new employer. Failure to report
 4 new employment or the termination of current employment, if
 5 coupled with nonpayment of support for a period in excess of
 6 60 days, is indirect criminal contempt. For any obligor
 7 arrested for failure to report new employment bond shall be
 8 set in the amount of the child support that should have been
 9 paid during the period of unreported employment. An order
 10 entered under this Section shall also include a provision
 11 requiring the obligor and obligee parents to advise each
 12 other of a change in residence within 5 days of the change
 13 except when the court finds that the physical, mental, or
 14 emotional health of a party or that of a minor child, or
 15 both, would be seriously endangered by disclosure of the
 16 party's address.

17 A one-time charge of 20% is imposable upon the amount of
 18 past-due child support owed on July 1, 1988, which has
 19 accrued under a support order entered by the Illinois
 20 Department of Public Aid under this Section. The charge
 21 shall be imposed in accordance with the provisions of Section
 22 10-21 and shall be enforced by the court in a suit filed
 23 under Section 10-15.

24 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
 25 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff.
 26 7-20-99.)

27 (305 ILCS 5/10-11.1) (from Ch. 23, par. 10-11.1)
 28 Sec. 10-11.1. Unemployed responsible relatives.

29 (a) Whenever it is determined in a proceeding under
 30 Sections 10-6, 10-7, 10-11 or 10-17.1 that the responsible
 31 relative is unemployed, and support is sought on behalf of
 32 applicants for or recipients of financial aid under Article
 33 IV of this Code or other persons who are given access to the

1 child and spouse support services of this Article as provided
 2 in Section 10-1, the administrative enforcement unit may
 3 order the responsible relative to report to the Illinois
 4 Department for participation in job search, training or work
 5 programs established under Sections Section 9-6 through
 6 9-6.0050 and Article IXA of this Code or to the Illinois
 7 Department of Employment Security for job search services or
 8 to make application with the local Job Training Partnership
 9 Act provider for participation in job search, training or
 10 work programs.

11 (b) Whenever it is determined that a responsible
 12 relative owes past-due support for a child under an
 13 administrative support order entered under subsection (b) of
 14 Section 10-7 or under Section 10-11 or 10-17.1 and the child
 15 is receiving assistance under this Code, the administrative
 16 enforcement unit shall order the following:

17 (1) that the responsible relative pay the past-due
 18 support in accordance with a plan approved by the
 19 administrative enforcement unit; or

20 (2) if the responsible relative owing past-due
 21 support is unemployed, is subject to such a plan, and is
 22 not incapacitated, that the responsible relative
 23 participate in job search, training, or work programs
 24 established under Sections Section 9-6 through 9-6.0050
 25 and Article IXA of this Code.

26 (Source: P.A. 92-16, eff. 6-28-01.)

27 (305 ILCS 5/10-11.2)

28 Sec. 10-11.2. Administrative support order information
 29 for State Case Registry.

30 (a) In this Section, "business day" is defined as set
 31 forth in the Income Withholding for Support Act.

32 (b) Each administrative support order entered or
 33 modified under Section 10-8.1 or Section 10-11 shall require

1 the following:

2 (1) That the non-custodial parent file with the
3 Illinois Department of Public Aid the information
4 required by subsection (c) of this Section (and any other
5 information required under Title IV, Part D of the Social
6 Security Act or by the federal Department of Health and
7 Human Services) within 5 business days after entry or
8 modification of the administrative support order, and
9 that the parent file updated information with the
10 Illinois Department within 5 business days of any change.

11 (2) That the custodial parent file with the
12 Illinois Department of Public Aid the information
13 required by subsection (d) of this Section (and any other
14 information required under Title IV, Part D of the Social
15 Security Act or by the federal Department of Health and
16 Human Services) within 5 business days after entry or
17 modification of the administrative support order (unless
18 the custodial parent already filed the information during
19 the child support case intake process), and that the
20 parent file updated information with the Illinois
21 Department within 5 business days of any change.

22 (c) The non-custodial parent shall file the following
23 information:

24 (1) The name and date of birth of the non-custodial
25 parent.

26 (2) The non-custodial parent's social security
27 number, driver's license number, and telephone number.

28 (3) The mailing address (and the residential
29 address, if different from the mailing address) of the
30 non-custodial parent.

31 (4) The name, address, and telephone number of the
32 non-custodial parent's employer or employers.

33 (d) The custodial parent shall file the following
34 information:

1 (1) The names and dates of birth of the custodial
2 parent and the child or children covered by the
3 administrative support order.

4 (2) The social security numbers of the custodial
5 parent and the child or children covered by the
6 administrative support order.

7 (3) The custodial parent's driver's license number
8 and telephone number.

9 (4) The custodial parent's mailing address (and
10 residential address, if different from the mailing
11 address).

12 (5) The name, address, and telephone number of the
13 custodial parent's employer or employers.

14 (e) The information filed with the ~~Illinois~~ Department
15 of Public Aid under this Section shall be included in the
16 State Case Registry established under Section 10-27 of this
17 Code.

18 (f) Information filed by the non-custodial parent and
19 custodial parent under this Section that is not specifically
20 required to be included in the body of an administrative
21 support order under other laws or under rules of the ~~Illinois~~
22 Department of Public Aid shall be treated as confidential and
23 subject to disclosure only in accordance with the provisions
24 of this Section, Section 10-27 of this Code, and Title IV,
25 Part D of the Social Security Act.

26 (Source: P.A. 91-212, eff. 7-20-99; 92-463, eff. 8-22-01.)

27 (305 ILCS 5/10-12) (from Ch. 23, par. 10-12)

28 Sec. 10-12. Petition by responsible relative for release
29 from or modification of administrative support order or
30 administrative determination of paternity.

31 (a) Any responsible relative aggrieved by an
32 administrative order entered under Section 10-11 or 10-11.1
33 or an administrative determination of paternity entered under

1 Section 10-17.7 who has been duly notified of such order or
2 determination may, within 30 days from the date of mailing of
3 such order or determination, petition the Illinois Department
4 of Public Aid for a release from or modification of the order
5 or determination. The day immediately subsequent to the
6 mailing of the order or determination shall be considered as
7 the first day, and the day such petition is received by the
8 Illinois Department of Public Aid shall be considered as the
9 last day in computing the 30 day appeal period.

10 The Illinois Department of Public Aid shall, upon receipt
11 of a petition within the 30 day appeal period, provide for a
12 hearing to be held thereon.

13 (b) Notwithstanding the 30-day appeal period set forth in
14 subsection (a), a man against whom a default administrative
15 determination of paternity has been entered may have the
16 determination vacated if, within 30 days after being served
17 with the determination, he appears in person at the office
18 to which he was given notice to appear for an interview and
19 files a written request for relief from the determination.
20 The Illinois Department of Public Aid shall then proceed with
21 the establishment of paternity. A man may obtain relief
22 under this subsection from an administrative determination
23 of paternity only once in any proceeding to establish
24 paternity.

25 (Source: P.A. 90-790, eff. 8-14-98.)

26 (305 ILCS 5/10-12.1)

27 Sec. 10-12.1. Petition by person receiving child and
28 spouse support services for release from or modification of
29 administrative support order or administrative determination
30 of paternity. Any person receiving child and spouse support
31 services under this Article who is aggrieved by an
32 administrative order entered under Section 10-11 or 10-11.1
33 or an administrative determination of paternity entered

1 under Section 10-17.7 who has been duly notified of the
 2 order or determination may, within 30 days after the date of
 3 mailing of the order or determination, petition the ~~Illinois~~
 4 Department of Public Aid for release from or modification of
 5 the order or determination. The day immediately subsequent
 6 to the mailing of the order or determination shall be
 7 considered as the first day and the day the petition is
 8 received by the ~~Illinois~~ Department of Public Aid shall be
 9 considered as the last day in computing the 30-day appeal
 10 period. Upon receiving a petition within the 30-day appeal
 11 period, the ~~Illinois~~ Department of Public Aid shall provide
 12 for a hearing to be held on the petition.

13 (Source: P.A. 90-790, eff. 8-14-98.)

14 (305 ILCS 5/10-13) (from Ch. 23, par. 10-13)

15 Sec. 10-13. Hearing on petition. The ~~Illinois~~ Department
 16 of Public Aid, or any officer or employee thereof designated
 17 in writing by the ~~Illinois~~ Department, shall conduct hearings
 18 and investigations in connection with petitions filed
 19 pursuant to Section 10-12 or Section 10-12.1. Responsible
 20 relatives and persons receiving child and spouse support
 21 services under this Article shall be entitled to appear in
 22 person, to be represented by counsel at the hearing and to
 23 present all relevant matter in support of their petitions.
 24 The provisions of Sections 10-13.1 through 10-13.10 shall
 25 govern the hearing.

26 The hearing shall be de novo and the Department of Public
 27 Aid's ~~Illinois--Department's~~ determination of liability or
 28 non-liability shall be independent of the determination of
 29 the administrative enforcement unit.

30 (Source: P.A. 90-790, eff. 8-14-98.)

31 (305 ILCS 5/10-13.1) (from Ch. 23, par. 10-13.1)

32 Sec. 10-13.1. Examination of records. The ~~Illinois~~

1 Department of Public Aid, or any properly designated officer
2 or employee thereof, may examine any books, papers, records
3 or memoranda bearing upon the determination of ability to
4 support and the order for support and upon any matter
5 pertinent to the relative's petition and may compel the
6 attendance and testimony of any person or persons, including
7 the petitioning responsible relative, having knowledge of
8 matters germane to the determination order, or the petition.
9 (Source: Laws 1967, p. 122.)

10 (305 ILCS 5/10-13.2) (from Ch. 23, par. 10-13.2)

11 Sec. 10-13.2. Hearings not subject to technical rules of
12 evidence or procedure. In the conduct of any hearing or
13 investigation, neither the ~~Illinois~~ Department of Public Aid
14 nor a person duly authorized to conduct such hearing or
15 investigation, shall be bound by the technical rules of
16 evidence, common law or statutory, or by technical or formal
17 rules of procedure, but shall conduct the hearing or make the
18 investigation in such manner as seems best calculated to
19 conform to substantial justice and the spirit of this Code.
20 No informality in any proceedings, or in the manner of taking
21 testimony, shall invalidate any order or decision made by the
22 ~~Illinois~~ Department of Public Aid pursuant to such hearing or
23 investigation.

24 (Source: Laws 1967, p. 122.)

25 (305 ILCS 5/10-13.3) (from Ch. 23, par. 10-13.3)

26 Sec. 10-13.3. Authority to administer oaths. The
27 ~~Illinois~~ Department of Public Aid, or any person duly
28 authorized to conduct such hearing or investigation, shall
29 have power to administer oaths. Every person who, having
30 taken an oath or made affirmation before the ~~Illinois~~
31 Department of Public Aid, or any duly authorized officer or
32 employee thereof, shall wilfully swear or affirm falsely,

1 shall be guilty of perjury, and upon conviction shall be
2 punished accordingly.

3 (Source: Laws 1967, p. 122.)

4 (305 ILCS 5/10-13.4) (from Ch. 23, par. 10-13.4)

5 Sec. 10-13.4. Proof of records.† The books, papers,
6 records and memoranda of the ~~Illinois~~ Department of Public
7 Aid or of the administrative enforcement unit, or parts
8 thereof, may be proved in any hearing, investigation, or
9 legal proceeding by a photostatic or other copy thereof under
10 the certificate of the Director of Public Aid ~~the--Illinois~~
11 ~~Department~~. Such certified copy shall, without further
12 proof, be admitted into evidence in the hearing before the
13 ~~Illinois~~ Department of Public Aid or in any other legal
14 proceeding.

15 (Source: P.A. 79-474.)

16 (305 ILCS 5/10-13.5) (from Ch. 23, par. 10-13.5)

17 Sec. 10-13.5. Proof of necessitous circumstances. Proof
18 in any hearing before the ~~Illinois~~ Department of Public Aid
19 that a person is an applicant for or recipient of assistance
20 shall be prima facie proof that he is a "person who is in
21 necessitous circumstances by reason of infirmity,
22 unemployment, or other cause depriving him of the means of a
23 livelihood compatible with health and well-being", within the
24 meaning of this Code.

25 (Source: Laws 1967, p. 122.)

26 (305 ILCS 5/10-13.6) (from Ch. 23, par. 10-13.6)

27 Sec. 10-13.6. Subpoenas.

28 (a) The ~~Illinois~~ Department of Public Aid, or any
29 officer or employee thereof designated in writing by the
30 ~~Illinois~~ Department, shall at its or his own instance, or on
31 the written request of any other party to the proceeding,

1 issue subpoenas requiring the attendance of and the giving of
2 testimony by witnesses, and subpoenas duces tecum requiring
3 the production of books, papers, records or memoranda. The
4 subpoenas and subpoenas duces tecum may be served by any
5 person of full age. Any subpoena may be served in the same
6 manner as a subpoena issued out of a circuit court, and may
7 also be served by United States registered or certified mail,
8 addressed to the person concerned at his last known address,
9 and proof of such mailing shall be sufficient for the
10 purposes of the Article.

11 (b) Subpoenas duces tecum issued in other states shall be
12 afforded full faith and credit in this State. Every such
13 subpoena shall have the full force, effect, and attributes
14 of a subpoena issued in this State, including the ability to
15 be enforced.

16 (Source: P.A. 90-790, eff. 8-14-98.)

17 (305 ILCS 5/10-13.7) (from Ch. 23, par. 10-13.7)

18 Sec. 10-13.7. Witness fees. The fees of witnesses for
19 attendance and travel shall be the same as the fees of
20 witnesses before the Circuit Court of this State; such fees
21 to be paid when the witness is excused from further
22 attendance. When the witness is subpoenaed at the instance of
23 the Illinois Department of Public Aid or any employee
24 thereof, the fees shall be paid in the same manner as other
25 expenses of the Illinois Department of Public Aid. If the
26 witness is subpoenaed at the instance of any other party to
27 the proceeding, the Illinois Department of Public Aid may
28 require that the cost of service of the subpoena or subpoena
29 duces tecum and the fee of the witness be borne by the party
30 at whose instance the witness is summoned. In such case, the
31 Illinois Department of Public Aid may require a deposit to
32 cover the cost of such service and witness fees.

33 (Source: Laws 1967, p. 122.)

1 (305 ILCS 5/10-13.8) (from Ch. 23, par. 10-13.8)

2 Sec. 10-13.8. Compelling attendance of witness and
3 production of records. The circuit court, of the county
4 wherein the investigation or administrative hearing is held,
5 upon the application of the ~~Illinois~~ Department of Public Aid
6 or any duly authorized officer or employee thereof, or upon
7 the application of any other party to the proceeding, may, in
8 its discretion, compel the attendance of witnesses, the
9 production of books, papers, records or memorandum and the
10 giving of testimony before the ~~Illinois~~ Department of Public
11 Aid or any duly authorized officer or employee thereof
12 conducting an investigation or holding a hearing authorized
13 by this Act, by an attachment for contempt, or otherwise, in
14 the same manner as production of evidence may be compelled
15 before the court.

16 (Source: P.A. 83-334.)

17 (305 ILCS 5/10-13.9) (from Ch. 23, par. 10-13.9)

18 Sec. 10-13.9. Penalty for non-compliance with subpoena.
19 Any person who is served with a subpoena or subpoena duces
20 tecum, issued by the ~~Illinois~~ Department of Public Aid or any
21 duly authorized officer or employee thereof, to appear and
22 testify or to produce books and papers, in the course of an
23 investigation or hearing authorized by law, and who refuses
24 or neglects to appear, or to testify, or to produce books and
25 papers relevant to such investigation or hearing, as
26 commanded in such subpoena, shall, be guilty of a Class B
27 misdemeanor.

28 (Source: P.A. 77-2344.)

29 (305 ILCS 5/10-13.10) (from Ch. 23, par. 10-13.10)

30 Sec. 10-13.10. Depositions. The ~~Illinois~~ Department of
31 Public Aid or any duly authorized officer or employee
32 thereof, or any other party in an investigation or hearing

1 before the Illinois Department, may cause the depositions of
2 witnesses within or without the State to be taken in the
3 manner prescribed by law for like depositions in civil
4 actions in courts of this State, and to that end compel the
5 attendance of witnesses and the production of books, papers,
6 records or memoranda.

7 (Source: Laws 1967, p. 122.)

8 (305 ILCS 5/10-14) (from Ch. 23, par. 10-14)

9 Sec. 10-14. Review of Illinois Department of Public Aid
10 decision on petition for hearing. Any responsible relative or
11 person receiving child and spouse support services under this
12 Article affected by a final administrative decision of the
13 Illinois Department of Public Aid in a hearing, conducted
14 pursuant to Sections 10-13 through 10-13.10 in which such
15 relative or person receiving services was a party, may have
16 the decision reviewed only under and in accordance with the
17 Administrative Review Law, as amended. The provisions of the
18 Administrative Review Law, and the rules adopted pursuant
19 thereto, shall apply to and govern all proceedings for the
20 judicial review of such final administrative decisions of the
21 Illinois Department of Public Aid. The term "administrative
22 decision" is defined as in Section 3-101 of the Code of Civil
23 Procedure.

24 Appeals from all final orders and judgments entered by a
25 court upon review of the Department of Public Aid's Illinois
26 Department's order in any case may be taken by either party
27 to the proceeding and shall be governed by the rules
28 applicable to appeals in civil cases.

29 The remedy herein provided for appeal shall be exclusive,
30 and no court shall have jurisdiction to review the subject
31 matter of any order made by the Illinois Department of Public
32 Aid except as herein provided.

33 (Source: P.A. 90-790, eff. 8-14-98.)

1 (305 ILCS 5/10-14.1)

2 Sec. 10-14.1. Relief from administrative orders.

3 Notwithstanding the 30-day appeal period provided in Sections
4 10-12 and 10-12.1 and the limitation on review of final
5 administrative decisions contained in Section 10-14, a
6 responsible relative or a person receiving child and spouse
7 support services under this Article who is aggrieved by an
8 administrative order entered under Section 10-11 or 10-11.1
9 or an administrative determination of paternity entered under
10 Section 10-17.7 and who did not petition within the 30-day
11 appeal period may petition the Illinois Department of Public
12 Aid for relief from the administrative order or determination
13 on the same grounds as are provided for relief from judgments
14 under Section 2-1401 of the Code of Civil Procedure. The
15 petition must be filed not later than 2 years after the entry
16 of the order or determination by the Illinois Department of
17 Public Aid. The day immediately subsequent to the mailing of
18 the order or determination shall be considered as the first
19 day and the day the petition is received by the Illinois
20 Department of Public Aid shall be considered as the last day
21 in computing the 2-year period. Any period during which the
22 person seeking relief is under a legal disability or duress
23 or during which the grounds for relief are fraudulently
24 concealed shall be excluded in computing the period of 2
25 years.

26 Upon receiving a petition within the 2-year period, the
27 Illinois Department of Public Aid shall provide for a hearing
28 to be held on the petition.

29 (Source: P.A. 90-790, eff. 8-14-98.)

30 (305 ILCS 5/10-15) (from Ch. 23, par. 10-15)

31 Sec. 10-15. Enforcement of administrative order; costs
32 and fees. If a responsible relative refuses, neglects, or
33 fails to comply with a final administrative support or

1 reimbursement order of the Illinois Department of Public Aid
2 entered by the Child and Spouse Support Unit pursuant to
3 Sections 10-11 or 10-11.1 or registered pursuant to Section
4 10-17.1, the Child and Spouse Support Unit may file suit
5 against the responsible relative or relatives to secure
6 compliance with the administrative order.

7 Suits shall be instituted in the name of the People of
8 the State of Illinois on the relation of the Department of
9 Public Aid of the State of Illinois and the spouse or
10 dependent children for whom the support order has been
11 issued.

12 The court shall order the payment of the support
13 obligation, or orders for reimbursement of moneys for support
14 provided, directly to the Illinois Department but the order
15 shall permit the Illinois Department to direct the
16 responsible relative or relatives to make payments of support
17 directly to the spouse or dependent children, or to some
18 person or agency in his or their behalf, as provided in
19 Section 10-8 or Sections 10-10 through 10-10.080, as
20 applicable.

21 Whenever it is determined in a proceeding to enforce an
22 administrative order that the responsible relative is
23 unemployed, and support is sought on behalf of applicants for
24 or recipients of financial aid under Article IV of this Code
25 or other persons who are given access to the child and spouse
26 support services of this Article as provided in Section 10-1,
27 the court may order the responsible relative to seek
28 employment and report periodically to the court with a diary,
29 listing or other memorandum of his or her efforts in
30 accordance with such order. In addition, the court may order
31 the unemployed responsible relative to report to the Illinois
32 Department for participation in job search, training or work
33 programs established under Sections Section 9-6 through
34 9-6.0050 of this Code or to the Illinois Department of

1 Employment Security for job search services or to make
2 application with the local Job Training Partnership Act
3 provider for participation in job search, training or work
4 programs.

5 Charges imposed in accordance with the provisions of
6 Section 10-21 shall be enforced by the court in a suit filed
7 under this Section.

8 To the extent the provisions of this Section are
9 inconsistent with the requirements pertaining to the State
10 Disbursement Unit under Sections 10-10.4 and 10-26 of this
11 Code, the requirements pertaining to the State Disbursement
12 Unit shall apply.

13 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01.)

14 (305 ILCS 5/10-16) (from Ch. 23, par. 10-16)

15 Sec. 10-16. Judicial enforcement of court and
16 administrative support orders. Court orders entered in
17 proceedings under Sections ~~Section~~ 10-10 through 10-10.080
18 and court orders for enforcement of an administrative order
19 under Section 10-15 and for the payment of money may be
20 enforced by attachment as for contempt against the persons of
21 the defendants, and in addition, as other judgments for the
22 payment of money, and costs may be adjudged against the
23 defendants and apportioned among them; but if the complaint
24 is dismissed, costs shall be borne by the Illinois Department
25 or the local governmental unit, as the case may be. If a
26 responsible relative is directed by the Illinois Department,
27 or the local governmental unit, under the conditions stated
28 in Section 10-8, to make support payments directly to the
29 person, or to some person or agency in his behalf, the court
30 order entered against him under this Section or Sections
31 ~~Section~~ 10-10 through 10-10.080 may be enforced as herein
32 provided if he thereafter fails to furnish support in
33 accordance with its terms. The State of Illinois shall not

1 be required to make a deposit for or pay any costs or fees of
2 any court or officer thereof in any proceeding instituted
3 under this Section.

4 The provisions of the Civil Practice Law, and all
5 amendments and modifications thereof, shall apply to and
6 govern all actions instituted under this Section and Sections
7 Section 10-10 through 10-10.080. In such actions proof that a
8 person is an applicant for or recipient of public aid under
9 any Article of this Code shall be prima facie proof that he
10 is a person in necessitous circumstances by reason of
11 infirmity, unemployment or other cause depriving him of the
12 means of a livelihood compatible with health and well-being.

13 Payments under this Section to the ~~Illinois~~ Department of of
14 Public Aid pursuant to the Child Support Enforcement Program
15 established by Title IV-D of the Social Security Act shall be
16 paid into the Child Support Enforcement Trust Fund. All
17 payments under this Section to the Illinois Department of
18 Human Services shall be deposited in the DHS Recoveries Trust
19 Fund. Disbursements from these funds shall be as provided in
20 Sections 12-9.1 and 12-10.2 of this Code. Payments received
21 by a local governmental unit shall be deposited in that
22 unit's General Assistance Fund.

23 In addition to the penalties or punishment that may be
24 imposed under this Section, any person whose conduct
25 constitutes a violation of Section 15 of the Non-Support
26 Punishment Act may be prosecuted under that Act, and a person
27 convicted under that Act may be sentenced in accordance with
28 that Act. The sentence may include but need not be limited
29 to a requirement that the person perform community service
30 under Section 50 of that Act or participate in a work
31 alternative program under Section 50 of that Act. A person
32 may not be required to participate in a work alternative
33 program under Section 50 of that Act if the person is
34 currently participating in a work program pursuant to Section

1 10-11.1 of this Code.

2 To the extent the provisions of this Section are
3 inconsistent with the requirements pertaining to the State
4 Disbursement Unit under Sections 10-10.4 and 10-26 of this
5 Code, the requirements pertaining to the State Disbursement
6 Unit shall apply.

7 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
8 92-16, eff. 6-28-01.)

9 (305 ILCS 5/10-16.4)

10 Sec. 10-16.4. Information concerning obligors.

11 (a) In this Section:

12 ~~"Arrearage", "delinquency", "obligor", and "order for~~
13 ~~support" have the meanings attributed to those terms in the~~
14 ~~Income-Withholding-for-Support-Act.~~

15 "Consumer reporting agency" has the meaning attributed to
16 that term in Section 603(f) of the Fair Credit Reporting Act,
17 15 U.S.C. 1681a(f).

18 (b) Whenever a court of competent jurisdiction finds
19 that an obligor either owes an arrearage of more than \$10,000
20 or is delinquent in payment of an amount equal to at least 3
21 months' support obligation pursuant to an order for support,
22 the court shall direct the clerk of the court to make
23 information concerning the obligor available to consumer
24 reporting agencies.

25 (c) Whenever a court of competent jurisdiction finds
26 that an obligor either owes an arrearage of more than \$10,000
27 or is delinquent in payment of an amount equal to at least 3
28 months' support obligation pursuant to an order for support,
29 the court shall direct the clerk of the court to cause the
30 obligor's name and address to be published in a newspaper of
31 general circulation in the area in which the obligor resides.
32 The clerk shall cause the obligor's name and address to be
33 published only after sending to the obligor at the obligor's

1 last known address, by certified mail, return receipt
 2 requested, a notice of intent to publish the information.
 3 This subsection (c) applies only if the obligor resides in
 4 the county in which the clerk of the court holds office.
 5 (Source: P.A. 90-466, eff. 1-1-98; 90-673, eff. 1-1-99.)

6 (305 ILCS 5/10-16.6)

7 Sec. 10-16.6. Electronic Funds Transfer Committee.

8 (a) The Director of Public Aid shall establish within
 9 the Department of Public Aid an Electronic Funds Transfer
 10 Committee. The Director or his or her designee shall be a
 11 member of the committee and shall serve as chairperson of the
 12 committee. The Director shall appoint 4 other members of the
 13 committee, 2 of whom shall represent employers in this State
 14 and 2 of whom shall represent the banking industry in this
 15 State. The administrator of the State Disbursement Unit
 16 established under Section 10-26 shall be an ex officio member
 17 of the committee.

18 (b) The committee shall study ways to modify or expand
 19 the use of electronic funds transfers for the payment of
 20 child support. The committee shall report its findings and
 21 recommendations to the Governor and the General Assembly
 22 before December 1, 2001.

23 (c) The committee is abolished on December 1, 2001.

24 (Source: P.A. 91-677, eff. 1-5-00.)

25 (305 ILCS 5/10-17.1) (from Ch. 23, par. 10-17.1)

26 Sec. 10-17.1. Administrative order by registration. The
 27 ~~Illinois~~ Department of Public Aid may provide by rule for the
 28 administrative registration of a support order entered by a
 29 court or administrative body of another state. The purpose of
 30 registration shall be to enforce or modify the order in
 31 accordance with the provisions of the Uniform Interstate
 32 Family Support Act. Upon registration, such support order

1 shall become an administrative order of the Child and Spouse
2 Support Unit by operation of law. The rule shall provide for
3 notice to and an opportunity to be heard by the responsible
4 relative and custodial parent affected, and any final
5 administrative decision rendered by the Department of Public
6 Aid shall be reviewed only under and in accordance with the
7 Administrative Review Law.

8 Any new or existing support order registered by the
9 Illinois Department of Public Aid under this Section shall be
10 deemed to be a series of judgments against the person
11 obligated to pay support thereunder, each such judgment to be
12 in the amount of each payment or installment of support and
13 each such judgment to be deemed entered as of the date the
14 corresponding payment or installment becomes due under the
15 terms of the support order. Each such judgment shall be
16 enforceable in the same manner as any other judgment in this
17 State. A lien arises by operation of law against the real and
18 personal property of the noncustodial parent for each
19 installment of overdue support owed by the noncustodial
20 parent.

21 A one-time charge of 20% is imposable upon the amount of
22 past-due child support owed on July 1, 1988, which has
23 accrued under a support order registered by the Illinois
24 Department of Public Aid under this Section. The charge
25 shall be imposed in accordance with the provisions of Section
26 10-21 and shall be enforced by the court in a suit filed
27 under Section 10-15.

28 (Source: P.A. 90-18, eff. 7-1-97; 90-790, eff. 8-14-98.)

29 (305 ILCS 5/10-17.2) (from Ch. 23, par. 10-17.2)

30 Sec. 10-17.2. Income withholding by administrative
31 order. The Illinois Department of Public Aid may provide by
32 rule for entry of an administrative support order containing
33 income withholding provisions and for service and enforcement

1 of an income withholding notice, by the Child and Spouse
2 Support Unit based upon and in the same manner as prescribed
3 by the Income Withholding for Support Act. The penalties
4 provided in the Income Withholding for Support Act shall
5 apply hereto and shall be enforced by filing an action under
6 that Act. The rule shall provide for notice to and an
7 opportunity to be heard by the responsible relative affected
8 and any final administrative decision rendered by the
9 Department of Public Aid shall be reviewed only under and in
10 accordance with the Administrative Review Law.

11 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99.)

12 (305 ILCS 5/10-17.3) (from Ch. 23, par. 10-17.3)

13 Sec. 10-17.3. Federal income tax refund intercept. The
14 Illinois Department of Public Aid may provide by rule for
15 certification to the Department of Health and Human Services
16 of past due support owed by responsible relatives under a
17 support order entered by a court or administrative body of
18 this or any other State on behalf of resident or non-resident
19 persons. The purpose of certification shall be to intercept
20 Federal Income Tax refunds due such relatives in order to
21 satisfy such past due support in whole or in part. The rule
22 shall provide for notice to and an opportunity to be heard by
23 the responsible relative affected and any final
24 administrative decision rendered by the Department of Public
25 Aid shall be reviewed only under and in accordance with the
26 Administrative Review Law.

27 Certification shall be accomplished in accordance with
28 Title IV, Part D of the federal Social Security Act and rules
29 and regulations promulgated thereunder.

30 (Source: P.A. 84-758.)

31 (305 ILCS 5/10-17.4) (from Ch. 23, par. 10-17.4)

32 Sec. 10-17.4. Security, bond or guarantee to secure

1 payment. The Illinois Department of Public Aid may provide
 2 by rule for the requiring of, or for the requesting of the
 3 court to require, a responsible relative to post security,
 4 bond or give some other guarantee of a character and amount
 5 sufficient to assure payment of any amount due under a
 6 support order entered by a court or administrative body of
 7 this or any other State on behalf of resident or non-resident
 8 persons. The rule shall provide for notice to and an
 9 opportunity to be heard by each responsible relative affected
 10 and any final administrative decision rendered by the
 11 Department of Public Aid shall be reviewed only under and in
 12 accordance with the Administrative Review Law.

13 (Source: P.A. 84-758.)

14 (305 ILCS 5/10-17.5) (from Ch. 23, par. 10-17.5)

15 Sec. 10-17.5. State income tax refund and other payment
 16 intercept. The Illinois Department of Public Aid may provide
 17 by rule for certification to the Comptroller of past due
 18 support owed by responsible relatives under a support order
 19 entered by a court or administrative body of this or any
 20 other State on behalf of resident or non-resident persons.
 21 The purpose of certification shall be to intercept state
 22 income tax refunds and other payments due such relatives in
 23 order to satisfy such past due support, in whole or in part,
 24 whether or not such support is owed to the State. The rule
 25 shall provide for notice to and an opportunity to be heard by
 26 the responsible relative and any joint payee affected and any
 27 final administrative decision rendered by the Department of
 28 Public Aid shall be reviewed only under and in accordance
 29 with the Administrative Review Law.

30 In any case where a State income tax refund is
 31 intercepted wrongfully or erroneously, the Department of
 32 Public Aid shall pay to such relative and any joint payee
 33 affected the amount of the refund plus interest, if any, on

1 such amount at the rate of 9% per annum (or at such adjusted
2 rate as is established under Section 6621(b) of the Internal
3 Revenue Code). Interest shall be calculated from the date
4 the Department of Public Aid receives the refund or from 60
5 days following the date the Department receives a request to
6 be heard, whichever is later, until the date of payment to
7 such relative and joint payee.

8 (Source: P.A. 85-1440.)

9 (305 ILCS 5/10-17.6) (from Ch. 23, par. 10-17.6)

10 Sec. 10-17.6. Past due support information to licensing
11 agencies. The ~~Illinois~~ Department of Public Aid may provide
12 by rule for certification to any State licensing agency of
13 past due support owed by responsible relatives under a
14 support order entered by a court or administrative body of
15 this or any other State on behalf of resident or non-resident
16 persons. The rule shall provide for notice to and an
17 opportunity to be heard by each responsible relative affected
18 and any final administrative decision rendered by the
19 Department of Public Aid shall be reviewed only under and in
20 accordance with the Administrative Review Law.

21 (Source: P.A. 87-412.)

22 (305 ILCS 5/10-17.7)

23 Sec. 10-17.7. Administrative determination of paternity.
24 The ~~Illinois~~ Department of Public Aid may provide by rule for
25 the administrative determination of paternity by the Child
26 and Spouse Support Unit in cases involving applicants for or
27 recipients of financial aid under Article IV of this Act and
28 other persons who are given access to the child and spouse
29 support services of this Article as provided in Section 10-1,
30 including persons similarly situated and receiving similar
31 services in other states. The rules shall extend to cases in
32 which the mother and alleged father voluntarily acknowledge

1 paternity in the form required by the Illinois Department of
2 Public Aid or agree to be bound by the results of genetic
3 testing or in which the alleged father has failed to respond
4 to a notification of support obligation issued under Section
5 10-4 and to cases of contested paternity. Any presumption
6 provided for under the Illinois Parentage Act of 1984 shall
7 apply to cases in which paternity is determined under the
8 rules of the Illinois Department of Public Aid. The rules
9 shall provide for notice and an opportunity to be heard by
10 the responsible relative and the person receiving child and
11 spouse support services under this Article if paternity is
12 not voluntarily acknowledged, and any final administrative
13 decision rendered by the Illinois Department of Public Aid
14 shall be reviewed only under and in accordance with the
15 Administrative Review Law.

16 Determinations of paternity made by the Illinois
17 Department of Public Aid under the rules authorized by this
18 Section shall have the full force and effect of a court
19 judgment of paternity entered under the Illinois Parentage
20 Act of 1984.

21 In determining paternity in contested cases, the Illinois
22 Department of Public Aid shall conduct the evidentiary
23 hearing in accordance with Section 11 of the Parentage Act of
24 1984, except that references in that Section to "the court"
25 shall be deemed to mean the Illinois Department's hearing
26 officer in cases in which paternity is determined
27 administratively by the Illinois Department.

28 Notwithstanding any other provision of this Article, a
29 default determination of paternity may be made if service of
30 the notice under Section 10-4 was made by publication under
31 the rules for administrative paternity determination
32 authorized by this Section. The rules as they pertain to
33 service by publication shall (i) be based on the provisions
34 of Section 2-206 and 2-207 of the Code of Civil Procedure,

1 (ii) provide for service by publication in cases in which the
 2 whereabouts of the alleged father are unknown after diligent
 3 location efforts by the Child and Spouse Support Unit, and
 4 (iii) provide for publication of a notice of default
 5 paternity determination in the same manner that the notice
 6 under Section 10-4 was published.

7 The ~~Illinois~~ Department of Public Aid may implement this
 8 Section through the use of emergency rules in accordance with
 9 Section 5-45 of the Illinois Administrative Procedure Act.
 10 For purposes of the Illinois Administrative Procedure Act,
 11 the adoption of rules to implement this Section shall be
 12 considered an emergency and necessary for the public
 13 interest, safety, and welfare.

14 (Source: P.A. 89-6, eff. 3-6-95; 89-641, eff. 8-9-96; 90-790,
 15 eff. 8-14-98.)

16 (305 ILCS 5/10-17.8)

17 Sec. 10-17.8. New birth certificate. The ~~Illinois~~
 18 Department of Public Aid shall notify the Department of
 19 Public Health of a final determination of parentage and a
 20 voluntary acknowledgment of paternity made under the rules
 21 authorized by Section 10-17.7, and the Department of Public
 22 Health shall issue a new certificate of birth pursuant to
 23 Section 17 of the Vital Records Act.

24 (Source: P.A. 89-6, eff. 3-6-95; 89-641, eff. 8-9-96.)

25 (305 ILCS 5/10-17.9)

26 Sec. 10-17.9. Past due support information to State
 27 Department of Revenue.

28 (a) The ~~Illinois~~ Department of Public Aid may provide by
 29 rule for certification to the Illinois Department of Revenue
 30 of past due support owed by responsible relatives under a
 31 support order entered by a court or administrative body of
 32 this or any other State on behalf of resident or non-resident

1 persons. The rule shall provide for notice to and an
2 opportunity to be heard by each responsible relative
3 affected. Any final administrative decision rendered by the
4 Department of Public Aid shall be reviewed only under and in
5 accordance with the Administrative Review Law. A responsible
6 relative may avoid certification to the Illinois Department
7 of Revenue by establishing a satisfactory repayment record as
8 determined by the ~~Illinois~~ Department of Public Aid.

9 (b) A certified past due support amount shall be final.
10 The certified amount shall be payable to the Illinois
11 Department of Revenue upon written notification of the
12 certification to the responsible relative by the Illinois
13 Department of Revenue.

14 (c) In the event a responsible relative overpays
15 pursuant to collection under this Section and the applicable
16 Sections of the Illinois Income Tax Act, the overpayment
17 shall be a credit against future support obligations. If the
18 current support obligation of the responsible relative has
19 terminated under operation of law or court order, any moneys
20 overpaid but still in the possession of the Department of
21 Revenue shall be promptly returned to the responsible
22 relative.

23 (d) Except as otherwise provided in this Article, any
24 child support delinquency certified to the Illinois
25 Department of Revenue shall be treated as a child support
26 delinquency for all other purposes, and any collection action
27 by the State's Attorney or the Illinois Department of Revenue
28 with respect to any delinquency certified under this Article
29 shall have the same priority against attachment, execution,
30 assignment, or other collection action as is provided by any
31 other provision of State law.

32 (e) Any child support delinquency collected by the
33 Illinois Department of Revenue, including those amounts that
34 result in overpayment of a child support delinquency, shall

1 be paid to the State Disbursement Unit established under
2 Section 10-26.

3 (Source: P.A. 91-212, eff. 7-20-99.)

4 (305 ILCS 5/10-17.11)

5 Sec. 10-17.11. Requests to other states for
6 administrative enforcement. The ~~Illinois~~ Department of Public
7 Aid may provide by rule for certification to other states'
8 child support enforcement agencies of past due support owed
9 by responsible relatives under a support order entered by a
10 court or administrative body of this or any other state on
11 behalf of resident or non-resident persons. The purpose of
12 certification shall be to request the other states'
13 assistance in administrative enforcement of the support
14 orders. The rule shall provide for notice to and an
15 opportunity to be heard by the responsible relative affected
16 and any final administrative decision rendered by the
17 ~~Illinois~~ Department of Public Aid shall be reviewed only
18 under and in accordance with the Administrative Review Law.

19 (Source: P.A. 90-18, eff. 7-1-97.)

20 (305 ILCS 5/10-18) (from Ch. 23, par. 10-18)

21 Sec. 10-18. Recoveries; deductibility of direct
22 relatives' support payment. In any actions for the recovery
23 of the financial aid, including actions for the enforcement
24 of estate and lien claims, amounts contributed by responsible
25 relatives either voluntarily or by court or administrative
26 order and paid to the Illinois Department or to a local
27 governmental unit shall be deducted from the claim of the
28 State or the governmental unit.

29 (Source: P.A. 79-474.)

30 (305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

31 Sec. 10-19. Support payments ordered under other laws;

1 where deposited. The Illinois Department and local
2 governmental units are authorized to receive payments
3 directed by court order for the support of recipients, as
4 provided in the following Acts:

5 1. "Non-Support of Spouse and Children Act",
6 approved June 24, 1915, as amended,

7 1.5. The Non-Support Punishment Act,

8 2. "Illinois Marriage and Dissolution of Marriage
9 Act", as now or hereafter amended,

10 3. The Illinois Parentage Act, as amended,

11 4. "Revised Uniform Reciprocal Enforcement of
12 Support Act", approved August 28, 1969, as amended,

13 5. The Juvenile Court Act or the Juvenile Court Act
14 of 1987, as amended,

15 6. The "Unified Code of Corrections", approved July
16 26, 1972, as amended,

17 7. Part 7 of Article XII of the Code of Civil
18 Procedure, as amended,

19 8. Part 8 of Article XII of the Code of Civil
20 Procedure, as amended, and

21 9. Other laws which may provide by judicial order
22 for direct payment of support moneys.

23 Payments under this Section to the ~~Illinois~~ Department of
24 Public Aid pursuant to the Child Support Enforcement Program
25 established by Title IV-D of the Social Security Act shall be
26 paid into the Child Support Enforcement Trust Fund. All
27 payments under this Section to the Illinois Department of
28 Human Services shall be deposited in the DHS Recoveries Trust
29 Fund. Disbursements from these funds shall be as provided in
30 Sections 12-9.1 and 12-10.2 of this Code. Payments received
31 by a local governmental unit shall be deposited in that
32 unit's General Assistance Fund.

33 To the extent the provisions of this Section are
34 inconsistent with the requirements pertaining to the State

1 Disbursement Unit under Sections 10-10.4 and 10-26 of this
2 Code, the requirements pertaining to the State Disbursement
3 Unit shall apply.

4 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
5 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

6 (305 ILCS 5/10-20) (from Ch. 23, par. 10-20)

7 (Section scheduled to be repealed on July 1, 2002)

8 Sec. 10-20. The ~~Illinois~~ Department of Public Aid may
9 provide by rule for the establishment of a child support
10 enforcement amnesty program for responsible relatives who owe
11 support under this Article, to the extent permitted by
12 federal law and regulation. The rule shall provide for the
13 suspending of specified enforcement actions, the duration of
14 the suspension period or periods, the action the responsible
15 relative must take to avoid future enforcement action, and
16 the announcement of the program.

17 This Section is repealed on July 1, 2002.

18 (Source: P.A. 92-84, eff. 7-1-02.)

19 (305 ILCS 5/10-21) (from Ch. 23, par. 10-21)

20 (Section scheduled to be repealed on July 1, 2002)

21 Sec. 10-21. The ~~Illinois~~ Department of Public Aid may
22 provide by rule for the imposition of a one-time charge of
23 20% of the amount of past-due child support owed on July 1,
24 1988, by responsible relatives of persons receiving support
25 services under this Article X, which has accrued under a
26 support order entered by a court or administrative body of
27 this or any other State, on behalf of resident or
28 non-resident persons. The rule shall provide for notice to,
29 and an opportunity to be heard by, the responsible relative
30 affected and any final administrative decision rendered by
31 the Department of Public Aid shall be reviewed only under and
32 in accordance with the Administrative Review Law. No action

1 to impose the charge shall be commenced after June 30, 1993.
2 Action under this Section shall be subject to the limitations
3 of Section 10-20 of this Code.

4 This Section is repealed on July 1, 2002.

5 (Source: P.A. 92-84, eff. 7-1-02.)

6 (305 ILCS 5/10-23)

7 Sec. 10-23. Employer obligations. If a parent is
8 required by a court or administrative order for support to
9 provide coverage for a child's health care expenses and if
10 that coverage is available to the parent through an employer
11 who does business in this State, the employer must do all of
12 the following upon receipt of a copy of the order of support
13 or order for withholding:

14 (1) The employer shall, upon the parent's request,
15 permit the parent to include in that coverage a child who
16 is otherwise eligible for that coverage, without regard
17 to any enrollment season restrictions that might
18 otherwise be applicable as to the time period within
19 which the child may be added to that coverage.

20 (2) If the parent has health care coverage through
21 the employer but fails to apply for coverage of the
22 child, the employer shall include the child in the
23 parent's coverage upon application by the child's other
24 parent or the Illinois Department of Public Aid.

25 (3) The employer may not eliminate any child from
26 the parent's health care coverage unless the employee is
27 no longer employed by the employer and no longer covered
28 under the employer's group health plan or unless the
29 employer is provided with satisfactory written evidence
30 of either of the following:

31 (A) The court or administrative order is no
32 longer in effect.

33 (B) The child is or will be included in a

1 comparable health care plan obtained by the parent
2 under such order that is currently in effect or will
3 take effect no later than the date the prior
4 coverage is terminated.

5 The employer may eliminate a child from a parent's
6 health care coverage if the employer has eliminated
7 dependent health care coverage for all of its employees.

8 (Source: P.A. 89-183, eff. 1-1-96.)

9 (305 ILCS 5/10-24.5)

10 Sec. 10-24.5. Financial institutions data matches.

11 (a) The ~~Illinois~~ Department of Public Aid may design and
12 implement a data match system pursuant to which the Illinois
13 Department shall enter into agreements with financial
14 institutions doing business in this State for the purpose of
15 identifying accounts as defined in Section 10-24 of
16 responsible relatives who owe past-due child support.

17 (b) Every agreement entered into with a financial
18 institution under this Section shall provide, at the option
19 of the financial institution, either (i) that the financial
20 institution shall compare data concerning account holders,
21 owners, or customers who maintain one or more accounts as
22 defined in Section 10-24 at the financial institution with
23 data concerning individuals identified by the ~~Illinois~~
24 Department of Public Aid as responsible relatives who owe
25 past-due child support and for each of whom the ~~Illinois~~
26 Department shall provide the name, record address, and social
27 security number or tax identification number, or (ii) that
28 the financial institution shall provide the social security
29 number or tax identification number of the account holders,
30 owners, or customers who maintain one or more accounts as
31 defined in Section 10-24 at the financial institution to the
32 ~~Illinois~~ Department of Public Aid, which shall compare that
33 data with data concerning individuals identified as

1 responsible relatives who owe past-due child support.

2 (c) Every agreement shall provide that the Illinois
3 Department of Public Aid shall pay to the financial
4 institution providing or comparing the data a reasonable fee
5 not to exceed the institution's actual cost of providing the
6 data or performing the comparison.

7 (d) If the financial institution or Illinois Department
8 of Public Aid determines that the name and either social
9 security number or tax identification number of an individual
10 identified by the Illinois Department under subsection (b)
11 match the name and either social security number or tax
12 identification number of the account holder, owner, or
13 customer who maintains one or more accounts as defined in
14 Section 10-24 at the financial institution, then the
15 financial institution shall report the individual's name and
16 either social security number or tax identification number to
17 the Illinois Department of Public Aid, for each calendar
18 quarter in which the individual is identified by the Illinois
19 Department as a responsible relative who owes past-due child
20 support.

21 (Source: P.A. 90-18, eff. 7-1-97.)

22 (305 ILCS 5/10-24.45)

23 Sec. 10-24.45. Confidentiality. All information
24 provided by a financial institution under Sections 10-24
25 through 10-24.50 is confidential and may be used only for the
26 purpose of enforcing payment of child support. The Illinois
27 Department of Public Aid shall adopt rules to safeguard any
28 confidential information received from a financial
29 institution.

30 (Source: P.A. 90-18, eff. 7-1-97.)

31 (305 ILCS 5/10-25)

32 Sec. 10-25. Administrative liens and levies on real

1 property for past-due child support.

2 (a) The State shall have a lien on all legal and
3 equitable interests of responsible relatives in their real
4 property in the amount of past-due child support owing
5 pursuant to an order for child support entered under Sections
6 10-10 through 10-10.080 and Section 10-11 of this Code, or
7 under the Illinois Marriage and Dissolution of Marriage Act,
8 the Non-Support of Spouse and Children Act, the Non-Support
9 Punishment Act, the Uniform Interstate Family Support Act, or
10 the Illinois Parentage Act of 1984.

11 (b) The ~~Illinois~~ Department of Public Aid shall provide
12 by rule for notice to and an opportunity to be heard by each
13 responsible relative affected, and any final administrative
14 decision rendered by the ~~Illinois~~ Department of Public Aid
15 shall be reviewed only under and in accordance with the
16 Administrative Review Law.

17 (c) When enforcing a lien under subsection (a) of this
18 Section, the ~~Illinois~~ Department of Public Aid shall have the
19 authority to execute notices of administrative liens and
20 levies, which shall contain the name and address of the
21 responsible relative, a legal description of the real
22 property to be levied, the fact that a lien is being claimed
23 for past-due child support, and such other information as the
24 ~~Illinois~~ Department may by rule prescribe. The ~~Illinois~~
25 Department shall record the notice of lien with the recorder
26 or registrar of titles of the county or counties in which the
27 real estate is located.

28 (d) The State's lien under subsection (a) shall be
29 enforceable upon the recording or filing of a notice of lien
30 with the recorder or registrar of titles of the county or
31 counties in which the real estate is located. The lien shall
32 be prior to any lien thereafter recorded or filed and shall
33 be notice to a subsequent purchaser, assignor, or
34 encumbrancer of the existence and nature of the lien. The

1 lien shall be inferior to the lien of general taxes, special
2 assessment, and special taxes heretofore or hereafter levied
3 by any political subdivision or municipal corporation of the
4 State.

5 In the event that title to the land to be affected by the
6 notice of lien is registered under the Registered Titles
7 (Torrens) Act, the notice shall be filed in the office of the
8 registrar of titles as a memorial or charge upon each folium
9 of the register of titles affected by the notice; but the
10 State shall not have a preference over the rights of any bona
11 fide purchaser, mortgagee, judgment creditor, or other lien
12 holders registered prior to the registration of the notice.

13 (e) The recorder or registrar of titles of each county
14 shall procure a file labeled "Child Support Lien Notices" and
15 an index book labeled "Child Support Lien Notices". When
16 notice of any lien is presented to the recorder or registrar
17 of titles for filing, the recorder or registrar of titles
18 shall file it in numerical order in the file and shall enter
19 it alphabetically in the index. The entry shall show the
20 name and last known address of the person named in the
21 notice, the serial number of the notice, the date and hour of
22 filing, and the amount of child support due at the time when
23 the lien is filed.

24 (f) The ~~Illinois~~ Department of Public Aid shall not be
25 required to furnish bond or make a deposit for or pay any
26 costs or fees of any court or officer thereof in any legal
27 proceeding involving the lien.

28 (g) To protect the lien of the State for past-due child
29 support, the ~~Illinois~~ Department of Public Aid may, from
30 funds that are available for that purpose, pay or provide for
31 the payment of necessary or essential repairs, purchase tax
32 certificates, pay balances due on land contracts, or pay or
33 cause to be satisfied any prior liens on the property to
34 which the lien hereunder applies.

1 (h) A lien on real property under this Section shall be
2 released pursuant to Section 12-101 of the Code of Civil
3 Procedure.

4 (i) The ~~Illinois~~ Department of Public Aid, acting in
5 behalf of the State, may foreclose the lien in a judicial
6 proceeding to the same extent and in the same manner as in
7 the enforcement of other liens. The process, practice, and
8 procedure for the foreclosure shall be the same as provided
9 in the Code of Civil Procedure.

10 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

11 (305 ILCS 5/10-25.5)

12 Sec. 10-25.5. Administrative liens and levies on
13 personal property for past-due child support.

14 (a) The State shall have a lien on all legal and
15 equitable interests of responsible relatives in their
16 personal property, including any account in a financial
17 institution as defined in Section 10-24, or in the case of an
18 insurance company or benefit association only in accounts as
19 defined in Section 10-24, in the amount of past-due child
20 support owing pursuant to an order for child support entered
21 under Sections 10-10 through 10-10.080 and Section 10-11 of
22 this Code, or under the Illinois Marriage and Dissolution of
23 Marriage Act, the Non-Support of Spouse and Children Act, the
24 Non-Support Punishment Act, the Uniform Interstate Family
25 Support Act, or the Illinois Parentage Act of 1984.

26 (b) The ~~Illinois~~ Department of Public Aid shall provide
27 by rule for notice to and an opportunity to be heard by each
28 responsible relative affected, and any final administrative
29 decision rendered by the Illinois Department shall be
30 reviewed only under and in accordance with the Administrative
31 Review Law.

32 (c) When enforcing a lien under subsection (a) of this
33 Section, the ~~Illinois~~ Department of Public Aid shall have the

1 authority to execute notices of administrative liens and
2 levies, which shall contain the name and address of the
3 responsible relative, a description of the property to be
4 levied, the fact that a lien is being claimed for past-due
5 child support, and such other information as the Illinois
6 Department may by rule prescribe. The Illinois Department
7 may serve the notice of lien or levy upon any financial
8 institution where the accounts as defined in Section 10-24 of
9 the responsible relative may be held, for encumbrance or
10 surrender of the accounts as defined in Section 10-24 by the
11 financial institution.

12 (d) The Illinois Department of Public Aid shall enforce
13 its lien against the responsible relative's personal
14 property, other than accounts as defined in Section 10-24 in
15 financial institutions, and levy upon such personal property
16 in the manner provided for enforcement of judgments contained
17 in Article XII of the Code of Civil Procedure.

18 (e) The Illinois Department of Public Aid shall not be
19 required to furnish bond or make a deposit for or pay any
20 costs or fees of any court or officer thereof in any legal
21 proceeding involving the lien.

22 (f) To protect the lien of the State for past-due child
23 support, the Illinois Department of Public Aid may, from
24 funds that are available for that purpose, pay or provide for
25 the payment of necessary or essential repairs, purchase tax
26 certificates, or pay or cause to be satisfied any prior liens
27 on the property to which the lien hereunder applies.

28 (g) A lien on personal property under this Section shall
29 be released in the manner provided under Article XII of the
30 Code of Civil Procedure. Notwithstanding the foregoing, a
31 lien under this Section on accounts as defined in Section
32 10-24 shall expire upon the passage of 120 days from the date
33 of issuance of the Notice of Lien or Levy by the Illinois
34 Department of Public Aid. However, the lien shall remain in

1 effect during the pendency of any appeal or protest.

2 (h) A lien created under this Section is subordinate to
3 any prior lien of the financial institution or any prior lien
4 holder or any prior right of set-off that the financial
5 institution may have against the assets, or in the case of an
6 insurance company or benefit association only in the accounts
7 as defined in Section 10-24.

8 (i) A financial institution has no obligation under this
9 Section to hold, encumber, or surrender the assets, or in the
10 case of an insurance company or benefit association only the
11 accounts as defined in Section 10-24, until the financial
12 institution has been properly served with a subpoena,
13 summons, warrant, court or administrative order, or
14 administrative lien and levy requiring that action.

15 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

16 (305 ILCS 5/10-26)

17 Sec. 10-26. State Disbursement Unit.

18 (a) Effective October 1, 1999 the ~~Illinois~~ Department of
19 Public Aid shall establish a State Disbursement Unit in
20 accordance with the requirements of Title IV-D of the Social
21 Security Act. The ~~Illinois~~ Department of Public Aid shall
22 enter into an agreement with a State or local governmental
23 unit or private entity to perform the functions of the State
24 Disbursement Unit as set forth in this Section. The State
25 Disbursement Unit shall collect and disburse support payments
26 made under court and administrative support orders:

27 (1) being enforced in cases in which child and
28 spouse support services are being provided under this
29 Article X; and

30 (2) in all cases in which child and spouse support
31 services are not being provided under this Article X and
32 in which support payments are made under the provisions
33 of the Income Withholding for Support Act.

1 (a-2) The contract entered into by the Illinois
2 Department of Public Aid with a public or private entity or
3 an individual for the operation of the State Disbursement
4 Unit is subject to competitive bidding. In addition, the
5 contract is subject to Section 10-26.2 of this Code. As used
6 in this subsection (a-2), "contract" has the same meaning as
7 in the Illinois Procurement Code.

8 (a-5) If the State Disbursement Unit receives a support
9 payment that was not appropriately made to the Unit under
10 this Section, the Unit shall immediately return the payment
11 to the sender, including, if possible, instructions detailing
12 where to send the support payments.

13 (b) All payments received by the State Disbursement
14 Unit:

15 (1) shall be deposited into an account obtained by
16 the State or local governmental unit or private entity,
17 as the case may be, and

18 (2) distributed and disbursed by the State
19 Disbursement Unit, in accordance with the directions of
20 the Illinois Department of Public Aid, pursuant to Title
21 IV-D of the Social Security Act and rules promulgated by
22 the Department.

23 (c) All support payments assigned to the Illinois
24 Department of Public Aid under Article X of this Code and
25 rules promulgated by the Illinois Department that are
26 disbursed to the Illinois Department by the State
27 Disbursement Unit shall be paid into the Child Support
28 Enforcement Trust Fund.

29 (d) If the agreement with the State or local
30 governmental unit or private entity provided for in this
31 Section is not in effect for any reason, the Department of
32 Public Aid shall perform the functions of the State
33 Disbursement Unit as set forth in this Section for a maximum
34 of 12 months before July 1, 2001, and for a maximum of 24

1 months after June 30, 2001. If the Illinois Department of
2 Public Aid is performing the functions of the State
3 Disbursement Unit on July 1, 2001, then the Illinois
4 Department shall make an award on or before December 31,
5 2002, to a State or local government unit or private entity
6 to perform the functions of the State Disbursement Unit.
7 Payments received by the Department of Public Aid in
8 performance of the duties of the State Disbursement Unit
9 shall be deposited into the State Disbursement Unit Revolving
10 Fund established under Section 12-8.1.

11 (e) By February 1, 2000, the Illinois Department of
12 Public Aid shall conduct at least 4 regional training and
13 educational seminars to educate the clerks of the circuit
14 court on the general operation of the State Disbursement
15 Unit, the role of the State Disbursement Unit, and the role
16 of the clerks of the circuit court in the collection and
17 distribution of child support payments.

18 (f) By March 1, 2000, the Illinois Department of Public
19 Aid shall conduct at least 4 regional educational and
20 training seminars to educate payors, as defined in the Income
21 Withholding for Support Act, on the general operation of the
22 State Disbursement Unit, the role of the State Disbursement
23 Unit, and the distribution of income withholding payments
24 pursuant to this Section and the Income Withholding for
25 Support Act.

26 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;
27 91-712, eff. 7-1-00; 92-44, eff. 7-1-01.)

28 (305 ILCS 5/10-26.2)

29 Sec. 10-26.2. Contracts concerning the operation of the
30 State Disbursement Unit.

31 (a) In this Section:

32 "Contract" has the same meaning as in the Illinois
33 Procurement Code.

1 "SDU contractor" means any public or private entity or
2 individual with whom the Illinois Department of Public Aid
3 enters into a contract in connection with the operation of
4 the State Disbursement Unit.

5 (b) The contract entered into by the Illinois Department
6 of Public Aid with a public or private entity or an
7 individual in connection with the operation of the State
8 Disbursement Unit must contain, at a minimum, the provisions
9 set forth in this Section.

10 (c) The contract must include standards and procedures
11 to ensure that the data relied on by the State Disbursement
12 Unit in performing its functions is accurate so that the
13 State Disbursement Unit will be able to effectively
14 administer the collection and disbursement of support
15 payments.

16 (d) The contract must contain provisions to ensure that
17 all clerks of the circuit court have access to non-custodial
18 parents' support payment information in the possession of the
19 State Disbursement Unit.

20 (e) The contract must contain provisions to ensure that
21 notices to employers in connection with the collection of
22 support are clear and consistent and that the SDU contractor
23 will promptly inform an employer about any problems and any
24 necessary changes in connection with the collection of
25 support.

26 (f) The contract must contain appropriate management
27 controls to ensure that (i) all of the SDU contractor's
28 actions in performing the functions of the State Disbursement
29 Unit are reasonably planned, timely implemented, and
30 adequately controlled and (ii) all reports that are necessary
31 to provide the Illinois Department of Public Aid with the
32 information necessary to effectively monitor the quality and
33 accuracy of the SDU contractor's actions in performing the
34 functions of the State Disbursement Unit are timely filed.

1 (g) The contract must contain provisions specifying
2 standards with respect to the level of performance expected
3 of the SDU contractor. The contract may include provisions
4 for incentives and penalties in connection with the SDU
5 contractor's performance.

6 (h) The contract must contain provisions projecting the
7 number of active support collection and disbursement cases to
8 be handled by the State Disbursement Unit and estimating the
9 number of support disbursement transactions to be handled
10 each year.

11 (i) The contract must contain provisions requiring
12 compliance with all applicable federal requirements
13 concerning disbursement of support. The contract must also
14 contain provisions for the Department of Public Aid's
15 Illinois-Department's regular, periodic review of reports on
16 disbursement performance.

17 (j) The contract must contain provisions requiring the
18 SDU contractor to submit to the Illinois Department of Public
19 Aid, within 45 days after the end of each State fiscal year,
20 a completed American Institute of Certified Public
21 Accountants Statement on Auditing Standards Number 88 (SAS
22 88) or its successor for the purpose of enabling the Illinois
23 Department to appropriately monitor the State Disbursement
24 Unit's performance as a service organization and to enable
25 the Auditor General, as the external auditor of the State
26 Disbursement Unit, to ensure that appropriate controls are
27 present.

28 (k) The contract must contain provisions requiring the
29 Illinois Department of Public Aid and the SDU contractor to
30 examine the causes of untimely disbursement of support
31 payments and inappropriate cost recovery and to take prompt
32 action to ensure the timely and accurate disbursement of
33 support payments. The contract must also contain provisions
34 for the final disposition of support payments that cannot be

1 processed by the State Disbursement Unit within 2 business
2 days.

3 (l) The contract must contain provisions to ensure that
4 neither the Illinois Department of Public Aid nor the SDU
5 contractor uses moneys collected and held in trust for the
6 payment of support for any purpose other than that for which
7 the moneys were collected.

8 (m) The contract must contain provisions requiring the
9 Illinois Department of Public Aid to audit the disbursement
10 of all emergency support payments and report to the General
11 Assembly the results of the audit, including, without
12 limitation, the number of emergency support payment checks
13 issued by the State Disbursement Unit, the amount of
14 repayments received from recipients of those checks, and
15 amounts for which the Illinois Department of Public Aid did
16 not seek repayment.

17 (Source: P.A. 92-44, eff. 7-1-01.)

18 (305 ILCS 5/10-26.5)

19 Sec. 10-26.5. Delayed payment from State Disbursement
20 Unit.

21 (a) In this Section, "adversely affected recipient of
22 support" means a person who meets all of the following
23 criteria:

24 (1) The person is entitled to disbursement of a
25 child support payment from the State Disbursement Unit.

26 (2) The person either (i) does not receive from the
27 State Disbursement Unit a disbursement of a child support
28 payment to which he or she is entitled or (ii) receives a
29 delayed disbursement of a child support payment from the
30 State Disbursement Unit.

31 (3) As a result of the nonreceipt of the
32 disbursement of the child support payment or the delayed
33 disbursement of the child support payment, the person

1 receives an adverse rating by a credit reporting agency
2 based, for example, on the person's inability to make a
3 timely payment of an amount owed to another person.

4 (b) Upon the request of an adversely affected recipient
5 of support, the Illinois Department of Public Aid shall send
6 a letter to the recipient verifying the delayed or
7 undisbursed child support payment. The recipient may submit
8 that letter to the appropriate credit reporting agency for
9 placement in the recipient's credit file.

10 (c) The Illinois Department of Public Aid shall adopt
11 rules necessary to implement this Section.

12 (Source: P.A. 91-793, eff. 6-9-00.)

13 (305 ILCS 5/10-27)

14 Sec. 10-27. State Case Registry.

15 (a) The Illinois Department of Public Aid shall
16 establish an automated State Case Registry to contain records
17 concerning child support orders for parties receiving child
18 support enforcement services under this Article X, and for
19 all child support orders entered or modified on or after
20 October 1, 1998. The State Case Registry shall include (i)
21 the information filed with the Illinois Department of Public
22 Aid, or filed with the clerk of the circuit court and
23 provided to the Illinois Department of Public Aid, under the
24 provisions of Sections 10-10.5 and 10-11.2 of this Code,
25 Section 505.3 of the Illinois Marriage and Dissolution of
26 Marriage Act, Section 30 of the Non-Support Punishment Act,
27 and Section 14.1 of the Illinois Parentage Act of 1984, and
28 (ii) any other information required under Title IV, Part D of
29 the Social Security Act or by the federal Department of
30 Health and Human Services.

31 (b) (Blank).

32 (c) The Illinois Department of Public Aid shall maintain
33 the following payment information on child support orders for

1 parties receiving child support enforcement services under
2 this Article X:

3 (1) the amount of monthly or other periodic support
4 owed under the order and other amounts, including
5 arrearages, interest or late payment penalties, and fees,
6 due or overdue under the order;

7 (2) any amounts described in subdivision (1) of
8 subsection (d) that have been collected;

9 (3) the distribution of the collected amounts; and

10 (4) the amount of any lien imposed with respect to
11 the order pursuant to Section 10-25 or Section 10-25.5 of
12 this Code.

13 (d) The ~~Illinois~~ Department of Public Aid shall
14 establish, update, maintain, and monitor case records in the
15 Registry of parties receiving child support enforcement
16 services under this Article X, on the bases of:

17 (1) information on administrative actions and
18 administrative and judicial proceedings and orders
19 relating to paternity and support;

20 (2) information obtained from comparison with
21 federal, State, and local sources of information;

22 (3) information on support collections and
23 distribution; and

24 (4) any other relevant information.

25 (e) The ~~Illinois~~ Department of Public Aid shall use the
26 automated State Case Registry to share and compare
27 information with, and receive information from, other data
28 bases and information comparison services in order to obtain
29 (or provide) information necessary to enable the ~~Illinois~~
30 Department (or the federal Department of Health and Human
31 Services or other State or federal agencies) to carry out the
32 requirements of the child support enforcement program
33 established under Title IV, Part D of the Social Security
34 Act. Such information comparison activities shall include

1 the following:

2 (1) Furnishing to the Federal Case Registry of
3 Child Support Orders (and updating as necessary, with
4 information including notice of expiration of orders) the
5 information specified by the federal Department of Health
6 and Human Services in regulations.

7 (2) Exchanging information with the Federal Parent
8 Locator Service for the purposes specified in Section 453
9 of the Social Security Act.

10 (3) Exchanging information with State agencies (of
11 this State and of other states) administering programs
12 funded under Title IV, Part A and Title XIX of the Social
13 Security Act and other programs designated by the federal
14 Department of Health and Human Services, as necessary to
15 perform responsibilities under Title IV, Part D of the
16 Social Security Act and under such other programs.

17 (4) Exchanging information with other agencies of
18 this State, agencies of other states, and interstate
19 information networks, as necessary and appropriate to
20 carry out (or assist other states to carry out) the
21 purposes of Title IV, Part D of the Social Security Act.

22 (5) Disclosing information to any other entities as
23 required under Title IV, Part D of the Social Security
24 Act.

25 (f) The Illinois Department of Public Aid shall adopt
26 rules establishing safeguards, applicable to all confidential
27 information included in the State Case Registry, that are
28 designed to protect the privacy rights of persons concerning
29 whom information is on record in the State Case Registry.
30 Such safeguards shall include, but not be limited to the
31 following:

32 (1) Prohibitions against the release of information
33 on the whereabouts of one party or the child to another
34 party against whom a protective order with respect to the

1 former party or the child has been entered.

2 (2) Prohibitions against the release of information
3 on the whereabouts of one party or the child to another
4 party if the Illinois Department of Public Aid has
5 reasonable evidence of domestic violence or child abuse
6 (that is, allegations of domestic violence or child
7 abuse, unless the Illinois Department has an independent,
8 reasonable basis to find the person making the allegation
9 not credible) to the former party or child by the party
10 requesting information.

11 (3) Prohibitions against the release of information
12 on the whereabouts of one party or the child to another
13 person if the Illinois Department of Public Aid has
14 reason to believe the release of information to that
15 person may result in physical or emotional harm to the
16 party or child.

17 (Source: P.A. 92-463, eff. 8-22-01.)

18 (305 ILCS 5/11-2) (from Ch. 23, par. 11-2)

19 Sec. 11-2. Conduct of administrative staff. Every person
20 administering any provision of this Code shall conduct
21 himself or herself with courtesy, consideration and respect
22 toward all applicants and recipients and perform duties in
23 such manner as to secure for every applicant and recipient
24 the aid and services to which the person may be entitled. Any
25 applicant or recipient who feels he or she has not been
26 treated properly by administrative staff or the Department of
27 Public Aid or the Department of Human Services in regard to
28 the aforementioned conduct provisions shall be afforded the
29 right to complain to the Department about such treatment.
30 The Department of Public Aid and the Department of Human
31 Services shall advise applicants and recipients of this right
32 through informational brochures and publicly posted
33 information. Such complaints shall be treated confidentially

1 and the Department of Public Aid and the Department of Human
2 Services and their its employees shall not otherwise
3 discriminate against any applicant or recipient because such
4 individual complains about the conduct of Department staff.

5 (Source: P.A. 82-555.)

6 (305 ILCS 5/11-2.1) (from Ch. 23, par. 11-2.1)

7 Sec. 11-2.1. Solicitation by private business and
8 vocational schools prohibited.

9 (a) No private business and vocational school, as
10 defined in the Private Business and Vocational Schools Act,
11 may solicit an applicant or recipient within a public aid
12 office or within 100 feet of a public aid office, for the
13 purpose of enrolling the applicant or recipient in a work or
14 training program, without the express written consent of the
15 Illinois Department.

16 (b) Any person violating this Section shall be guilty of
17 a Class A misdemeanor.

18 (c) "Public aid office" for the purpose of this Section
19 includes any business office of the Department where a person
20 may apply for or receive benefits or services under this
21 Code, the building in which such office is located, and any
22 parking area connected to such office that is owned or leased
23 by the State for the benefit of the Department for use by
24 personnel of the Department or by applicants or recipients.

25 (Source: P.A. 85-1383.)

26 (305 ILCS 5/11-3) (from Ch. 23, par. 11-3)

27 Sec. 11-3. Assignment and attachment of aid prohibited.
28 Except as provided below in this Section and in Section
29 11-3.3, all financial aid given under Articles III, IV, V,
30 and VI and money payments for child care services provided by
31 a child care provider under Articles IX and IXA shall not be
32 subject to assignment, sale, attachment, garnishment, or

1 otherwise. Provided, however, that a medical vendor may use
2 his right to receive vendor payments as collateral for loans
3 from financial institutions so long as such arrangements do
4 not constitute any activity prohibited under Section
5 1902(a)(32) of the Social Security Act and regulations
6 promulgated thereunder, or any other applicable laws or
7 regulations. Provided further, however, that a medical or
8 other vendor or a service provider may assign, reassign,
9 sell, pledge or grant a security interest in any such
10 financial aid, vendor payments or money payments or grants
11 which he has a right to receive to the Illinois Health
12 Facilities Authority, in connection with any financing
13 program undertaken by the Illinois Health Facilities
14 Authority, or to the Illinois Development Finance Authority,
15 in connection with any financing program undertaken by the
16 Illinois Development Finance Authority. Each Authority may
17 utilize a trustee or agent to accept, accomplish, effectuate
18 or realize upon any such assignment, reassignment, sale,
19 pledge or grant on that Authority's behalf. Provided further,
20 however, that nothing herein shall prevent the Illinois
21 Department of Public Aid from collecting any assessment, fee,
22 interest or penalty due under Article V-A, V-B, V-C, or V-E
23 by withholding financial aid as payment of such assessment,
24 fee, interest, or penalty. Any alienation in contravention of
25 this statute does not diminish and does not affect the
26 validity, legality or enforceability of any underlying
27 obligations for which such alienation may have been made as
28 collateral between the parties to the alienation. This
29 amendatory Act shall be retroactive in application and shall
30 pertain to obligations existing prior to its enactment.

31 (Source: P.A. 92-111, eff. 1-1-02.)

32 (305 ILCS 5/11-3.2) (from Ch. 23, par. 11-3.2)

33 Sec. 11-3.2. Residents of correctional facility.

1 (a) Upon the request of a penal or correctional
 2 facility, the Illinois Department of Public Aid and the
 3 Department of Human Services shall cooperate in providing
 4 informational material and application forms concerning
 5 financial aid or social services under this Act to the
 6 facility and in providing an interview with the appropriate
 7 public aid office for persons incarcerated in such facility
 8 upon their release from the facility.

9 (b) In consideration of any application for financial
 10 aid or social services of persons released from a penal or
 11 correctional institution, a permanent address shall not be
 12 required to establish residence in the determination of
 13 eligibility. Other requirements necessary to establish
 14 eligibility for assistance under this Code shall apply.

15 (Source: P.A. 82-497.)

16 (305 ILCS 5/11-3.3) (from Ch. 23, par. 11-3.3)

17 Sec. 11-3.3. Payment to provider or governmental agency
 18 or entity. Payments under this Code shall be made to the
 19 provider, except that the Department of Public Aid and the
 20 Department of Human Services may issue or may agree to issue
 21 the payment directly to the Illinois Health Facilities
 22 Authority, the Illinois Development Finance Authority, or any
 23 other governmental agency or entity, including any bond
 24 trustee for that agency or entity, to whom the provider has
 25 assigned, reassigned, sold, pledged or granted a security
 26 interest in the payments that the provider has a right to
 27 receive, provided that the issuance or agreement to issue is
 28 not prohibited under Section 1902(a)(32) of the Social
 29 Security Act.

30 (Source: P.A. 87-842.)

31 (305 ILCS 5/11-4) (from Ch. 23, par. 11-4)

32 Sec. 11-4. Applications; assistance in making

1 applications. An application for public assistance shall be
2 deemed an application for all such benefits to which any
3 person may be entitled except to the extent that the
4 applicant expressly declines in writing to apply for
5 particular benefits. The Illinois Department of Public Aid
6 and the Department of Human Services shall provide
7 information in writing about all benefits provided under this
8 Code to any person seeking public assistance. The Illinois
9 Department of Human Services shall also provide information
10 in writing and orally to all applicants about an election to
11 have financial aid deposited directly in a recipient's
12 savings account or checking account or in any electronic
13 benefits account or accounts as provided in Section 11-3.1,
14 to the extent that those elections are actually available,
15 including information on any programs administered by the
16 State Treasurer to facilitate or encourage the distribution
17 of financial aid by direct deposit or electronic benefits
18 transfer. The Illinois Department of Public Aid and the
19 Department of Human Services shall determine the applicant's
20 eligibility for cash assistance, medical assistance and food
21 stamps unless the applicant expressly declines in writing to
22 apply for particular benefits. The Illinois Department of
23 Public Aid and the Department of Human Services shall adopt
24 policies and procedures to facilitate timely changes between
25 programs that result from changes in categorical eligibility
26 factors.

27 The county departments, local governmental units and the
28 Illinois Department of Public Aid and the Department of Human
29 Services shall assist applicants for public assistance to
30 properly complete their applications. Such assistance shall
31 include, but not be limited to, assistance in securing
32 evidence in support of their eligibility.

33 (Source: P.A. 88-232.)

1 (305 ILCS 5/11-5) (from Ch. 23, par. 11-5)

2 Sec. 11-5. Investigation of applications. The county
3 department or local governmental unit shall promptly, upon
4 receipt of an application, make the necessary investigation,
5 as prescribed by rule of the ~~Illinois~~ Department of Public
6 Aid or the Department of Human Services, for determining the
7 eligibility of the applicant for aid.

8 A report of every investigation shall be made in writing
9 and become a part of the record in each case.

10 The ~~Illinois~~ Department of Public Aid and the Department
11 of Human Services, upon consultation with and advice of the
12 Citizens Assembly/Council on Public Aid, may by rule
13 prescribe the circumstances under which information furnished
14 by applicants in respect to their eligibility may be presumed
15 prima facie correct, subject to all civil and criminal
16 penalties and recoveries provided in this Code if the
17 additional investigation establishes that the applicant made
18 false statements or was otherwise ineligible for aid.

19 (Source: P.A. 86-651.)

20 (305 ILCS 5/11-6) (from Ch. 23, par. 11-6)

21 Sec. 11-6. Decisions on applications. Within 10 days
22 after a decision is reached on an application, the applicant
23 shall be notified in writing of the decision. The Department
24 of Public Aid and the Department of Human Services shall
25 consider eligibility for, and the notice shall contain a
26 decision on, each of the following assistance programs for
27 which the client may be eligible based on the information
28 contained in the application: Temporary Assistance to Needy
29 Families, Medical Assistance, Aid to the Aged, Blind and
30 Disabled, General Assistance (in the City of Chicago), and
31 food stamps. No decision shall be required for any
32 assistance program for which the applicant has expressly
33 declined in writing to apply. If the applicant is determined

1 to be eligible, the notice shall include a statement of the
 2 amount of financial aid to be provided and a statement of the
 3 reasons for any partial grant amounts. If the applicant is
 4 determined ineligible for any public assistance the notice
 5 shall include the reason why the applicant is ineligible. If
 6 the application for any public assistance is denied, the
 7 notice shall include a statement defining the applicant's
 8 right to appeal the decision. The ~~Illinois~~ Department of
 9 Public Aid and the Department of Human Services, by rule,
 10 shall determine the date on which assistance shall begin for
 11 applicants determined eligible. That date may be no later
 12 than 30 days after the date of the application.

13 Under no circumstances may any application be denied
 14 solely to meet an application-processing deadline.

15 (Source: P.A. 90-17, eff. 7-1-97.)

16 (305 ILCS 5/11-6.1) (from Ch. 23, par. 11-6.1)

17 Sec. 11-6.1. Report of loss.

18 (a) (Blank).

19 (b) (Blank).

20 (c) The payee of a grant under this Code shall
 21 immediately report to the ~~Illinois~~ Department of Human
 22 Services the theft or other loss of any instrument used in
 23 making a grant payment.

24 (Source: P.A. 92-111, eff. 1-1-02.)

25 (305 ILCS 5/11-6.2)

26 Sec. 11-6.2. Electronic fingerprinting.

27 (a) The Illinois Department may implement a program to
 28 prevent multiple enrollments of aid recipients through the
 29 use of an electronic automated 2-digit fingerprint matching
 30 identification system in local offices.

31 The Illinois Department shall apply for any federal
 32 waivers or approvals necessary to conduct this program.

1 (b) The fingerprints or their electronic representations
2 collected and maintained through the use of an automated
3 fingerprint matching identification system as authorized by
4 this Section may not be used, disclosed, or redisclosed for
5 any purpose other than the prevention of multiple enrollments
6 of aid recipients, may not be used or admitted in any
7 criminal or civil investigation, prosecution, or proceeding,
8 other than a proceeding pursuant to Article VIII A, and may
9 not be disclosed in response to a subpoena or other
10 compulsory legal process or warrant or upon the request or
11 order of any agency, authority, division, office, or other
12 private or public entity or person, except that nothing
13 contained in this subsection prohibits disclosure in response
14 to a subpoena issued by or on behalf of the applicant or
15 recipient who is the subject of the record maintained as a
16 part of the system. A person who knowingly makes or obtains
17 any unauthorized disclosure of data collected and maintained
18 under this Section through the use of an automated
19 fingerprint matching identification system is guilty of a
20 Class A misdemeanor. Data collected and maintained on the
21 automated fingerprint matching identification system shall be
22 subject to the provisions of this Code relating to
23 unauthorized disclosure of confidential client information.

24 (c) The system shall include the use of a photographic
25 identification for every aid recipient. The Illinois
26 Department shall insure that adequate training for county
27 department staff involved with the program will be provided.

28 (d) The assistance programs affected by the electronic
29 fingerprinting program shall be determined by rule. By
30 applying or maintaining eligibility for those assistance
31 programs, applicants and recipients must submit to the
32 electronic collection of their fingerprints as an additional
33 method of establishing eligibility. Applicants for and
34 recipients of aid who fail to submit to electronic

1 fingerprinting shall be declared ineligible for those
2 assistance programs.

3 (e) This Section does not authorize or permit the
4 termination, suspension, or diminution of aid except as
5 elsewhere specifically authorized in this Code. If a
6 proposed sanction is based on the use of an automated
7 fingerprint matching identification system authorized
8 pursuant to this Section, the sanction may not be imposed
9 unless the Illinois Department has verified the multiple
10 enrollment through an independent investigation.

11 (f) The Illinois Department shall conduct periodic
12 audits to monitor compliance with all laws and regulations
13 regarding the automated fingerprint matching identification
14 system to insure that: (i) any records maintained as part
15 of the system are accurate and complete; (ii) effective
16 software and hardware designs have been instituted with
17 security features to prevent unauthorized access to records;
18 (iii) access to record information system facilities, systems
19 operating environments, and data file contents, whether while
20 in use or when stored in a media library, is restricted to
21 authorized personnel; (iv) operational programs are used that
22 will prohibit inquiry, record updates, or destruction of
23 records from any terminal other than automated fingerprint
24 matching identification system terminals that are so
25 designated; (v) operational programs are used to detect and
26 store for the output of designated Illinois Department and
27 county department employees all unauthorized attempts to
28 penetrate any electronic automated fingerprint matching
29 identification system, program, or file; and (vi) adequate
30 and timely procedures exist to insure the recipient's or
31 applicant's right to access and review of records for the
32 purpose of accuracy and completeness, including procedures
33 for review of information maintained about those individuals
34 and for administrative review (including procedures for

1 administrative appeal) and necessary correction of any claim
2 by the individual to whom the information relates that the
3 information is inaccurate or incomplete.

4 (Source: P.A. 90-17, eff. 6-19-97; 91-599, eff. 8-14-99.)

5 (305 ILCS 5/11-7) (from Ch. 23, par. 11-7)

6 Sec. 11-7. Notice of decisions to terminate aid;
7 determination and notice of other medical assistance;
8 available additional notice in cases of blind persons.
9 Whenever decision is made to terminate aid, the recipient
10 shall be notified in writing within 10 days following the
11 decision. The notice shall set out the specific reasons for
12 the termination. In the case of a blind person, the notice
13 and statement of reasons shall be sent whenever aid is
14 withdrawn, suspended, revoked, or in any way changed.

15 The notice shall include a statement defining the
16 recipient's right to appeal.

17 Before any notice to terminate medical assistance is
18 issued, the ~~Illinois~~ Department of Public Aid shall determine
19 whether the recipient is newly eligible for any other medical
20 assistance offered by the ~~Illinois~~ Department. For all
21 recipients found eligible as a result of this determination
22 for other medical assistance offered by the ~~Illinois~~
23 Department of Public Aid, the ~~Illinois~~ Department shall
24 provide other medical assistance effective as of the date of
25 the termination of the prior medical assistance.

26 (Source: P.A. 87-630.)

27 (305 ILCS 5/11-8) (from Ch. 23, par. 11-8)

28 Sec. 11-8. Appeals; to whom taken. Applicants or
29 recipients of aid may, at any time within 60 days after the
30 decision of the county department or local governmental unit,
31 as the case may be, appeal a decision denying or terminating
32 aid, or granting aid in an amount which is deemed inadequate,

1 or changing, cancelling, revoking or suspending grants as
 2 provided in Section 11-16, or determining to make a
 3 protective payment under the provisions of Sections 3-5a or
 4 4-9, or a decision by an administrative review board to
 5 impose administrative safeguards as provided in Section 8A-8.
 6 An appeal shall also lie when an application is not acted
 7 upon within the time period after filing of the application
 8 as provided by rule of the Illinois Department of Public Aid
 9 or the Department of Human Services.

10 If an appeal is not made, the action of the county
 11 department or local governmental unit shall be final.

12 Appeals by applicants or recipients under Article
 13 Articles III or IV or V shall be taken to the Illinois
 14 Department of Human Services. Appeals by applicants or
 15 recipients under Article V shall be taken to the Department
 16 of Public Aid.

17 Appeals by applicants or recipients under Article VI
 18 shall be taken as follows:

19 (1) In counties under township organization (except
 20 such counties in which the governing authority is a Board
 21 of Commissioners) appeals shall be to a Public Aid
 22 Committee consisting of the Chairman of the County Board,
 23 and 4 members who are township supervisors of general
 24 assistance, appointed by the Chairman, with the advice
 25 and consent of the county board.

26 (2) In counties in excess of 3,000,000 population
 27 and under township organization in which the governing
 28 authority is a Board of Commissioners, appeals of persons
 29 from government units outside the corporate limits of a
 30 city, village or incorporated town of more than 500,000
 31 population, and of persons from incorporated towns which
 32 have superseded civil townships in respect to aid under
 33 Article VI, shall be to the Cook County Townships Public
 34 Aid Committee consisting of 2 township supervisors and 3

1 persons knowledgeable in the area of General Assistance
2 and the regulations of the Illinois Department of Human
3 Services pertaining thereto and who are not officers,
4 agents or employees of any township, except that township
5 supervisors may serve as members of the Cook County
6 Township Public Aid and Committee. The 5 member
7 committee shall be appointed by the township supervisors.
8 The first appointments shall be made with one person
9 serving a one year term, 2 persons serving a 2 year term,
10 and 2 persons serving a 3 year term. Committee members
11 shall thereafter serve 3 year terms. In any appeal
12 involving a local governmental unit whose supervisor of
13 general assistance is a member of the Committee, such
14 supervisor shall not act as a member of the Committee for
15 the purposes of such appeal. The township whose action,
16 inaction, or decision is being appealed shall bear the
17 expenses related to the appeal as determined by the Cook
18 County Townships Public Aid Committee. A township
19 supervisor's compensation for general assistance or
20 township related duties shall not be considered an
21 expense related to the appeal except for expenses related
22 to service on the Committee.

23 (3) In counties described in paragraph (2) appeals
24 of persons from a city, village or incorporated town of
25 more than 500,000 population shall be to the Illinois
26 Department of Human Services.

27 (4) In counties not under township organization,
28 appeals shall be to the County Board of Commissioners
29 which shall for this purpose be the Public Aid Committee
30 of the County.

31 In counties designated in paragraph (1) the Chairman or
32 President of the County Board shall appoint, with the advice
33 and consent of the county board, one or more alternate
34 members of the Public Aid Committee. All regular and

1 alternate members shall be Supervisors of General Assistance.
2 In any appeal involving a local governmental unit whose
3 Supervisor of General Assistance is a member of the
4 Committee, he shall be replaced for that appeal by an
5 alternate member designated by the Chairman or President of
6 the County Board, with the advice and consent of the county
7 board. In these counties not more than 3 of the 5 regular
8 appointees shall be members of the same political party
9 unless the political composition of the Supervisors of the
10 General Assistance precludes such a limitation. In these
11 counties at least one member of the Public Aid Committee
12 shall be a person knowledgeable in the area of general
13 assistance and the regulations of the ~~Illinois~~ Department of
14 Human Services pertaining thereto. If no member of the
15 Committee possesses such knowledge, the ~~Illinois~~ Department
16 of Human Services shall designate an employee of the ~~Illinois~~
17 Department having such knowledge to be present at the
18 Committee hearings to advise the Committee.

19 In every county the County Board shall provide facilities
20 for the conduct of hearings on appeals under Article VI. All
21 expenses incident to such hearings shall be borne by the
22 county except that in counties under township organization in
23 which the governing authority is a Board of Commissioners (1)
24 the salary and other expenses of the Commissioner of Appeals
25 shall be paid from General Assistance funds available for
26 administrative purposes, and (2) all expenses incident to
27 such hearings shall be borne by the township and the per diem
28 and traveling expenses of the township supervisors serving on
29 the Public Aid Committee shall be fixed and paid by their
30 respective townships. In all other counties the members of
31 the Public Aid Committee shall receive the compensation and
32 expenses provided by law for attendance at meetings of the
33 County Board.

34 In appeals under Article VI involving a governmental unit

1 receiving State funds, the Public Aid Committee and the
2 Commissioner of Appeals shall be bound by the rules and
3 regulations of the Illinois Department of Human Services
4 which are relevant to the issues on appeal, and shall file
5 such reports concerning appeals as the Illinois Department
6 requests.

7 An appeal shall be without cost to the appellant and
8 shall be made, at the option of the appellant, either upon
9 forms provided and prescribed by the Illinois Department of
10 Public Aid or the Department of Human Services or, for
11 appeals to a Public Aid Committee, upon forms prescribed by
12 the County Board; or an appeal may be made by calling a
13 toll-free number provided for that purpose by the Illinois
14 Department and providing the necessary information. The
15 Illinois Department of Human Services may assist County
16 Boards or a Commissioner of Appeals in the preparation of
17 appeal forms, or upon request of a County Board or
18 Commissioner of Appeals may furnish such forms. County
19 departments and local governmental units shall render all
20 possible aid to persons desiring to make an appeal. The
21 provisions of Sections 11-8.1 to 11-8.7, inclusive, shall
22 apply to all such appeals.

23 (Source: P.A. 92-111, eff. 1-1-02.)

24 (305 ILCS 5/11-8.1) (from Ch. 23, par. 11-8.1)

25 Sec. 11-8.1. Appellants' rights.

26 (a) Upon receipt of an appeal the Illinois Department of
27 Public Aid, Department of Human Services, Public Aid
28 Committee, or Commissioner of Appeals, as the case may be,
29 shall review the case. The appellant shall be entitled to
30 appear in person and to be represented by counsel. He shall
31 be afforded an opportunity to present all relevant matter in
32 support of his claim for aid, or his objection to (a)
33 termination of aid, or (b) the amount of aid, or (c) a

1 determination to make a protective payment.

2 (b) Whenever any applicant appeals the denial of any
3 application for assistance and the reason for denial is due
4 to the failure of the applicant to comply with procedural
5 requirements, including but not limited to, failure to keep
6 an appointment, failure to produce acceptable proof of
7 eligibility, or failure to request more time or assistance in
8 obtaining acceptable proof of eligibility, the denial shall
9 be rescinded if at any time before the decision on the appeal
10 is made, the appellant complies with the procedural
11 requirements that caused the denial and all other
12 requirements necessary to process the application. When the
13 denial is rescinded under this subsection, the ~~Illinois~~
14 Department of Public Aid or the Department of Human Services
15 shall grant or deny the application based upon all relevant
16 substantive eligibility factors and issue a new decision. If
17 the application is approved, cash assistance shall begin
18 effective 30 calendar days after the original application
19 date and the starting date of all other assistance shall
20 begin based on the original application date.

21 (Source: P.A. 87-630.)

22 (305 ILCS 5/11-8.2) (from Ch. 23, par. 11-8.2)

23 Sec. 11-8.2. Venue; depositions. The appeal shall be
24 heard in the county where the appellant resides. However, if
25 the appellant is outside the State, the ~~Illinois~~
26 of Public Aid, Department of Human Services, Public Aid
27 Committee, or Commissioner of Appeals, as the case may be,
28 may take depositions from him and his witnesses or permit the
29 appellant to present all relevant matter in support of his
30 claim through witnesses acting in his behalf, or both by
31 deposition or by testimony of witnesses, depending upon the
32 circumstances in each case.

33 Hearings under this Section and Section 11-8.1 may be

1 conducted with some or all of the parties, including the
2 hearing officer, at different locations connected with each
3 other by telephone.

4 (Source: P.A. 87-860.)

5 (305 ILCS 5/11-8.3) (from Ch. 23, par. 11-8.3)

6 Sec. 11-8.3. Hearing officers; subpoenas. Any qualified
7 officer or employee of the ~~Illinois~~ Department of Public Aid,
8 the Department of Human Services, or a County Board, or a
9 member of the staff of a Commissioner of Appeals, as the case
10 may be, designated in writing to so act by the Director of
11 Public Aid, Secretary of Human Services the--Department,
12 Chairman or President of the County Board, or Commissioner of
13 Appeals, may conduct hearings on appeals and may compel, by
14 subpoena, the attendance and testimony of witnesses and the
15 production of books and papers, and administer oaths to
16 witnesses. Wherever feasible, the Public Aid Committee shall
17 itself conduct hearings on appeals by applicants for or
18 recipients of aid under Article VI. No person shall be
19 compelled to attend a hearing at a place outside the county
20 in which he resides. Subpoenas may be served as provided for
21 in civil actions. The fees of witnesses for attendance and
22 travel shall be the same as the fees of witnesses before the
23 circuit court and shall be paid as an expense of
24 administration of the county department or the local
25 governmental unit, as the case may be.

26 If a witness refuses to attend or testify, or to produce
27 books or papers, concerning any matter upon which he might be
28 lawfully examined, the circuit court of the county wherein
29 the hearing is held, upon application of the ~~Illinois~~
30 Department of Public Aid, Department of Human Services,
31 Public Aid Committee, or Commissioner of Appeals, as the case
32 may be, may compel obedience by proceedings as for contempt
33 as in case of a like refusal to obey a similar order of the

1 court.

2 (Source: P.A. 81-1085.)

3 (305 ILCS 5/11-8.4) (from Ch. 23, par. 11-8.4)

4 Sec. 11-8.4. Hearings not bound by technical rules of
5 evidence or procedure. The Illinois Department of Public Aid,
6 Department of Human Services, Public Aid Committees and
7 Commissioner of Appeals shall not be bound by common law or
8 statutory rules of evidence, or by technical or formal rules
9 of procedure, but shall conduct their hearings in such manner
10 as seems best calculated to conform to substantial justice
11 and the spirit of this Code. They may make such additional
12 investigation as they may deem necessary, and shall make such
13 decision as to the granting of aid and the amounts thereof as
14 in their opinion is justified and in conformity with this
15 Code.

16 (Source: Laws 1967, p. 2302.)

17 (305 ILCS 5/11-8.7) (from Ch. 23, par. 11-8.7)

18 Sec. 11-8.7. Judicial review. The provisions of the
19 Administrative Review Law, as amended, and the rules adopted
20 pursuant thereto, shall apply to and govern all proceedings
21 for the judicial review of final administrative decisions of
22 the Illinois Department of Public Aid and the Department of
23 Human Services on appeals by applicants or recipients under
24 Articles III, IV, or V. The term "administrative decision" is
25 defined as in Section 3-101 of the Code of Civil Procedure.

26 (Source: P.A. 92-111, eff. 1-1-02.)

27 (305 ILCS 5/11-9) (from Ch. 23, par. 11-9)

28 Sec. 11-9. Protection of records; exceptions. For the
29 protection of applicants and recipients, the Illinois
30 Department of Public Aid, the Department of Human Services,
31 the county departments and local governmental units and their

1 respective officers and employees are prohibited, except as
2 hereinafter provided, from disclosing the contents of any
3 records, files, papers and communications, except for
4 purposes directly connected with the administration of public
5 aid under this Code.

6 In any judicial proceeding, except a proceeding directly
7 concerned with the administration of programs provided for in
8 this Code, such records, files, papers and communications,
9 and their contents shall be deemed privileged communications
10 and shall be disclosed only upon the order of the court,
11 where the court finds such to be necessary in the interest of
12 justice.

13 The Illinois Department of Public Aid and the Department
14 of Human Services shall establish and enforce reasonable
15 rules and regulations governing the custody, use and
16 preservation of the records, papers, files, and
17 communications of the Illinois Department, the county
18 departments and local governmental units receiving State or
19 federal funds or aid. The governing body of other local
20 governmental units shall in like manner establish and enforce
21 rules and regulations governing the same matters.

22 The contents of case files pertaining to recipients under
23 Articles IV, V, and VI shall be made available without
24 subpoena or formal notice to the officers of any court, to
25 all law enforcing agencies, and to such other persons or
26 agencies as from time to time may be authorized by any court.
27 In particular, the contents of those case files shall be made
28 available upon request to a law enforcement agency for the
29 purpose of determining the current address of a recipient
30 with respect to whom an arrest warrant is outstanding.
31 Information shall also be disclosed to the Illinois State
32 Scholarship Commission pursuant to an investigation or audit
33 by the Illinois State Scholarship Commission of a delinquent
34 student loan or monetary award.

1 This Section does not prevent the ~~Illinois~~ Department of
2 Public Aid, the Department of Human Services, and local
3 governmental units from reporting to appropriate law
4 enforcement officials the desertion or abandonment by a
5 parent of a child, as a result of which financial aid has
6 been necessitated under Articles IV, V, or VI, or reporting
7 to appropriate law enforcement officials instances in which a
8 mother under age 18 has a child out of wedlock and is an
9 applicant for or recipient of aid under any Article of this
10 Code. Each ~~The--Illinois~~ department may provide by rule for
11 the county departments and local governmental units to
12 initiate proceedings under the Juvenile Court Act of 1987 to
13 have children declared to be neglected when they deem such
14 action necessary to protect the children from immoral
15 influences present in their home or surroundings.

16 This Section does not preclude the full exercise of the
17 powers of the Board of Public Aid Commissioners to inspect
18 records and documents, as provided for all advisory boards
19 pursuant to Section 5-505 of the Departments of State
20 Government Law (20 ILCS 5/5-505).

21 This Section does not preclude exchanges of information
22 among the ~~Illinois~~ Department of Public Aid, the Department
23 of Human Services (as successor to the Department of Public
24 Aid), and the Illinois Department of Revenue for the purpose
25 of verifying sources and amounts of income and for other
26 purposes directly connected with the administration of this
27 Code and of the Illinois Income Tax Act.

28 The provisions of this Section and of Section 11-11 as
29 they apply to applicants and recipients of public aid under
30 Article V shall be operative only to the extent that they do
31 not conflict with any Federal law or regulation governing
32 Federal grants to this State for such programs.

33 The ~~Illinois~~ Department of Public Aid and the Department
34 of Human Services (as successor to the ~~Illinois~~ Department of

1 Public Aid) shall enter into an inter-agency agreement with
 2 the Department of Children and Family Services to establish a
 3 procedure by which employees of the Department of Children
 4 and Family Services may have immediate access to records,
 5 files, papers, and communications (except medical, alcohol or
 6 drug assessment or treatment, mental health, or any other
 7 medical records) of the Illinois Department of Public Aid,
 8 the Department of Human Services, county departments, and
 9 local governmental units receiving State or federal funds or
 10 aid, if the Department of Children and Family Services
 11 determines the information is necessary to perform its duties
 12 under the Abused and Neglected Child Reporting Act, the Child
 13 Care Act of 1969, and the Children and Family Services Act.
 14 (Source: P.A. 91-239, eff. 1-1-00; 92-111, eff. 1-1-02.)

15 (305 ILCS 5/11-12) (from Ch. 23, par. 11-12)

16 Sec. 11-12. Penalty for publication, use for political
 17 or commercial purposes. It is unlawful to use or publish any
 18 names or list of names of recipients secured from records
 19 maintained in the offices of the county departments or local
 20 governmental units except in conformity with applicable
 21 regulations adopted by the Illinois Department of Public Aid
 22 or the Department of Human Services.

23 It is unlawful, for commercial or political purposes of
 24 any nature, for any person, body, association, firm,
 25 corporation, or other agency to solicit, receive, make use
 26 of, or to authorize, knowingly permit, participate in or
 27 acquiesce in the use of, any lists of names of, or any
 28 information concerning, persons applying for or receiving
 29 public aid, directly or indirectly derived from the records,
 30 papers, files, or communications of the Illinois Department
 31 of Public Aid, the Department of Human Services, the county
 32 departments, or local governmental units, or acquired in the
 33 course of performance of official duties. A violation of this

1 Section shall constitute a Class B misdemeanor.

2 (Source: P.A. 77-2344.)

3 (305 ILCS 5/11-13) (from Ch. 23, par. 11-13)

4 Sec. 11-13. Conditions for receipt of vendor payments;
5 limitation period for vendor action; penalty for violation. A
6 vendor payment, as defined in Section 2-5 of Article II,
7 shall constitute payment in full for the goods or services
8 covered thereby. Acceptance of the payment by or in behalf of
9 the vendor shall bar him from obtaining, or attempting to
10 obtain, additional payment therefor from the recipient or any
11 other person. A vendor payment shall not, however, bar
12 recovery of the value of goods and services the obligation
13 for which, under the rules and regulations of the ~~Illinois~~
14 Department of Public Aid or the Department of Human Services,
15 is to be met from the income and resources available to the
16 recipient, and in respect to which the vendor payment of the
17 ~~Illinois~~ Department of Public Aid, the Department of Human
18 Services, or the local governmental unit represents
19 supplementation of such available income and resources.

20 Vendors seeking to enforce obligations of a governmental
21 unit or the ~~Illinois~~ Department of Public Aid or the
22 Department of Human Services for goods or services (1)
23 furnished to or in behalf of recipients and (2) subject to a
24 vendor payment as defined in Section 2-5, shall commence
25 their actions in the appropriate Circuit Court or the Court
26 of Claims, as the case may require, within one year next
27 after the cause of action accrued.

28 A cause of action accrues within the meaning of this
29 Section upon the following date:

30 (1) if the vendor can prove that he submitted a
31 bill for the service rendered to the ~~Illinois~~ Department
32 of Public Aid, the Department of Human Services, or a
33 governmental unit within 12 months of the date the

1 service was rendered, then (a) upon the date the Illinois
 2 Department or a governmental unit mails to the vendor
 3 information that it is paying a bill in part or is
 4 refusing to pay a bill in whole or in part, or (b) upon
 5 the date one year following the date the vendor submitted
 6 such bill if the Illinois Department or a governmental
 7 unit fails to mail to the vendor such payment information
 8 within one year following the date the vendor submitted
 9 the bill; or

10 (2) if the vendor cannot prove that he submitted a
 11 bill for the service rendered within 12 months of the
 12 date the service was rendered, then upon the date 12
 13 months following the date the vendor rendered the service
 14 to the recipient.

15 This paragraph governs only vendor payments as defined in
 16 this Code and as limited by regulations of the Illinois
 17 Department of Public Aid and the Department of Human
 18 Services; it does not apply to goods or services purchased or
 19 contracted for by a recipient under circumstances in which
 20 the payment is to be made directly by the recipient.

21 Any vendor who accepts a vendor payment and who knowingly
 22 obtains or attempts to obtain additional payment for the
 23 goods or services covered by the vendor payment from the
 24 recipient or any other person shall be guilty of a Class B
 25 misdemeanor.

26 (Source: P.A. 86-430.)

27 (305 ILCS 5/11-14.5)

28 Sec. 11-14.5. Overpayment; recovery. If an applicant or
 29 recipient receives any form of public aid from the Illinois
 30 Department of Public Aid, the Department of Human Services,
 31 or a local governmental unit to which he or she is not
 32 entitled, the Illinois Department or local governmental unit
 33 may determine that the applicant or recipient has received an

1 overpayment of public aid. The Illinois Department of Public
 2 Aid or the Department of Human Services may determine that an
 3 overpayment has been received regardless of any determination
 4 of the cause of the overpayment, including but not limited to
 5 a determination that the overpayment was caused by an error
 6 of the Illinois Department or local governmental unit. The
 7 Illinois Department of Public Aid, Department of Human
 8 Services, or local governmental unit may attempt to recover
 9 the overpayment by recoupment from future assistance payments
 10 or food stamps or any other legal means consistent with State
 11 and federal law.

12 (Source: P.A. 89-673, eff. 8-14-96; 90-517, eff. 8-22-97.)

13 (305 ILCS 5/11-15) (from Ch. 23, par. 11-15)

14 Sec. 11-15. Application requirements.

15 (1) An application for financial aid shall be filed in
 16 writing by the person requesting aid and, in the case of a
 17 request for family aid, by the head of that family, except as
 18 otherwise permitted in paragraph (2). Applications for aid
 19 under Articles III, IV, and V shall be filed in writing with
 20 the county department of the county in which the applicant
 21 resides in the manner prescribed by the Illinois Department.
 22 Applications for aid under Article VI shall be filed in
 23 writing with the local governmental unit upon forms approved
 24 by the Illinois Department of Human Services.

25 Each applicant shall provide information as to the amount
 26 of property, real and personal, owned by him or her within
 27 the period of time preceding the application as required
 28 under Sections 3-1.3, 4-1.11, and 5-2.1 of this Code. The
 29 applicant shall also furnish information concerning all
 30 income, money contributions, and other support from any
 31 source, and the beneficiary and the amount or cash surrender
 32 or loan value of all insurance policies held by himself or
 33 herself or any member of his family for whom aid is

1 requested.

2 (2) An application, in all instances to be in writing,
3 may be filed in behalf of a person considered to be in need
4 of financial aid under Articles III, IV, V, or VI only if the
5 person

6 (a) has been adjudged to be under legal disability;
7 or

8 (b) is unable because of minority or physical or
9 mental disability, to execute the application; or

10 (c) in the case of need for funeral and burial,
11 died before an application was filed and the application
12 is filed not more than 30 days after the person's death,
13 excluding the day on which the death occurred.

14 Applications in behalf of persons specified in (a) and
15 (b) shall be filed by the applicant's legal guardian or, if a
16 guardian has not been appointed or the applicant has no legal
17 guardian or the guardian is not available, by a relative or
18 other person, acceptable under the rules of the ~~Illinois~~
19 Department of Public Aid or the Department of Human Services,
20 who is able to furnish the required information. Applications
21 in behalf of persons specified in (c) shall be filed by any
22 next of kin of the deceased who is not under legal disability
23 or, if there are no such next of kin or they are unknown or
24 unavailable, by a person, acceptable under the rules of the
25 ~~Illinois~~ Department of Public Aid or the Department of Human
26 Services, who is able to furnish the required information.

27 (3) The application shall contain a written declaration
28 to be signed by the applicant, or in behalf of the applicant
29 by a person qualified under paragraph (2), in substantially
30 the following form, the parenthetical references being
31 applicable to an application filed by a person in behalf of
32 the applicant:

33 "I declare under penalties of perjury that I have
34 examined this form and all accompanying statements or

1 documents pertaining to the income and resources of
2 myself (the applicant) or any member of my family (the
3 applicant's family) included in this application for aid,
4 or pertaining to any other matter having bearing upon my
5 (the applicant's) eligibility for aid, and to the best of
6 my knowledge and belief the information supplied is true,
7 correct, and complete".

8 (4) If an application for financial aid is filed for a
9 family, and any person in that family is under 18 years of
10 age, the application shall be accompanied by the following
11 for each such person under 18 years of age:

- 12 (i) a copy of the person's birth certificate, or
- 13 (ii) other reliable proof, as determined by the
14 Department of Public Aid or the Department of Human
15 Services, of the person's identity and age.

16 The Illinois Department shall provide information to all
17 families, orally by an intake worker and in writing when the
18 application is filed, about the availability and location of
19 immunization services.

20 (Source: P.A. 92-111, eff. 1-1-02.)

21 (305 ILCS 5/11-16) (from Ch. 23, par. 11-16)

22 Sec. 11-16. Changes in grants; cancellations,
23 revocations, suspensions.

24 (a) All grants of financial aid under this Code shall be
25 considered as frequently as may be required by the rules of
26 the Illinois Department of Public Aid and the Department of
27 Human Services. After such investigation as may be necessary,
28 the amount and manner of giving aid may be changed or the aid
29 may be entirely withdrawn if the county department, local
30 governmental unit, Department of Public Aid, or Illinois
31 Department of Human Services finds that the recipient's
32 circumstances have altered sufficiently to warrant such
33 action. Financial aid may at any time be canceled or revoked

1 for cause or suspended for such period as may be proper.

2 (b) Whenever any such grant of financial aid is
3 cancelled, revoked, reduced, or terminated because of the
4 failure of the recipient to cooperate with the Department of
5 Public Aid or the Department of Human Services, including but
6 not limited to the failure to keep an appointment, attend a
7 meeting, or produce proof or verification of eligibility or
8 need, the grant shall be reinstated in full, retroactive to
9 the date of the change in or termination of the grant,
10 provided that within 10 working days after the first day the
11 financial aid would have been available, the recipient
12 cooperates with the Department and is not otherwise
13 ineligible for benefits for the period in question. This
14 subsection (b) does not apply to sanctions imposed for the
15 failure of any recipient to participate as required in the
16 child support enforcement program or in any educational,
17 training, or employment program under this Code or any other
18 sanction under Section 4-21, nor does this subsection (b)
19 apply to any cancellation, revocation, reduction,
20 termination, or sanction imposed for the failure of any
21 recipient to cooperate in the monthly reporting process or
22 the quarterly reporting process.

23 (Source: P.A. 90-17, eff. 7-1-97; 91-357, eff. 7-29-99.)

24 (305 ILCS 5/11-17) (from Ch. 23, par. 11-17)

25 Sec. 11-17. Duplication or supplementation of aid
26 prohibited - Exceptions. Except (1) for Medical Assistance
27 provided under Article V, or (2) when necessary to accomplish
28 the purposes of this Code, where not inconsistent therewith,
29 and subject to the rules of the Illinois Department, a person
30 receiving aid under any one of Articles III, IV, or VI of
31 this Code shall not at the same time receive aid under any
32 other of such Articles or any other financial aid from the
33 State, any political subdivision thereof, or any municipal

1 corporation therein.

2 (Source: P.A. 92-111, eff. 1-1-02.)

3 (305 ILCS 5/11-19) (from Ch. 23, par. 11-19)

4 Sec. 11-19. Reports by recipients. Every recipient who is
5 of legal age, and every grantee of record of aid provided for
6 a minor recipient, shall file with the county department or
7 the local governmental unit, as the case may be, a statement
8 in respect to any change occurring in his status since his
9 application was made or the filing of his last such report,
10 whichever is applicable. The report shall set out any changes
11 occurring in respect to his property or need, family
12 composition, amount of income, money contributions or other
13 support, from whatever source. Such reports shall be required
14 to be filed as often as may be specified by rule, and the
15 required frequency of such reports may vary by program,
16 geographic area, condition of employment, or such other
17 differentiation as may be specified by rule. The Illinois
18 Department may require that information in the reports filed
19 under this Section include a child immunization history for
20 recipients age 6 and under not attending school. For
21 recipients who report that they have not obtained the
22 immunizations in accordance with recommended schedules, the
23 Illinois Department shall respond by providing information
24 about the availability and location of immunization services
25 and shall transmit the immunization history information to
26 the Healthy Kids Program administered under Section 5-19 of
27 this Code.

28 (Source: P.A. 88-342.)

29 (305 ILCS 5/11-20) (from Ch. 23, par. 11-20)

30 Sec. 11-20. Employment registration; duty to accept
31 employment. This Section applies to employment and training
32 programs other than those for recipients of assistance under

1 Article IV.

2 (1) Each applicant or recipient and dependent member of
3 the family age 16 or over who is able to engage in employment
4 and who is unemployed, or employed for less than the full
5 working time for the occupation in which he or she is
6 engaged, shall maintain a current registration for employment
7 or additional employment with the system of free public
8 employment offices maintained in this State by the State
9 Department of Employment Security under the Public Employment
10 Office Act and shall utilize the job placement services and
11 other facilities of such offices unless the Illinois
12 Department of Human Services otherwise provides by rule for
13 programs administered by the Illinois Department of Human
14 Services.

15 (2) Every person age 16 or over shall be deemed "able to
16 engage in employment", as that term is used herein, unless
17 (a) the person has an illness certified by the attending
18 practitioner as precluding his or her engagement in
19 employment of any type for a time period stated in the
20 practitioner's certification; or (b) the person has a
21 medically determinable physical or mental impairment, disease
22 or loss of indefinite duration and of such severity that he
23 or she cannot perform labor or services in any type of
24 gainful work which exists in the national economy, including
25 work adjusted for persons with physical or mental handicap;
26 or (c) the person is among the classes of persons exempted by
27 paragraph 5 of this Section. A person described in clauses
28 (a), (b) or (c) of the preceding sentence shall be classified
29 as "temporarily unemployable". The Illinois Department of
30 Human Services shall provide by rule for periodic review of
31 the circumstances of persons classified as "temporarily
32 unemployable".

33 (3) The Illinois Department of Human Services shall
34 provide through rules and regulations for sanctions against

1 applicants and recipients of aid under this Code who fail or
2 refuse to cooperate, without good cause, as defined by rule
3 of the Illinois Department, to accept a bona fide offer of
4 employment in which he or she is able to engage either in the
5 community of the person's residence or within reasonable
6 commuting distance therefrom.

7 The Illinois Department of Human Services may provide by
8 rule for the grant or continuation of aid for a temporary
9 period, if federal law or regulation so permits or requires,
10 to a person who refuses employment without good cause if he
11 or she accepts counseling or other services designed to
12 increase motivation and incentives for accepting employment.

13 (4) Without limiting other criteria which the Illinois
14 Department of Human Services may establish, it shall be good
15 cause of refusal if

16 (a) the wage does not meet applicable minimum wage
17 requirements,

18 (b) there being no applicable minimum wage as
19 determined in (a), the wage is certified by the Illinois
20 Department of Labor as being less than that which is
21 appropriate for the work to be performed, or

22 (c) acceptance of the offer involves a substantial
23 threat to the health or safety of the person or any of
24 his or her dependents.

25 (5) The requirements of registration and acceptance of
26 employment shall not apply (a) to a parent or other person
27 needed at home to provide personal care and supervision to a
28 child or children unless, in accordance with the rules and
29 regulations of the Illinois Department of Human Services,
30 suitable arrangements have been or can be made for such care
31 and supervision during the hours of the day the parent or
32 other person is out of the home because of employment; (b) to
33 a person age 16 or over in regular attendance in school, as
34 defined in Section 4-1.1; or (c) to a person whose presence

1 in the home on a substantially continuous basis is required
2 because of the illness or incapacity of another member of the
3 household.

4 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

5 (305 ILCS 5/11-20.1) (from Ch. 23, par. 11-20.1)

6 Sec. 11-20.1. Employment; Rights of recipient and
7 obligations of Illinois Department when recipients become
8 employed; Assistance when a recipient has employment or
9 earned income or both.

10 (a) When a recipient reports employment or earned
11 income, or both, or the Illinois Department otherwise learns
12 of a recipient's employment or earned income, or both, the
13 Illinois Department shall provide the recipient with:

14 (1) An explanation of how the earned income will
15 affect the recipient's eligibility for a grant, and
16 whether the recipient must engage in additional work
17 activities to meet the recipient's monthly work
18 activities requirement and what types of activities may
19 be approved for that purpose, and whether the employment
20 is sufficient to cause months of continued receipt of a
21 grant not to be counted against the recipient's lifetime
22 eligibility limit.

23 (2) An explanation of the Work Pays budgeting
24 process, and an explanation of how the first month's
25 income on a new job will be projected, and how the
26 recipient should report the new job to avoid the
27 Department overestimating the first month's income.

28 (3) An explanation of how the earned income will
29 affect the recipient's eligibility for food stamps,
30 whether the recipient will continue to receive food
31 stamps, and, if so, the amount of food stamps.

32 (4) The names and telephone numbers of all
33 caseworkers to whom the recipient's case or cases are

1 assigned or will be transferred, an explanation of which
2 type of case each worker will be handling, and the
3 effective date of the transfer.

4 (5) An explanation of the recipient's
5 responsibilities to report income and household
6 circumstances, the process by which quarterly reporting
7 forms are sent to recipients, where and to whom the
8 reports should be returned, the deadline by which reports
9 must be returned, instructions on how to fill out the
10 reports, an explanation of what the recipient should do
11 if he or she does not receive the form, advice on how to
12 prove the report was returned by the recipient such as by
13 keeping a copy, and an explanation of the effects of
14 failure to file reports.

15 (6) If the recipient will continue to receive a
16 grant, an explanation of the recipient's new fiscal month
17 and a statement as to when the recipient will receive his
18 or her grant.

19 (7) An explanation of Kidcare and the 12 month
20 extension of medical assistance that is available when a
21 grant is cancelled due to earned income.

22 (8) An explanation of the medical assistance the
23 person may be eligible for when the 12 month extension
24 expires and how to request or apply for it.

25 (9) An explanation of the availability of a child
26 care subsidy to all families below the child care
27 assistance program's income limit, how to apply for the
28 benefit through the Child Care Resource and Referral or
29 site-administered child care program or both, the nature
30 of the child care program's sliding scale co-payments,
31 the availability of the 10% earned income disregard in
32 determining eligibility for child care assistance and the
33 amount of the parent co-payment, the right to use the
34 subsidy for either licensed or license exempt legal care,

1 and the availability of benefits when the parent is
2 engaged in an education and training program.

3 (10) (Blank).

4 (11) (Blank).

5 (11a) (Blank).

6 (12) (Blank).

7 (13) An explanation of the availability of payment
8 for initial expenses of employment and how to request or
9 apply for it.

10 (14) An explanation of the job retention component
11 and how to participate in it, and an explanation of the
12 recipient's eligibility to receive supportive services to
13 participate in education and training programs while
14 working.

15 (15) A statement of the types of assistance that
16 will be provided to the person automatically or continued
17 and a statement of the types of assistance for which the
18 person must apply or reapply.

19 (16) If the recipient will not continue to receive
20 a cash grant and the recipient has assigned his or her
21 right to child support to the Illinois Department, an
22 explanation of the recipient's right to continue to
23 receive child support enforcement services, the
24 recipient's right to have all current support paid after
25 grant cancellation forwarded promptly to the recipient,
26 the procedures by which child support will be forwarded,
27 and the procedures by which the recipient will be
28 informed of the collection and distribution of child
29 support.

30 (17) An explanation of the availability of payments
31 if the recipient experiences a decrease in or loss of
32 earned income during a calendar quarter as to which the
33 monthly grant was previously budgeted based upon the
34 higher income.

1 (18) If the recipient will not continue to receive
2 a cash grant, an explanation of the procedures for
3 reapplying for cash assistance if the person experiences
4 a decrease in or loss of earned income.

5 (19) An explanation of the earned income tax credit
6 and the procedures by which it may be obtained and the
7 rules for disregarding it in determining eligibility for
8 and the amount of assistance.

9 (b) The information listed in subsection (a) shall
10 be provided to the recipient on an individual basis during an
11 in-person meeting with a representative of the Illinois
12 Department. The individual in-person meeting shall be held
13 at a time which does not conflict with the recipient's work
14 schedule within 30 days of the date the recipient begins
15 working. If the recipient informs the Illinois Department
16 that an in-person meeting would be inconvenient, the Illinois
17 Department may provide the information during a home visit,
18 by telephone, or by mail within 30 days of the date the
19 recipient begins working, whichever the client prefers.

20 (c) At the conclusion of the meeting described in
21 subsection (b), the Illinois Department shall ensure that all
22 case transfers and calculations of benefits necessitated by
23 the recipient's employment or receipt of earned income have
24 been performed, that applications have been made or provided
25 for all benefits for which the person must apply or reapply,
26 and that the person has received payment for initial expenses
27 of employment.

28 (Source: P.A. 91-331, eff. 7-29-99.)

29 (305 ILCS 5/11-22) (was 305 ILCS 5/11-22, in part)
30 Sec. 11-22. Charge upon claims and causes of action for
31 injuries.

32 (a) The ~~Illinois~~ Department of Public Aid shall have a
33 charge upon all claims, demands and causes of action for

1 injuries to an applicant for or recipient of financial aid
2 under Articles III, IV, and V for the total amount of medical
3 assistance provided the recipient from the time of injury to
4 the date of recovery upon such claim, demand or cause of
5 action.

6 (b) In addition, if the applicant or recipient was
7 employable, as defined by the Department, at the time of the
8 injury, the Department shall also have a charge upon any such
9 claims, demands and causes of action for the total amount of
10 aid provided to the recipient and his dependents, including
11 all cash assistance and medical assistance only to the extent
12 includable in the claimant's action, from the time of injury
13 to the date of recovery upon such claim, demand or cause of
14 action. Any definition of "employable" adopted by the
15 Department shall apply only to persons above the age of
16 compulsory school attendance.

17 (c) If the injured person was employable at the time of
18 the injury and is provided aid under Articles III, IV, or V
19 and any dependent or member of his family is provided aid
20 under Article VI, or vice versa, both the Illinois Department
21 and the local governmental unit shall have a charge upon such
22 claims, demands and causes of action for the aid provided to
23 the injured person and any dependent member of his family,
24 including all cash assistance, medical assistance and food
25 stamps, from the time of the injury to the date of recovery.

26 (d) "Recipient", as used herein, means the grantee of
27 record and any persons whose needs are included in the
28 financial aid provided to the grantee of record or otherwise
29 met by grants under the appropriate Article of this Code for
30 which such person is eligible.

31 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

32 (305 ILCS 5/11-22.5 new) (was 305 ILCS 5/11-22, in part)

33 Sec. 11-22.5. Notice of charge; attachment of charge.

1 (a) In each case, the notice shall be served by
 2 certified mail or registered mail, upon the party or parties
 3 against whom the applicant or recipient has a claim, demand
 4 or cause of action. The notice shall claim the charge and
 5 describe the interest the Illinois Department, the local
 6 governmental unit, or the county, has in the claim, demand,
 7 or cause of action.

8 (b) The charge shall attach to any verdict or judgment
 9 entered and to any money or property which may be recovered
 10 on account of such claim, demand, cause of action or suit
 11 from and after the time of the service of the notice.

12 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

13 (305 ILCS 5/11-22.10 new) (was 305 ILCS 5/11-22, in part)

14 Sec. 11-22.10. Court's adjudication.

15 (a) On petition filed by the Illinois Department, or by
 16 the local governmental unit or county if either is claiming a
 17 charge, or by the recipient, or by the defendant, the court,
 18 on written notice to all interested parties, may adjudicate
 19 the rights of the parties and enforce the charge. The court
 20 may approve the settlement of any claim, demand or cause of
 21 action either before or after a verdict, and nothing in
 22 Sections 11-22 through 11-22.20 ~~this--Section~~ shall be
 23 construed as requiring the actual trial or final adjudication
 24 of any claim, demand or cause of action upon which the
 25 Illinois Department, the local governmental unit or county
 26 has charge.

27 (b) The court may determine what portion of the recovery
 28 shall be paid to the injured person and what portion shall be
 29 paid to the Illinois Department, the local governmental unit
 30 or county having a charge against the recovery. In making
 31 this determination, the court shall conduct an evidentiary
 32 hearing and shall consider competent evidence pertaining to
 33 the following matters:

1 (1) the amount of the charge sought to be enforced
2 against the recovery when expressed as a percentage of
3 the gross amount of the recovery; the amount of the
4 charge sought to be enforced against the recovery when
5 expressed as a percentage of the amount obtained by
6 subtracting from the gross amount of the recovery the
7 total attorney's fees and other costs incurred by the
8 recipient incident to the recovery; and whether the
9 Department, unit of local government or county seeking to
10 enforce the charge against the recovery should as a
11 matter of fairness and equity bear its proportionate
12 share of the fees and costs incurred to generate the
13 recovery from which the charge is sought to be satisfied;

14 (2) the amount, if any, of the attorney's fees and
15 other costs incurred by the recipient incident to the
16 recovery and paid by the recipient up to the time of
17 recovery, and the amount of such fees and costs remaining
18 unpaid at the time of recovery;

19 (3) the total hospital, doctor and other medical
20 expenses incurred for care and treatment of the injury to
21 the date of recovery therefor, the portion of such
22 expenses theretofore paid by the recipient, by insurance
23 provided by the recipient, and by the Department, unit of
24 local government and county seeking to enforce a charge
25 against the recovery, and the amount of such previously
26 incurred expenses which remain unpaid at the time of
27 recovery and by whom such incurred, unpaid expenses are
28 to be paid;

29 (4) whether the recovery represents less than
30 substantially full recompense for the injury and the
31 hospital, doctor and other medical expenses incurred to
32 the date of recovery for the care and treatment of the
33 injury, so that reduction of the charge sought to be
34 enforced against the recovery would not likely result in

1 a double recovery or unjust enrichment to the recipient;

2 (5) the age of the recipient and of persons
3 dependent for support upon the recipient, the nature and
4 permanency of the recipient's injuries as they affect not
5 only the future employability and education of the
6 recipient but also the reasonably necessary and
7 foreseeable future material, maintenance, medical,
8 rehabilitative and training needs of the recipient, the
9 cost of such reasonably necessary and foreseeable future
10 needs, and the resources available to meet such needs and
11 pay such costs;

12 (6) the realistic ability of the recipient to repay
13 in whole or in part the charge sought to be enforced
14 against the recovery when judged in light of the factors
15 enumerated above.

16 (c) The burden of producing evidence sufficient to
17 support the exercise by the court of its discretion to reduce
18 the amount of a proven charge sought to be enforced against
19 the recovery shall rest with the party seeking such
20 reduction.

21 (d) The court may reduce and apportion the Illinois
22 Department's lien proportionate to the recovery of the
23 claimant. The court may consider the nature and extent of
24 the injury, economic and noneconomic loss, settlement offers,
25 comparative negligence as it applies to the case at hand,
26 hospital costs, physician costs, and all other appropriate
27 costs. The Illinois Department shall pay its pro rata share
28 of the attorney fees based on the Illinois Department's lien
29 as it compares to the total settlement agreed upon. Sections
30 11-22 through 11-22.20 ~~This--Section~~ shall not affect the
31 priority of an attorney's lien under the Attorneys Lien Act.
32 The charges of the Illinois Department described in Sections
33 11-22 through 11-22.20 ~~this--Section~~, however, shall take
34 priority over all other liens and charges existing under the

1 laws of the State of Illinois with the exception of the
2 attorney's lien under said statute.

3 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

4 (305 ILCS 5/11-22.15 new) (was 305 ILCS 5/11-22, in part)
5 Sec. 11-22.15. Satisfaction of charge; attorney's claim
6 for fees. Whenever the Department or any unit of local
7 government has a statutory charge under Sections 11-22
8 through 11-22.20 ~~this Section~~ against a recovery for damages
9 incurred by a recipient because of its advancement of any
10 assistance, such charge shall not be satisfied out of any
11 recovery until the attorney's claim for fees is satisfied,
12 irrespective of whether or not an action based on recipient's
13 claim has been filed in court.

14 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

15 (305 ILCS 5/11-22.20 new) (was 305 ILCS 5/11-22, in part)
16 Sec. 11-22.20. Inapplicability to other claims. Sections
17 11-22 through this Section shall be inapplicable to any
18 claim, demand or cause of action arising under (a) the
19 Workers' Compensation Act or the predecessor Workers'
20 Compensation Act of June 28, 1913, (b) the Workers'
21 Occupational Diseases Act or the predecessor Workers'
22 Occupational Diseases Act of March 16, 1936; and (c) the
23 Wrongful Death Act.

24 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

25 (305 ILCS 5/11-22a) (from Ch. 23, par. 11-22a)
26 Sec. 11-22a. Right of subrogation. To the extent of the
27 amount of medical assistance provided by the Department of
28 Public Aid to or on behalf of a recipient under Article V or
29 VI, the Department shall be subrogated to any right of
30 recovery such recipient may have under the terms of any
31 private or public health care coverage or casualty coverage,

1 including coverage under the "Workers' Compensation Act",
 2 approved July 9, 1951, as amended, or the "Workers'
 3 Occupational Diseases Act", approved July 9, 1951, as
 4 amended, without the necessity of assignment of claim or
 5 other authorization to secure the right of recovery to the
 6 Department. To enforce its subrogation right, the Department
 7 of Public Aid may (i) intervene or join in an action or
 8 proceeding brought by the recipient, his or her guardian,
 9 personal representative, estate, dependents, or survivors
 10 against any person or public or private entity that may be
 11 liable; (ii) institute and prosecute legal proceedings
 12 against any person or public or private entity that may be
 13 liable for the cost of such services; or (iii) institute and
 14 prosecute legal proceedings, to the extent necessary to
 15 reimburse the Illinois Department for its costs, against any
 16 noncustodial parent who (A) is required by court or
 17 administrative order to provide insurance or other coverage
 18 of the cost of health care services for a child eligible for
 19 medical assistance under this Code and (B) has received
 20 payment from a third party for the costs of those services
 21 but has not used the payments to reimburse either the other
 22 parent or the guardian of the child or the provider of the
 23 services.

24 (Source: P.A. 92-111, eff. 1-1-02.)

25 (305 ILCS 5/11-22b) (was 305 ILCS 5/11-22b, subsec. (a))
 26 Sec. 11-22b. Recoveries; definitions. (a) As used in
 27 this Section and Sections 11-22b.5 through 11-22b.30:

28 (1) "Carrier" means any insurer, including any private
 29 company, corporation, mutual association, trust fund,
 30 reciprocal or interinsurance exchange authorized under the
 31 laws of this State to insure persons against liability or
 32 injuries caused to another and any insurer providing benefits
 33 under a policy of bodily injury liability insurance covering

1 liability arising out of the ownership, maintenance or use of
2 a motor vehicle which provides uninsured motorist endorsement
3 or coverage.

4 (2) "Beneficiary" means any person or their dependents
5 who has received benefits or will be provided benefits under
6 this Code because of an injury for which another person may
7 be liable. It includes such beneficiary's guardian,
8 conservator or other personal representative, his estate or
9 survivors.

10 (Source: P.A. 84-1402.)

11 (305 ILCS 5/11-22b.5 new) (was 305 ILCS 5/11-22b, subsec.
12 (b))

13 Sec. 11-22b.5. Department's right to recover.

14 (a) (b)-(1) When benefits are provided or will be
15 provided to a beneficiary under this Code because of an
16 injury for which another person is liable, or for which a
17 carrier is liable in accordance with the provisions of any
18 policy of insurance issued pursuant to the Illinois Insurance
19 Code, the Illinois Department shall have a right to recover
20 from such person or carrier the reasonable value of benefits
21 so provided. The Attorney General may, to enforce such
22 right, institute and prosecute legal proceedings against the
23 third person or carrier who may be liable for the injury in
24 an appropriate court, either in the name of the Illinois
25 Department or in the name of the injured person, his
26 guardian, personal representative, estate, or survivors.

27 (b) (2) The Department may:

28 (1) (A) Compromise or settle and release any such
29 claim for benefits provided under this Code, or

30 (2) (B) Waive any such claims for benefits provided
31 under this Code, in whole or in part, for the convenience
32 of the Department or if the Department determines that
33 collection would result in undue hardship upon the person

1 who suffered the injury or, in a wrongful death action,
2 upon the heirs of the deceased.

3 (c) (3) No action taken on behalf of the Department
4 pursuant to Sections 11-22b through 11-22b.30 ~~this-Section~~ or
5 any judgment rendered in such action shall be a bar to any
6 action upon the claim or cause of action of the beneficiary,
7 his guardian, conservator, personal representative, estate,
8 dependents or survivors against the third person who may be
9 liable for the injury, or shall operate to deny to the
10 beneficiary the recovery for that portion of any damages not
11 covered hereunder.

12 (Source: P.A. 84-1402.)

13 (305 ILCS 5/11-22b.10 new) (was 305 ILCS 5/11-22b,
14 subdivs. (c)(1) and (c)(2))

15 Sec. 11-22b.10. Commencement of action for recovery.

16 (a) (e)-(1) When an action is brought by the Department
17 pursuant to Section 11-22b.5 ~~subsection--(b)~~, it shall be
18 commenced within the period prescribed by Article XIII of the
19 Code of Civil Procedure.

20 However, the Department may not commence the action prior
21 to 5 months before the end of the applicable period
22 prescribed by Article XIII of the Code of Civil Procedure.
23 Thirty days prior to commencing an action, the Department
24 shall notify the beneficiary of the Department's intent to

25 (b) (2) The death of the beneficiary does not abate any
26 right of action established by Section 11-22b.5 ~~subsection~~
27 ~~(b)~~.

28 (Source: P.A. 84-1402.)

29 (305 ILCS 5/11-22b.15 new) (was 305 ILCS 5/11-22b,
30 subdivs. (c)(3) and (c)(4) and subsec. (i))

31 Sec. 11-22b.15. Extent of Department's claim for
32 reimbursement.

1 (a) ~~(3)~~ When an action or claim is brought by persons
 2 entitled to bring such actions or assert such claims against
 3 a third person who may be liable for causing the death of a
 4 beneficiary, any settlement, judgment or award obtained is
 5 subject to the Department's claim for reimbursement of the
 6 benefits provided to the beneficiary under this Code.

7 (b) ~~(4)~~ When the action or claim is brought by the
 8 beneficiary alone and the beneficiary incurs a personal
 9 liability to pay attorney's fees and costs of litigation, the
 10 Department's claim for reimbursement of the benefits provided
 11 to the beneficiary shall be the full amount of benefits paid
 12 on behalf of the beneficiary under this Code less a pro rata
 13 share which represents the Department's reasonable share of
 14 attorney's fees paid by the beneficiary and that portion of
 15 the cost of litigation expenses determined by multiplying by
 16 the ratio of the full amount of the expenditures of the full
 17 amount of the judgment, award or settlement.

18 (c) ~~(i)~~ Except as otherwise provided in Sections 11-22b
 19 through 11-22b.30 ~~this--Section~~, notwithstanding any other
 20 provision of law, the entire amount of any settlement of the
 21 injured beneficiary's action or claim, with or without suit,
 22 is subject to the Department's claim for reimbursement of the
 23 benefits provided and any lien filed pursuant thereto to the
 24 same extent and subject to the same limitations as in
 25 Sections Section 11-22 through 11-22.20 of this Code.

26 (Source: P.A. 84-1402.)

27 (305 ILCS 5/11-22b.20 new) (was 305 ILCS 5/11-22b,
 28 subsec. (d))

29 Sec. 11-22b.20. Notice of action or claim.

30 (a) ~~(d)-(1)~~ If either the beneficiary or the Department
 31 brings an action or claim against such third party or
 32 carrier, the beneficiary or the Department shall within 30
 33 days of filing the action give to the other written notice by

1 personal service or registered mail of the action or claim
 2 and of the name of the court in which the action or claim is
 3 brought. Proof of such notice shall be filed in such action
 4 or claim. If an action or claim is brought by either the
 5 Department or the beneficiary, the other may, at any time
 6 before trial on the facts, become a party to such action or
 7 claim or shall consolidate his action or claim with the other
 8 if brought independently.

9 (b) (2) If an action or claim is brought by the
 10 Department pursuant to subsection (a) of Section 11-22b.5
 11 ~~(b)(1)~~, written notice to the beneficiary, guardian, personal
 12 representative, estate or survivor given pursuant to
 13 subsection (a) of this Section ~~this-Section~~ shall advise him
 14 of his right to intervene in the proceeding, his right to
 15 obtain a private attorney of his choice and the Department's
 16 right to recover the reasonable value of the benefits
 17 provided.

18 (Source: P.A. 84-1402.)

19 (305 ILCS 5/11-22b.25 new) (was 305 ILCS 5/11-22b,
 20 subsecs. (e), (f), and (g))

21 Sec. 11-22b.25. Court's order; Department's lien.

22 (a) (e) In the event of judgment or award in a suit or
 23 claim against such third person or carrier:

24 (1) If the action or claim is prosecuted by the
 25 beneficiary alone, the court shall first order paid from
 26 any judgment or award the reasonable litigation expenses
 27 incurred in preparation and prosecution of such action or
 28 claim, together with reasonable attorney's fees, when an
 29 attorney has been retained. After payment of such
 30 expenses and attorney's fees the court shall, on the
 31 application of the Department, allow as a first lien
 32 against the amount of such judgment or award the amount
 33 of the Department's expenditures for the benefit of the

1 beneficiary under this Code, as provided in subsection
2 (b) of Section 11-22b.15 (e)(4).

3 (2) If the action or claim is prosecuted both by
4 the beneficiary and the Department, the court shall first
5 order paid from any judgment or award the reasonable
6 litigation expenses incurred in preparation and
7 prosecution of such action or claim, together with
8 reasonable attorney's fees for plaintiffs attorneys based
9 solely on the services rendered for the benefit of the
10 beneficiary. After payment of such expenses and
11 attorney's fees, the court shall apply out of the balance
12 of such judgment or award an amount sufficient to
13 reimburse the Department the full amount of benefits paid
14 on behalf of the beneficiary under this Code.

15 (b) (f) The court shall, upon further application at any
16 time before the judgment or award is satisfied, allow as a
17 further lien the amount of any expenditures of the Department
18 in payment of additional benefits arising out of the same
19 cause of action or claim provided on behalf of the
20 beneficiary under this Code, when such benefits were provided
21 or became payable subsequent to the original order.

22 (c) (g) No judgment, award or settlement in any action
23 or claim by a beneficiary to recover damages for injuries,
24 when the Department has an interest, shall be satisfied
25 without first giving the Department notice and a reasonable
26 opportunity to perfect and satisfy its his lien.

27 (Source: P.A. 84-1402.)

28 (305 ILCS 5/11-22b.30 new) (was 305 ILCS 5/11-22b,
29 subsec. (h))

30 Sec. 11-22b.30. Writ of execution to enforce lien.

31 (h) When the Department has perfected a lien upon a judgment
32 or award in favor of a beneficiary against any third party
33 for an injury for which the beneficiary has received benefits

1 under this Code, the Department shall be entitled to a writ
2 of execution as lien claimant to enforce payment of said lien
3 against such third party with interest and other accruing
4 costs as in the case of other executions. In the event the
5 amount of such judgment or award so recovered has been paid
6 to the beneficiary, the Department shall be entitled to a
7 writ of execution against such beneficiary to the extent of
8 the Department's lien, with interest and other accruing costs
9 as in the case of other executions.

10 (Source: P.A. 84-1402.)

11 (305 ILCS 5/11-22c) (from Ch. 23, par. 11-22c)

12 Sec. 11-22c. Recovery of back pay; lien.

13 (a) As used in this Section, "recipient" means any
14 person receiving financial assistance under Article IV or
15 Article VI of this Code.

16 (b) If a recipient maintains any suit, charge or other
17 court or administrative action against an employer seeking
18 back pay for a period during which the recipient received
19 financial assistance under Article IV or Article VI of this
20 Code, the recipient shall report such fact to the Department
21 of Human Services. To the extent of the amount of assistance
22 provided to or on behalf of the recipient under Article IV or
23 Article VI, the Department of Human Services may by
24 intervention or otherwise without the necessity of assignment
25 of claim, attach a lien on the recovery of back wages equal
26 to the amount of assistance provided by the Department to the
27 recipient under Article IV or Article VI.

28 (Source: P.A. 86-497.)

29 (305 ILCS 5/11-26) (was 305 ILCS 5/11-26, subsecs. (a)
30 and (h))

31 Sec. 11-26. Recipient's abuse of medical care;
32 restrictions on access to medical care.

1 (a) When the Department of Public Aid determines, on the
 2 basis of statistical norms and medical judgment, that a
 3 medical care recipient has received medical services in
 4 excess of need and with such frequency or in such a manner as
 5 to constitute an abuse of the recipient's medical care
 6 privileges, the recipient's access to medical care may be
 7 restricted.

8 ~~(b)~~ ~~(h)~~ In addition to any other recipient whose
 9 acquisition of medical care is determined to be in excess of
 10 need, the Department of Public Aid may restrict the medical
 11 care privileges of the following persons:

12 (1) Recipients found to have loaned or altered
 13 their cards or misused or falsely represented medical
 14 coverage.†

15 (2) Recipients found in possession of blank or
 16 forged prescription pads.†

17 (3) Recipients who knowingly assist providers in
 18 rendering excessive services or defrauding the medical
 19 assistance program.

20 The procedural safeguards in this Section through Section
 21 11-26.030 shall apply to the above individuals.

22 (Source: P.A. 88-554, eff. 7-26-94.)

23 (305 ILCS 5/11-26.05 new) (was 305 ILCS 5/11-26, subsecs.

24 (b) and (c))

25 Sec. 11-26.05. Designation of primary care provider,
 26 pharmacy, or HMO.

27 ~~(a)~~ ~~(b)~~ When the Department of Public Aid has determined
 28 that a recipient is abusing his or her medical care
 29 privileges as described in this Section 11-26, it may require
 30 that the recipient designate a primary care provider, primary
 31 care pharmacy, or health maintenance organization of the
 32 recipient's own choosing to assume responsibility for the
 33 recipient's care. Instead of requiring a recipient to make a

1 designation as provided in this subsection, the Department of
 2 Public Aid, pursuant to rules adopted by the Department and
 3 without regard to any choice of an entity that the recipient
 4 might otherwise make, may initially designate a primary care
 5 provider, primary care pharmacy, or health maintenance
 6 organization to assume responsibility for the recipient's
 7 care, provided that the primary care provider, primary care
 8 pharmacy, or health maintenance organization is willing to
 9 provide that care.

10 (b) (e) When the Department of Public Aid has requested
 11 that a recipient designate a primary care provider, primary
 12 care pharmacy or health maintenance organization and the
 13 recipient fails or refuses to do so, the Department may,
 14 after a reasonable period of time, assign the recipient to a
 15 primary care provider, primary care pharmacy or health
 16 maintenance organization of its own choice and determination,
 17 provided such primary care provider, primary care pharmacy or
 18 health maintenance organization is willing to provide such
 19 care.

20 (Source: P.A. 88-554, eff. 7-26-94.)

21 (305 ILCS 5/11-26.010 new) (was 305 ILCS 5/11-26, subsec.
 22 (d))

23 Sec. 11-26.010. Change of primary care provider,
 24 pharmacy, or HMO.

25 (a) (d) When a recipient has been restricted to a
 26 designated primary care provider, primary care pharmacy or
 27 health maintenance organization, the recipient may change the
 28 primary care provider, primary care pharmacy or health
 29 maintenance organization:

30 (1) when the designated source becomes unavailable,
 31 as the Department of Public Aid shall determine by rule;
 32 or

33 (2) when the designated primary care provider,

1 primary care pharmacy or health maintenance organization
 2 notifies the Department of Public Aid that it wishes to
 3 withdraw from any obligation as primary care provider,
 4 primary care pharmacy or health maintenance organization;
 5 or

6 (3) in other situations, as the Department of
 7 Public Aid shall provide by rule.

8 (b) The Department of Public Aid shall, by rule,
 9 establish procedures for providing medical or pharmaceutical
 10 services when the designated source becomes unavailable or
 11 wishes to withdraw from any obligation as primary care
 12 provider, primary care pharmacy or health maintenance
 13 organization, shall, by rule, take into consideration the
 14 need for emergency or temporary medical assistance and shall
 15 ensure that the recipient has continuous and unrestricted
 16 access to medical care from the date on which such
 17 unavailability or withdrawal becomes effective until such
 18 time as the recipient designates a primary care source or a
 19 primary care source willing to provide such care is
 20 designated by the Department consistent with Section 11-26.05
 21 ~~subsections---(b)---and--(e)~~ and such restriction becomes
 22 effective.

23 (Source: P.A. 88-554, eff. 7-26-94.)

24 (305 ILCS 5/11-26.015 new) (was 305 ILCS 5/11-26, subsec.

25 (e))

26 Sec. 11-26.015. Notice of intended restriction.

27 ~~(e)~~ Prior to initiating any action to restrict a recipient's
 28 access to medical or pharmaceutical care, the Department of
 29 Public Aid shall notify the recipient of its intended action.
 30 Such notification shall be in writing and shall set forth the
 31 reasons for and nature of the proposed action. In addition,
 32 the notification shall:

33 (1) inform the recipient that (i) the recipient has

1 a right to designate a primary care provider, primary
2 care pharmacy, or health maintenance organization of the
3 recipient's own choosing willing to accept such
4 designation and that the recipient's failure to do so
5 within a reasonable time may result in such designation
6 being made by the Department or (ii) the Department has
7 designated a primary care provider, primary care
8 pharmacy, or health maintenance organization to assume
9 responsibility for the recipient's care; and

10 (2) inform the recipient that the recipient has a
11 right to appeal the Department's determination to
12 restrict the recipient's access to medical care and
13 provide the recipient with an explanation of how such
14 appeal is to be made. The notification shall also inform
15 the recipient of the circumstances under which
16 unrestricted medical eligibility shall continue until a
17 decision is made on appeal and that if the recipient
18 chooses to appeal, the recipient will be able to review
19 the medical payment data that was utilized by the
20 Department to decide that the recipient's access to
21 medical care should be restricted.

22 (Source: P.A. 88-554, eff. 7-26-94.)

23 (305 ILCS 5/11-26.020 new) (was 305 ILCS 5/11-26, subsec.
24 (f))

25 Sec. 11-26.020. Appeal of restriction. (f) The
26 Department of Public Aid shall, by rule or regulation,
27 establish procedures for appealing a determination to
28 restrict a recipient's access to medical care, which
29 procedures shall, at a minimum, provide for a reasonable
30 opportunity to be heard and, where the appeal is denied, for
31 a written statement of the reason or reasons for such denial.

32 (Source: P.A. 88-554, eff. 7-26-94.)

1 (305 ILCS 5/11-26.025 new) (was 305 ILCS 5/11-26, subsec.
2 (g))

3 Sec. 11-26.025. Reevaluation of recipient's medical
4 usage.

5 (a) ~~(g)~~ Except as otherwise provided in this Section
6 ~~subsection~~, when a recipient has had his or her medical card
7 restricted for 4 full quarters (without regard to any period
8 of ineligibility for medical assistance under this Code, or
9 any period for which the recipient voluntarily terminates his
10 or her receipt of medical assistance, that may occur before
11 the expiration of those 4 full quarters), the Department of
12 Public Aid shall reevaluate the recipient's medical usage to
13 determine whether it is still in excess of need and with such
14 frequency or in such a manner as to constitute an abuse of
15 the receipt of medical assistance. If it is still in excess
16 of need, the restriction shall be continued for another 4
17 full quarters. If it is no longer in excess of need, the
18 restriction shall be discontinued.

19 (b) If a recipient's access to medical care has been
20 restricted under Sections 11-26 through 11-26.030 this
21 ~~Section~~ and the Department of Public Aid then determines,
22 either at reevaluation or after the restriction has been
23 discontinued, to restrict the recipient's access to medical
24 care a second or subsequent time, the second or subsequent
25 restriction may be imposed for a period of more than 4 full
26 quarters.

27 (c) If the Department of Public Aid restricts a
28 recipient's access to medical care for a period of more than
29 4 full quarters, as determined by rule, the Department shall
30 reevaluate the recipient's medical usage after the end of the
31 restriction period rather than after the end of 4 full
32 quarters.

33 (d) The Department of Public Aid shall notify the
34 recipient, in writing, of any decision to continue the

1 restriction and the reason or reasons therefor.

2 (e) A "quarter", for purposes of this Section, shall be
3 defined as one of the following 3-month periods of time:
4 January-March, April-June, July-September or
5 October-December.

6 (Source: P.A. 88-554, eff. 7-26-94.)

7 (305 ILCS 5/11-26.030 new) (was 305 ILCS 5/11-26, subsec.

8 (i))

9 Sec. 11-26.030. Restrictions in addition to other
10 actions. (i) Restrictions under Sections 11-26 through this
11 Section shall be in addition to and shall not in any way be
12 limited by or limit any actions taken under Article VIIIA of
13 this Code.

14 (Source: P.A. 88-554, eff. 7-26-94.)

15 (305 ILCS 5/11-26.1) (from Ch. 23, par. 11-26.1)

16 Sec. 11-26.1. Drug Utilization Review.

17 (a) The ~~Illinois~~ Department of Public Aid shall, within
18 the time frames mandated by federal law, implement a Drug
19 Utilization Review Program (DUR), designed to decrease
20 overutilization of drugs through both prospective and
21 retrospective utilization review. The ~~Illinois~~ Department
22 shall determine the content of the DUR by rule.

23 (b) The ~~Illinois~~ Department of Public Aid may implement
24 this Section as added by this amendatory Act of 1991 through
25 the use of emergency rules in accordance with the provisions
26 of Section 5.02 of the Illinois Administrative Procedure Act.
27 For purposes of the Illinois Administrative Procedure Act,
28 the adoption of rules to implement this Section as added by
29 this amendatory Act of 1991 shall be deemed an emergency and
30 necessary for the public interest, safety and welfare.

31 (Source: P.A. 87-14.)

1 (305 ILCS 5/11-27) (from Ch. 23, par. 11-27)

2 Sec. 11-27. Obtaining benefits after termination.

3 (a) For the purpose of this Section, the term "entity"
4 includes persons, firms, corporations, associations and
5 agencies.

6 (b) Subject to the provisions of Sections 8A-7 through
7 8A-7.025, Section 8A-8, and Sections 12-4.25 through
8 12-4.25.35, no entity which has had its receipt of benefits
9 or payments under this Code terminated or suspended or its
10 future receipt barred by the Department shall, while such
11 disability remains in effect, directly or indirectly:

12 (1) serve as a technical or other advisor to any entity
13 which obtains, attempts to obtain or seeks to obtain benefits
14 or payments under this Code; or

15 (2) be an incorporator or member of the board of
16 directors of any entity which obtains, attempts to obtain or
17 seeks to obtain benefits or payments under this Code; or

18 (3) be an investor with or in any entity which obtains,
19 attempts to obtain or seeks to obtain benefits or payments
20 under this Code.

21 (c) The Director may, by rule, establish procedures for
22 any entity aggrieved by the application of this Section to
23 seek special permission to continue receiving benefits or
24 payments under this Code or to seek reinstatement of benefits
25 or payments under this Code. Such entity must be otherwise
26 eligible to receive benefits or payments under this Code and
27 in compliance with any applicable requirement of this Code
28 for reinstatement. If the Director determines that the
29 entity seeking such permission or reinstatement had no part
30 in the actions or conduct upon which the decision to suspend,
31 terminate or bar benefits was based, he may authorize the
32 continued participation by or reinstatement of the entity in
33 such program or programs as he may deem appropriate under all
34 the circumstances and upon such terms and conditions and

1 under such probationary or other restrictions as he or other
2 provisions of this Code may require.

3 (d) Any entity which knowingly violates the provisions
4 of this Section or knowingly attempts or conspires to violate
5 the provisions of this Section shall be civilly liable in a
6 court of law for damages in an amount 3 times the value of
7 all benefits or payments obtained by such entity or \$10,000,
8 whichever sum is greater.

9 (e) The civil liability imposed under this Section shall
10 be joint and several and shall extend to any entity knowingly
11 seeking or attempting to obtain benefits under this Code
12 which, having the authority to refuse, knowingly associates
13 with or permits the association of a suspended, terminated or
14 barred entity as prohibited herein. Such liability shall
15 also extend to any entity found guilty in a court of law of
16 such unlawful association, including the suspended,
17 terminated or barred entity. Liability shall arise when any
18 such entity knew, or under all of the circumstances
19 reasonably should have known, that it was engaging in or
20 authorizing any activity prohibited herein.

21 (f) The Attorney General, or the State's Attorney in
22 actions involving a local governmental unit, may initiate
23 court proceedings to recover benefits or payments obtained in
24 violation of this Section and shall, in addition to any
25 judgment obtained, be entitled to recover all court costs.

26 (g) Notwithstanding any provision of The Freedom of
27 Information Act or other State law, the Department shall make
28 public the identity and business address of every entity
29 which has had its receipt of benefits or payments under this
30 Code suspended or terminated or its future receipt barred by
31 the Department. Each month, the Department shall publish a
32 list of such identities and addresses, which shall be mailed
33 by the Department without charge to associations and
34 societies, including their affiliates and components, of

1 vendors providing goods, services or both to recipients of
2 medical assistance under this Code. The Department shall
3 also mail such list without charge to any other person or
4 organization upon request.

5 (h) Nothing in this Section shall prohibit the
6 Department from pursuing and implementing any other remedy
7 provided by this Code in connection with the suspension,
8 termination or reinstatement of receipt of benefits or
9 payments under this Code or the barring of receipt of future
10 benefits or payments under this Code.

11 (Source: P.A. 84-1254; 84-1438.)

12 (305 ILCS 5/11-28) (from Ch. 23, par. 11-28)

13 Sec. 11-28. Recipient Bill of Rights. The Illinois
14 Department shall promulgate a Bill of Rights for Public Aid
15 recipients which provides basic information about financial
16 and medical assistance and other social services which are
17 available through the Illinois Department and the rights of
18 recipients of and applicants for assistance or social
19 services to due process in reviewing and contesting decisions
20 or actions of the Illinois Department or a county department.
21 The Bill of Rights also shall contain provisions to insure
22 that all recipients and applicants are treated with dignity
23 and fairness. Copies of the Bill of Rights shall be
24 prominently posted in each county department and other local
25 service office maintained by the Illinois Department or a
26 county department so that it will be legible to recipients
27 and applicants.

28 (Source: P.A. 87-528.)

29 (305 ILCS 5/11-29) (from Ch. 23, par. 11-29)

30 Sec. 11-29. Notification of eligibility for earned
31 income tax credit.

32 (a) The Illinois Department shall include the notice

1 regarding the availability of the federal earned income tax
2 credit, in the language provided under Section 20 of the
3 Earned Income Tax Credit Information Act, in any one
4 scheduled mailing disbursed during the month of January
5 to: (1) any person receiving cash assistance under Article
6 IV of this Code; (2) any person receiving benefits under
7 Article V of this Code who does not also receive cash
8 assistance; (3) any person receiving benefits under Article
9 VI of this Code who resides in the city of Chicago; and (4)
10 any person receiving benefits under the federal food stamp
11 program who does not also receive cash assistance under any
12 Article of this Code.

13 (b) Before the annual mailing of the notice under
14 subsection (a) of this Section the Illinois Department shall
15 update the language of the notice provided under Section 20
16 of the Earned Income Tax Credit Information Act in the
17 appropriate blanks to reflect the maximum earned income tax
18 credit and the maximum earnings to which that credit shall
19 apply, as determined by the federal government.

20 (Source: P.A. 89-507, eff. 7-1-97.)

21 (305 ILCS 5/11-31)

22 Sec. 11-31. Recovery of amounts spent on child medical
23 care. The Illinois Department of Public Aid may provide by
24 rule for certification to the Comptroller of amounts spent on
25 child medical care. The purpose of the certification shall
26 be to intercept, to the extent necessary to reimburse the
27 Illinois Department of Public Aid for its costs, State income
28 tax refunds and other payments due to any noncustodial parent
29 who (i) is required by court or administrative order to
30 provide insurance or other coverage of the cost of health
31 care services for a child eligible for medical assistance
32 under this Code and (ii) has received payment from a third
33 party for the costs of those services but has not used the

1 payments to reimburse either the other parent or the guardian
2 of the child or the provider of the services.

3 The rule shall provide for notice to the person and an
4 opportunity to be heard. A final administrative decision
5 rendered by the Illinois Department of Public Aid under this
6 Section may be reviewed only under the Administrative Review
7 Law.

8 (Source: P.A. 89-183, eff. 1-1-96.)

9 (305 ILCS 5/12-2) (from Ch. 23, par. 12-2)

10 Sec. 12-2. County departments. The county departments,
11 under the supervision and direction of the Illinois
12 Department and subject to its rules and regulations, shall
13 locally administer the programs provided by Articles III, IV,
14 and V of this Code and shall provide the social services and
15 utilize the rehabilitative facilities authorized in Articles
16 IX and IXA in respect to persons served through Articles III,
17 IV, and V. They shall also discharge such other duties as may
18 be required by other provisions of this Code or other laws of
19 this State.

20 (Source: P.A. 92-111, eff. 1-1-02.)

21 (305 ILCS 5/12-3) (from Ch. 23, par. 12-3)

22 Sec. 12-3. Local governmental units. As provided in
23 Article VI, local governmental units shall provide funds for
24 and administer the programs provided in that Article subject,
25 where so provided, to the supervision of the Illinois
26 Department of Human Services. Local governmental units shall
27 also provide the social services and utilize the
28 rehabilitative facilities authorized in Article IX for
29 persons served through Article VI, and shall discharge such
30 other duties as may be required by this Code or other laws of
31 this State.

32 In counties not under township organization, the county

1 shall provide funds for and administer such programs.

2 In counties under township organization (including any
3 such counties in which the governing authority is a board of
4 commissioners) the various towns other than those towns lying
5 entirely within the corporate limits of any city, village or
6 incorporated town having a population of more than 500,000
7 inhabitants shall provide funds for and administer such
8 programs.

9 Cities, villages, and incorporated towns having a
10 population of more than 500,000 inhabitants shall provide
11 funds for public aid purposes under Article VI but the
12 Department of Human Services shall administer the program for
13 such municipality.

14 Incorporated towns which have superseded civil townships
15 shall provide funds for and administer the public aid program
16 provided by Article VI.

17 In counties of less than 3 million population having a
18 County Veterans Assistance Commission in which there has been
19 levied a tax as authorized by Section 5-2006 of the Counties
20 Code for the purpose of providing assistance to military
21 veterans and their families, the County Veterans Assistance
22 Commission shall administer the programs provided by Article
23 VI for such military veterans and their families as seek aid
24 through the County Veterans Assistance Commission.

25 (Source: P.A. 92-111, eff. 1-1-02.)

26 (305 ILCS 5/12-4) (from Ch. 23, par. 12-4)

27 Sec. 12-4. Powers and duties of the ~~Illinois~~ Department
28 of Public Aid and the Department of Human Services. In
29 addition to the powers, duties and functions vested in them
30 ~~it~~ by other provisions of this Code or by other laws of this
31 State, the ~~Illinois~~ Department of Public Aid and the
32 Department of Human Services shall have the powers enumerated
33 in Sections 12-4.1 to 12-4.30, inclusive, subject to the

1 conditions therein stated.

2 (Source: P.A. 85-1209.)

3 (305 ILCS 5/12-4.1) (from Ch. 23, par. 12-4.1)

4 Sec. 12-4.1. Appointment of administrative staff. The
5 Department of Public Aid and the Department of Human Services
6 shall appoint, in accordance with the "Personnel Code",
7 approved July 18, 1955, as amended, such administrative staff
8 as may be necessary. The enactment of this Code shall not
9 impair the merit services status of persons employed by the
10 ~~Illinois~~ Department of Public Aid on the effective date
11 thereof.

12 (Source: Laws 1967, p. 122.)

13 (305 ILCS 5/12-4.3) (from Ch. 23, par. 12-4.3)

14 Sec. 12-4.3. Child and Spouse Support Unit.} The
15 Department of Public Aid shall establish within the
16 administrative staff a Child and Spouse Support unit, as
17 provided in Sections ~~Section~~ 10-3.1 through 10-3.1e of
18 Article X.

19 (Source: P.A. 79-474.)

20 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

21 Sec. 12-4.4. Administration of federally-aided programs.
22 The Department shall direct County Departments of Public Aid
23 in the administration of the federally funded food stamp
24 program, programs to aid refugees and Articles III, IV, and V
25 of this Code.

26 The ~~Illinois~~ Department of Human Services shall operate a
27 Food Stamp Employment and Training (FSE&T) program in
28 compliance with federal law. The FSE&T program will have an
29 Earnfare component. The Earnfare component shall be
30 available in selected geographic areas based on criteria
31 established by the ~~Illinois~~ Department of Human Services by

1 rule. Participants in Earnfare will, to the extent resources
2 allow, earn their assistance. Participation in the Earnfare
3 program is voluntary, except when ordered by a court of
4 competent jurisdiction. Eligibility for Earnfare may be
5 limited to only 6 months out of any 12 consecutive month
6 period. Clients are not entitled to be placed in an Earnfare
7 slot. Earnfare slots shall be made available only as
8 resources permit. Earnfare shall be available to persons
9 receiving food stamps who meet eligibility criteria
10 established by the Illinois Department of Human Services by
11 rule. The Illinois Department may, by rule, extend the
12 Earnfare Program to clients who do not receive food stamps.
13 Receipt of food stamps is not an eligibility requirement of
14 Earnfare when a court of competent jurisdiction orders an
15 individual to participate in the Earnfare Program. To the
16 extent resources permit, the Earnfare program will allow
17 participants to engage in work-related activities to earn
18 monthly financial assistance payments and to improve
19 participants' employability in order for them to succeed in
20 obtaining employment. The Illinois Department of Human
21 Services may enter into contracts with other public agencies
22 including State agencies, with local governmental units, and
23 with not-for-profit community based organizations to carry
24 out the elements of the Program that the Department of Human
25 Services deems appropriate.

26 The Earnfare Program shall contain the following
27 elements:

- 28 (1) To the extent resources allow and slots exist,
29 the Illinois Department of Human Services shall refer
30 recipients of food stamp assistance who meet eligibility
31 criteria, as established by rule. Receipt of food stamps
32 is not an eligibility requirement of Earnfare when a
33 court of competent jurisdiction orders an individual to
34 participate in the Earnfare Program.

1 (2) Persons participating in Earnfare shall engage
2 in employment assigned activities equal to the amount of
3 the food stamp benefits divided by the federal minimum
4 wage and subsequently shall earn minimum wage assistance
5 for each additional hour of performance in Earnfare
6 activity. Earnfare participants shall be offered the
7 opportunity to earn up to \$154. The Department of Human
8 Services may establish a higher amount by rule provided
9 resources permit. If a court of competent jurisdiction
10 orders an individual to participate in the Earnfare
11 program, hours engaged in employment assigned activities
12 shall first be applied for a \$50 payment made to the
13 custodial parent as a support obligation. If the
14 individual receives food stamps, the individual shall
15 engage in employment assigned activities equal to the
16 amount of the food stamp benefits divided by the federal
17 minimum wage and subsequently shall earn minimum wage
18 assistance for each additional hour of performance in
19 Earnfare activity.

20 (3) To the extent appropriate slots are available,
21 the Illinois Department of Human Services shall assign
22 Earnfare participants to Earnfare activities based on an
23 assessment of the person's age, literacy, education,
24 educational achievement, job training, work experience,
25 and recent institutionalization, whenever these factors
26 are known to the Department of Human Services or to the
27 contractor and are relevant to the individual's success
28 in carrying out the assigned activities and in ultimately
29 obtaining employment.

30 (4) The Department of Human Services shall consider
31 the participant's preferences and personal employment
32 goals in making assignments to the extent
33 administratively possible and to the extent that
34 resources allow.

1 (5) The Department of Human Services may enter into
2 cooperative agreements with local governmental units
3 (which may, in turn, enter into agreements with
4 not-for-profit community based organizations): with other
5 public, including State, agencies; directly with
6 not-for-profit community based organizations, and with
7 private employers to create Earnfare activities for
8 program participants.

9 (6) To the extent resources permit, the Department
10 of Human Services shall provide the Earnfare participants
11 with the costs of transportation in looking for work and
12 in getting to and from the assigned Earnfare job site and
13 initial expenses of employment.

14 (7) All income and asset limitations of the federal
15 Food Stamp Program will govern continued Earnfare
16 participation, except that court ordered participants
17 shall participate for 6 months unless the court orders
18 otherwise.

19 (8) Earnfare participants shall not displace or
20 substitute for regular, full time or part time employees,
21 regardless of whether or not the employee is currently
22 working, on a leave of absence or in a position or
23 similar position where a layoff has taken place or the
24 employer has terminated the employment of any regular
25 employee or otherwise reduced its workforce with the
26 effect of filling the vacancy so created with a
27 participant subsidized under this program, or is or has
28 been involved in a labor dispute between a labor
29 organization and the sponsor.

30 (9) Persons who fail to cooperate with the FSE&T
31 program shall become ineligible for food stamp assistance
32 according to Food Stamp regulations, and for Earnfare
33 participation. Failure to participate in Earnfare for
34 all of the hours assigned is not a failure to cooperate

1 unless so established by the employer pursuant to
2 Department of Human Services rules. If a person who is
3 ordered by a court of competent jurisdiction to
4 participate in the Earnfare Program fails to cooperate
5 with the Program, the person shall be referred to the
6 court for failure to comply with the court order.

7 (Source: P.A. 92-111, eff. 1-1-02.)

8 (305 ILCS 5/12-4.5) (from Ch. 23, par. 12-4.5)

9 Sec. 12-4.5. Co-operation with federal government. The
10 Department of Public Aid and the Department of Human Services
11 shall co-operate with the federal Department of Health and
12 Human Services, or with any successor agency thereof, or with
13 any other agency of the federal government providing federal
14 funds, commodities, or aid, for public aid and other
15 purposes, in any reasonable manner not contrary to this Code,
16 as may be necessary to qualify for federal aid for the
17 several public aid and welfare service programs established
18 under this Code, including the costs of administration and
19 personnel training incurred thereunder, and for such other
20 aid, welfare and related programs for which federal aid may
21 be available.

22 The Department of Human Services may supervise the
23 administration of food and shelter assistance under this
24 Section for which the Department of Human Services is
25 authorized to receive funds from federal, State and private
26 sources. Under such terms as the Department of Human
27 Services may establish, such monies may be distributed to
28 units of local government and non-profit agencies for the
29 purpose of provision of temporary shelter and food
30 assistance. Temporary shelter means emergency and
31 transitional living arrangements, including related ancillary
32 services. Allowable costs shall include remodeling costs but
33 shall not include other costs not directly related to direct

1 service provision.

2 The Department of Human Services may provide low income
3 families and individuals appropriate supportive services on
4 site to enhance their ability to maintain independent living
5 arrangements or may contract for the provision of those
6 services on site with entities that develop or operate
7 housing developments, governmental units, community based
8 organizations, or not for profit organizations. Those living
9 arrangements may include transitional housing, single-room
10 occupancy (SRO) housing developments, or family housing
11 developments. Supportive services may include any service
12 authorized under the Public Aid Code including, but not
13 limited to, services relating to substance abuse, mental
14 health, transportation, child care, or case management. When
15 appropriate, the Department of Human Services shall work with
16 other State agencies in order to coordinate services and to
17 maximize funding. The Department of Human Services shall
18 give priority for services to residents of housing
19 developments which have been funded by or have a commitment
20 of funds from the Illinois Housing Development Authority.

21 The Department of Human Services shall promulgate
22 specific rules governing the selection of Distribution
23 Network Agencies under the Federal Surplus Commodity Program
24 including, but not limited to, policies relative to the
25 termination of contracts, policies relative to fraud and
26 abuse, appeals processes, and information relative to
27 application and selection processes. The Department of Human
28 Services shall also promulgate specific rules that set forth
29 the information required to be contained in the cost reports
30 to be submitted by each Distribution Network Agency to the
31 Department of Human Services.

32 The Department of Human Services shall cooperate with
33 units of local government and non-profit agencies in the
34 development and implementation of plans to assure the

1 availability of temporary shelter for persons without a home
2 and/or food assistance.

3 The Department of Human Services shall report annually to
4 the House and Senate Appropriations Committees of the General
5 Assembly regarding the provision of monies for such
6 assistance as provided in this Section, including the number
7 of persons served, the level and cost of food provided and
8 the level and cost of each type of shelter provided and any
9 unmet need as to food and shelter.

10 The Illinois Department of Human Services shall make such
11 reports to the federal Department of Health and Human
12 Services or other federal agencies in such form and
13 containing such information as may be required, and shall
14 comply with such provisions as may be necessary to assure the
15 correctness and verification of such reports if funds are
16 contributed by the federal government. In cooperating with
17 any federal agency providing federal funds, commodities, or
18 aid for public aid and other purposes, the Department of
19 Human Services, with the consent of the Governor, may make
20 necessary expenditures from moneys appropriated for such
21 purposes for any of the subdivisions of public aid, for
22 related purposes, or for administration.

23 (Source: P.A. 88-332; 89-507, eff. 7-1-97.)

24 (305 ILCS 5/12-4.6) (from Ch. 23, par. 12-4.6)

25 Sec. 12-4.6. Receipt and use of federal funds,
26 commodities, or other aid. The Department of Public Aid and
27 the Department of Human Services shall receive, expend and
28 use for all purposes of this Code, and for other public aid,
29 welfare and related purposes, funds, commodities and other
30 aid made available by the federal government.

31 (Source: Laws 1967, p. 122.)

32 (305 ILCS 5/12-4.7) (from Ch. 23, par. 12-4.7)

1 Sec. 12-4.7. Co-operation with other agencies. The
2 Department of Public Aid and the Department of Human Services
3 shall make use of, aid and co-operate with State and local
4 governmental agencies, and co-operate with and assist other
5 governmental and private agencies and organizations engaged
6 in welfare functions.

7 (Source: P.A. 92-111, eff. 1-1-02.)

8 (305 ILCS 5/12-4.7b)

9 Sec. 12-4.7b. Exchanges of information concerning
10 inmates.

11 (a) The Department shall enter into intergovernmental
12 agreements to conduct monthly exchanges of information with
13 the Illinois Department of Corrections, the Cook County
14 Department of Corrections, and the office of the sheriff of
15 every other county to determine whether any individual
16 included in an assistance unit receiving public aid under any
17 Article of this Code is an inmate in a facility operated by
18 the Illinois Department of Corrections, the Cook County
19 Department of Corrections, or a county sheriff.

20 (b) The Department shall review each month the entire
21 list of individuals generated by the monthly exchange and
22 shall verify the eligibility for benefits under this Code for
23 each individual on the list. The Department shall terminate
24 benefits under this Code for any individual determined to be
25 ineligible by this monthly review. The Department shall use
26 any legal means available to recoup as an overpayment any
27 assistance provided to an individual for any period during
28 which he or she was ineligible to receive the assistance.

29 (Source: P.A. 89-659, eff. 8-14-96.)

30 (305 ILCS 5/12-4.7c)

31 Sec. 12-4.7c. Exchange of information after July 1, 1997.

32 (a) The Department of Human Services shall exchange with

1 the Illinois Department of Public Aid information that may be
 2 necessary for the enforcement of child support orders entered
 3 pursuant to Sections 10-10 through 10-10.080 and Section
 4 10-11 of this Code or pursuant to the Illinois Marriage and
 5 Dissolution of Marriage Act, the Non-Support of Spouse and
 6 Children Act, the Non-Support Punishment Act, the Revised
 7 Uniform Reciprocal Enforcement of Support Act, the Uniform
 8 Interstate Family Support Act, or the Illinois Parentage Act
 9 of 1984.

10 (b) Notwithstanding any provisions in this Code to the
 11 contrary, the Department of Human Services shall not be
 12 liable to any person for any disclosure of information to the
 13 Illinois Department of Public Aid under subsection (a) or for
 14 any other action taken in good faith to comply with the
 15 requirements of subsection (a).

16 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

17 (305 ILCS 5/12-4.7d)

18 Sec. 12-4.7d. Interagency agreement regarding
 19 investigation of child care providers. The Department of
 20 Human Services shall enter into a written agreement with the
 21 Department of Children and Family Services which shall
 22 provide for interagency procedures regarding requests by the
 23 Department of Human Services that the Department of Children
 24 and Family Services conduct an investigation of the Central
 25 Register, as defined in the Abused and Neglected Child
 26 Reporting Act, to ascertain if a child care provider who is
 27 not required to be licensed under the Child Care Act of 1969
 28 and who is participating in the child care assistance program
 29 under this Code has been determined to be a perpetrator in an
 30 indicated report of child abuse or neglect.

31 (Source: P.A. 90-684, eff. 7-31-98.)

32 (305 ILCS 5/12-4.8) (from Ch. 23, par. 12-4.8)

1 Sec. 12-4.8. Supervision of administration of general
2 assistance. The Department of Human Services shall supervise
3 the administration of General Assistance under Article VI by
4 local governmental units receiving State funds for the
5 purposes of such Article.

6 (Source: P.A. 92-111, eff. 1-1-02.)

7 (305 ILCS 5/12-4.8a)

8 Sec. 12-4.8a. General assistance record keeping. The
9 Illinois Department of Human Services shall establish
10 procedures designed to ensure that a person who receives a
11 general assistance grant from the Illinois Department does
12 not receive a duplicate grant from a township general
13 assistance program that receives State funds.

14 (Source: P.A. 88-412.)

15 (305 ILCS 5/12-4.9) (from Ch. 23, par. 12-4.9)

16 Sec. 12-4.9. Hearings and investigations. The Department
17 of Public Aid or the Department of Human Services, as
18 appropriate, shall conduct hearings and investigations in
19 connection with the administration of public aid; compel by
20 subpoena, the attendance and testimony of witnesses and the
21 production of books and papers; and administer oaths to
22 witnesses. No person shall be compelled to attend an
23 investigation or hearing at a place outside the county in
24 which he resides.

25 Subpoenas may be served as provided for in civil actions.
26 The fees of witnesses for attendance and travel shall be the
27 same as the fees of witnesses before the Circuit Court and
28 shall be paid as an expense of administration.

29 Any qualified officer or employee of the Department of
30 Public Aid or the Department of Human Services designated in
31 writing by the Director of Public Aid or the Secretary of
32 Human Services, as appropriate, may conduct the hearings and

1 investigations.

2 (Source: Laws 1967, p. 122.)

3 (305 ILCS 5/12-4.10) (from Ch. 23, par. 12-4.10)

4 Sec. 12-4.10. Forms and supplies. The Department shall
5 prescribe the form of and print and supply to the county
6 departments and local governmental units official blanks for
7 applications and reports and such other forms as it deems
8 advisable in relation to the administration of public aid.

9 (Source: Laws 1967, p. 122.)

10 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

11 Sec. 12-4.11. Grant amounts. The Department of Human
12 Services, with due regard for and subject to budgetary
13 limitations, shall establish grant amounts for each of the
14 programs, by regulation. The grant amounts may vary by
15 program, size of assistance unit and geographic area.

16 Aid payments shall not be reduced except: (1) for changes
17 in the cost of items included in the grant amounts, or (2)
18 for changes in the expenses of the recipient, or (3) for
19 changes in the income or resources available to the
20 recipient, or (4) for changes in grants resulting from
21 adoption of a consolidated grant amount.

22 In fixing standards to govern payments or reimbursements
23 for funeral and burial expenses, the Department of Human
24 Services shall establish a minimum allowable amount of not
25 less than \$1,000 for Department payment of funeral services
26 and not less than \$500 for Department payment of burial or
27 cremation services. In establishing the minimum allowable
28 amount, the Department shall take into account the services
29 essential to a dignified, low-cost (i) funeral and (ii)
30 burial or cremation, including reasonable amounts that may be
31 necessary for burial space and cemetery charges, and any
32 applicable taxes or other required governmental fees or

1 charges. If no person has agreed to pay the total cost of the
2 (i) funeral and (ii) burial or cremation charges, the
3 Department of Human Services shall pay the vendor the actual
4 costs of the (i) funeral and (ii) burial or cremation, or the
5 minimum allowable amount for each service as established by
6 the Department, whichever is less, provided that the
7 Department reduces its payments by the amount available from
8 the following sources: the decedent's assets and available
9 resources and the anticipated amounts of any death benefits
10 available to the decedent's estate, and amounts paid and
11 arranged to be paid by the decedent's legally responsible
12 relatives. A legally responsible relative is expected to pay
13 (i) funeral and (ii) burial or cremation expenses unless
14 financially unable to do so.

15 Nothing contained in this Section or in any other Section
16 of this Code shall be construed to prohibit the ~~Illinois~~
17 Department of Human Services (1) from consolidating existing
18 standards on the basis of any standards which are or were in
19 effect on, or subsequent to July 1, 1969, or (2) from
20 employing any consolidated standards in determining need for
21 public aid and the amount of money payment or grant for
22 individual recipients or recipient families.

23 (Source: P.A. 91-24, eff. 7-1-99; 92-419, eff. 1-1-02.)

24 (305 ILCS 5/12-4.12) (from Ch. 23, par. 12-4.12)

25 Sec. 12-4.12. Insurance policies in determination of
26 need. To the extent authorized by the rules and regulations
27 of the ~~Illinois~~ Department of Public Aid and the Department
28 of Human Services, all or a portion of the loan or cash value
29 of insurance policies may be disregarded in the determination
30 of need under Sections 3-1.2, 4-1.6, 5-4, 6-1.2 and 7-1.2.
31 Each The department may also provide, by rule, (1) for the
32 continuation of life insurance policies at face, cash, or
33 loan value amounts in excess of funeral and burial expenses,

1 as such expenses are governed by standards established under
2 Section 12-4.11, and (2) whether or not provision for
3 continuation is made under (1), for the taking of assignments
4 of life insurance policies to cover an amount not in excess
5 of the amount of financial aid which has been, or may be,
6 provided. In making the determination under (1), the
7 Department shall consider the physical condition of the
8 insured, the needs of the insured and his dependents for
9 financial aid, whether those needs will be of a temporary or
10 continuing nature, and the existence of any unusual
11 circumstances which may warrant a decision to permit such
12 continuation.

13 (Source: P.A. 76-1416.)

14 (305 ILCS 5/12-4.14) (from Ch. 23, par. 12-4.14)

15 Sec. 12-4.14. Investigation of resources of applicants,
16 recipients, and responsible relatives. The Department shall
17 investigate the financial condition of applicants,
18 recipients, and responsible relatives as defined in Section
19 2-11 of Article II, in order to determine whether an
20 applicant or recipient has or can obtain property, income,
21 resources, or other sources of support sufficient to provide
22 him with a standard of living compatible with health and
23 well-being.

24 (Source: Laws 1967, p. 122.)

25 (305 ILCS 5/12-4.16) (from Ch. 23, par. 12-4.16)

26 Sec. 12-4.16. Economic and social investigations. The
27 Department shall investigate causes of dependency and
28 economic distress, develop plans and programs for the
29 elimination and prevention of such causes, and recommend the
30 execution of such programs to appropriate agencies.

31 (Source: Laws 1967, p. 122.)

1 (305 ILCS 5/12-4.17) (from Ch. 23, par. 12-4.17)

2 Sec. 12-4.17. Training personnel for employment in
3 public aid programs. The Department of Public Aid and the
4 Department of Human Services shall establish within their
5 respective the administrative staffs staff a staff
6 development unit to provide orientation and job-related
7 training for new employees and continued development and
8 improvement of job skills of all staff of the Department and
9 county departments; establish criteria for and administer and
10 maintain a program for granting employees educational leave
11 for specialized professional or technical study; and
12 co-ordinate such training, development, and educational
13 activities with the training program of the Illinois
14 Department of Central Management Services and with other
15 programs for training personnel established under this
16 Section. The Department of Public Aid and the Department of
17 Human Services may also make grants to public or other
18 non-profit institutions of higher learning for training
19 personnel employed or preparing for employment in the public
20 aid programs and conduct special courses of study or seminars
21 for personnel by experts hired temporarily by the ~~Illinois~~
22 Department.

23 (Source: P.A. 92-111, eff. 1-1-02.)

24 (305 ILCS 5/12-4.18) (from Ch. 23, par. 12-4.18)

25 Sec. 12-4.18. Grants and gifts for public aid and
26 related welfare purposes. The Department shall accept, hold
27 and administer in behalf of the State any grant, gift or
28 legacy of money, securities, or property to the Illinois
29 Department or to the State of Illinois for public aid or any
30 related welfare purpose.

31 From appropriations from the Assistance to the Homeless
32 Fund, a special fund in the State treasury, which is hereby
33 created, the Department of Human Services shall provide

1 grants to not-for-profit organizations for the purpose of
2 providing assistance to homeless persons.

3 Grants, gifts, and legacies for employment and training
4 programs for public assistance clients shall be deposited
5 into the Employment and Training Fund.

6 Grants, gifts, donations, and legacies for functions
7 connected with the administration of any medical program
8 administered by the ~~Illinois~~ Department of Public Aid shall
9 be deposited into the Medical Special Purposes Trust Fund
10 created under Section 12-10.5.

11 (Source: P.A. 92-37, eff. 7-1-01.)

12 (305 ILCS 5/12-4.19) (from Ch. 23, par. 12-4.19)

13 Sec. 12-4.19. Grants for pilot studies and research. The
14 Department shall co-operate with the federal government,
15 private foundations, persons, corporations or other entities
16 making grants of funds or offering the services of technical
17 assistants for pilot studies and other research programs
18 relating to effective methods of rehabilitation or the
19 adequacy of public aid and welfare programs, policies and
20 procedures, and accept, hold and administer grants made in
21 connection therewith.

22 Grants for functions connected with the administration of
23 any medical program administered by the ~~Illinois~~ Department
24 of Public Aid shall be deposited into the Medical Special
25 Purposes Trust Fund created under Section 12-10.5.

26 (Source: P.A. 92-37, eff. 7-1-01.)

27 (305 ILCS 5/12-4.20) (from Ch. 23, par. 12-4.20)

28 Sec. 12-4.20. Appointment of statewide advisory
29 committees. The Department shall appoint, when and as it may
30 deem necessary, statewide advisory committees to provide
31 professional or technical consultation in respect to medical
32 or dental or hospital care, general assistance, home

1 economics, or other special aspects of public aid and related
2 welfare functions. The members of the committees shall
3 receive no compensation for their services, other than
4 expenses actually incurred in the performance of their
5 official duties. The number of members of each advisory
6 committee shall be determined by the Illinois Department. The
7 committees shall consult with and advise the Illinois
8 Department in respect to problems and policies incident to
9 the administration of the particular Article or Articles of
10 this Code germane to their respective fields of competence.

11 The Illinois Department shall include a balanced
12 representation of recipients, service providers,
13 representatives of community and welfare advocacy groups,
14 representatives of local governments dealing with public aid,
15 and representatives of the general public on all statewide
16 advisory committees appointed by it, except that Professional
17 Advisory Committees created under Section 5-5.0035 5-5 of
18 this Code to provide technical and professional advice to the
19 Department of Public Aid shall consist entirely of persons
20 practicing a particular profession.

21 (Source: P.A. 86-1475.)

22 (305 ILCS 5/12-4.20a) (from Ch. 23, par. 12-4.20a)

23 (Section scheduled to be repealed on July 1, 2002)

24 Sec. 12-4.20a. Appointment of Executive Task Force on
25 Nursing Homes. The Director of Public Aid shall appoint the
26 Executive Task Force on Nursing Homes, to be composed of
27 members of the General Assembly and representatives of State
28 agencies, local governmental units, nursing home facilities,
29 nursing home residents and the general public as deemed
30 appropriate by the Director. The Task Force shall conduct a
31 study of the delivery of nursing home care in this State and
32 make to the Director of Public Aid such recommendations as it
33 deems necessary concerning rates charged for nursing home

1 care, reimbursements to nursing homes from State funds
2 (including, specifically, capitation rates for payments to
3 nursing homes under this Code), peer review of delivery of
4 services, and quality of care assurance. No later than
5 January 1, 1988, the Director of Public Aid shall report the
6 recommendations of the Task Force to the General Assembly,
7 together with any other information or recommendations
8 (including recommendations for legislation) deemed
9 appropriate by the Director.

10 This Section is repealed on July 1, 2002.

11 (Source: P.A. 92-84, eff. 7-1-02.)

12 (305 ILCS 5/12-4.20c) (from Ch. 23, par. 12-4.20c)

13 Sec. 12-4.20c. Appointment of Child Support Advisory
14 Committee. The Director of Public Aid shall appoint the Child
15 Support Advisory Committee to be composed of members of the
16 General Assembly, the judiciary, the private bar, and others
17 with expertise specific to child support establishment and
18 enforcement. Among the tasks of the Committee shall be the
19 periodic review of the State's child support guidelines as
20 required by the federal Family Support Act of 1988. Members
21 shall be appointed for one year terms commencing on January 1
22 of each year. Each newly appointed Committee shall elect a
23 chairperson from among its members. Members shall serve
24 without compensation, but shall be reimbursed for expenses
25 incurred in the performance of their duties. The Committee
26 shall meet at least quarterly and at other times at the call
27 of the chairperson or at the request of the Director of
28 Public Aid.

29 (Source: P.A. 86-1347; 86-1432.)

30 (305 ILCS 5/12-4.20d) (from Ch. 23, par. 12-4.20d)

31 Sec. 12-4.20d. Appointment of Social Services Advisory
32 Council. The Secretary of Human Services, as successor to the

1 Director of Public Aid, shall appoint the Social Services
2 Advisory Council, to be composed of 30 members, which shall
3 include a balanced representation of recipients, services
4 providers, local governmental units, community and welfare
5 advocacy groups, academia and the general public. The Council
6 shall advise the Illinois Department of Human Services
7 regarding all aspects of assistance delivered or contracted
8 for under Articles III, IV, VI and IX of this Code and other
9 areas as deemed appropriate by the Secretary of Human
10 Services Director.

11 In appointing the first Council, the Director of Public
12 Aid shall name 15 members to 2 year terms and 15 members to 4
13 year terms, all of whom shall be appointed within 6 months of
14 the effective date of this amendatory Act of 1991. All
15 members appointed thereafter shall serve 4 year terms.

16 Members shall serve without compensation other than
17 reimbursement of expenses actually incurred in the
18 performance of their official duties.

19 At its first meeting, the Council shall select a chair
20 from among its members.

21 The Council shall meet at least quarterly and at other
22 times at the call of the chair.

23 (Source: P.A. 87-685.)

24 (305 ILCS 5/12-4.21) (from Ch. 23, par. 12-4.21)

25 Sec. 12-4.21. Appointment of county welfare services
26 committee. Appoint, in the manner provided in Section 12-19,
27 the members of the County Welfare Services Committee in each
28 county of the State.

29 (Source: Laws 1967, p. 122.)

30 (305 ILCS 5/12-4.22) (from Ch. 23, par. 12-4.22)

31 Sec. 12-4.22. Utilization of volunteers. Adopt, in
32 cooperation with the County Welfare Services Committee of

1 each county, a plan for the recruitment and full utilization
2 of volunteers to assist caseworkers and other staff in the
3 performance of their responsibilities in administering the
4 public aid programs.

5 (Source: Laws 1967, p. 122.)

6 (305 ILCS 5/12-4.23) (from Ch. 23, par. 12-4.23)

7 Sec. 12-4.23. Disposition of obsolete equipment and
8 supplies. The Department of Public Aid and the Department of
9 Human Services may sell, destroy, or otherwise dispose of
10 office equipment and supplies of the ~~Illinois~~ Department of
11 Public Aid, or of the Department of Human Services or the
12 county departments, respectively, which have become worthless
13 by reason of obsolescence or condition of disrepair. If
14 either the-~~Illinois~~ department orders the sale of all or any
15 portion of such equipment or supplies, such sale may be
16 either public or private and for cash, and the proceeds
17 thereof shall be paid into the General Revenue Fund.

18 (Source: Laws 1967, p. 122.)

19 (305 ILCS 5/12-4.24) (from Ch. 23, par. 12-4.24)

20 Sec. 12-4.24. Reports and recommendations. The
21 Department of Public Aid and the Department of Human Services
22 shall recommend to the Governor and General Assembly the
23 enactment of such legislation as they ~~it~~ may deem necessary
24 to improve public aid administration in this State; submit to
25 the Governor and the General Assembly such reports as may be
26 requested or as they ~~it~~ may deem necessary; and make such
27 other reports as may be required to supply necessary
28 information concerning problems and policies relating to the
29 administration of the public aid programs.

30 (Source: Laws 1967, p. 122.)

31 (305 ILCS 5/12-4.24a) (from Ch. 23, par. 12-4.24a)

1 Sec. 12-4.24a. Report and recommendations concerning
2 designated shortage area. The ~~Illinois~~ Department of Public
3 Aid shall analyze payments made to providers of medical
4 services under Article V of this Code to determine whether
5 any special compensatory standard should be applied to
6 payments to such providers in designated shortage areas as
7 defined in Section 3.04 of the Family Practice Residency Act,
8 as now or hereafter amended. The ~~Illinois~~ Department of of
9 Public Aid shall, not later than June 30, 1990, report to the
10 Governor and the General Assembly concerning the results of
11 its analysis, and may provide by rule for adjustments in its
12 payment rates to medical service providers in such areas.
13 (Source: P.A. 92-111, eff. 1-1-02.)

14 (305 ILCS 5/12-4.25) (was 305 ILCS 5/12-4.25, subsecs.
15 (A), (A-5), and (B))

16 Sec. 12-4.25. Medical assistance program; denial,
17 suspension, or termination of vendor's ~~vendor~~ participation.

18 (a) ~~(A)~~ The ~~Illinois~~ Department of Public Aid may deny,
19 suspend or terminate the eligibility of any person, firm,
20 corporation, association, agency, institution or other legal
21 entity to participate as a vendor of goods or services to
22 recipients under the medical assistance program under Article
23 V, if after reasonable notice and opportunity for a hearing
24 the ~~Illinois~~ Department finds:

25 (1) ~~(a)~~ Such vendor is not complying with the
26 Department's policy or rules and regulations, or with the
27 terms and conditions prescribed by the ~~Illinois~~
28 Department in its vendor agreement, which document shall
29 be developed by the Department as a result of
30 negotiations with each vendor category, including
31 physicians, hospitals, long term care facilities,
32 pharmacists, optometrists, podiatrists and dentists
33 setting forth the terms and conditions applicable to the

1 participation of each vendor group in the program; or

2 (2) ~~(b)~~ Such vendor has failed to keep or make
3 available for inspection, audit or copying, after
4 receiving a written request from the Illinois Department,
5 such records regarding payments claimed for providing
6 services. This section does not require vendors to make
7 available patient records of patients for whom services
8 are not reimbursed under this Code; or

9 (3) ~~(e)~~ Such vendor has failed to furnish any
10 information requested by the Department regarding
11 payments for providing goods or services; or

12 (4) ~~(d)~~ Such vendor has knowingly made, or caused
13 to be made, any false statement or representation of a
14 material fact in connection with the administration of
15 the medical assistance program; or

16 (5) ~~(e)~~ Such vendor has furnished goods or services
17 to a recipient which are (i) ~~(1)~~ in excess of his or her
18 needs, (ii) ~~(2)~~ harmful to the recipient, or (iii) ~~(3)~~ of
19 grossly inferior quality, all of such determinations to
20 be based upon competent medical judgment and evaluations;
21 or

22 (6) ~~(f)~~ The vendor; a person with management
23 responsibility for a vendor; an officer or person owning,
24 either directly or indirectly, 5% or more of the shares
25 of stock or other evidences of ownership in a corporate
26 vendor; an owner of a sole proprietorship which is a
27 vendor; or a partner in a partnership which is a vendor,
28 either:

29 (A) ~~(1)~~ was previously terminated from
30 participation in the Illinois medical assistance
31 program, or was terminated from participation in a
32 medical assistance program in another state that is
33 of the same kind as the program of medical
34 assistance provided under Article V of this Code; or

1 (B) (2) was a person with management
2 responsibility for a vendor previously terminated
3 from participation in the Illinois medical
4 assistance program, or terminated from participation
5 in a medical assistance program in another state
6 that is of the same kind as the program of medical
7 assistance provided under Article V of this Code,
8 during the time of conduct which was the basis for
9 that vendor's termination; or

10 (C) (3) was an officer, or person owning,
11 either directly or indirectly, 5% or more of the
12 shares of stock or other evidences of ownership in a
13 corporate vendor previously terminated from
14 participation in the Illinois medical assistance
15 program, or terminated from participation in a
16 medical assistance program in another state that is
17 of the same kind as the program of medical
18 assistance provided under Article V of this Code,
19 during the time of conduct which was the basis for
20 that vendor's termination; or

21 (D) (4) was an owner of a sole proprietorship
22 or partner of a partnership previously terminated
23 from participation in the Illinois medical
24 assistance program, or terminated from participation
25 in a medical assistance program in another state
26 that is of the same kind as the program of medical
27 assistance provided under Article V of this Code,
28 during the time of conduct which was the basis for
29 that vendor's termination; or

30 (7) (g) The vendor; a person with management
31 responsibility for a vendor; an officer or person owning,
32 either directly or indirectly, 5% or more of the shares
33 of stock or other evidences of ownership in a corporate
34 vendor; an owner of a sole proprietorship which is a

1 vendor; or a partner in a partnership which is a vendor,
2 either:

3 (A) (1) has engaged in practices prohibited by
4 applicable federal or State law or regulation
5 relating to the medical assistance program; or

6 (B) (2) was a person with management
7 responsibility for a vendor at the time that such
8 vendor engaged in practices prohibited by applicable
9 federal or State law or regulation relating to the
10 medical assistance program; or

11 (C) (3) was an officer, or person owning,
12 either directly or indirectly, 5% or more of the
13 shares of stock or other evidences of ownership in a
14 vendor at the time such vendor engaged in practices
15 prohibited by applicable federal or State law or
16 regulation relating to the medical assistance
17 program; or

18 (D) (4) was an owner of a sole proprietorship
19 or partner of a partnership which was a vendor at
20 the time such vendor engaged in practices prohibited
21 by applicable federal or State law or regulation
22 relating to the medical assistance program.

23 (8) (h) The direct or indirect ownership of the
24 vendor (including the ownership of a vendor that is a
25 sole proprietorship, a partner's interest in a vendor
26 that is a partnership, or ownership of 5% or more of the
27 shares of stock or other evidences of ownership in a
28 corporate vendor) has been transferred by an individual
29 who is terminated or barred from participating as a
30 vendor to the individual's spouse, child, brother,
31 sister, parent, grandparent, grandchild, uncle, aunt,
32 niece, nephew, cousin, or relative by marriage.

33 (b) (A-5) The Illinois Department of Public Aid may
34 deny, suspend, or terminate the eligibility of any person,

1 firm, corporation, association, agency, institution, or other
 2 legal entity to participate as a vendor of goods or services
 3 to recipients under the medical assistance program under
 4 Article V if, after reasonable notice and opportunity for a
 5 hearing, the Illinois Department finds that the vendor; a
 6 person with management responsibility for a vendor; an
 7 officer or person owning, either directly or indirectly, 5%
 8 or more of the shares of stock or other evidences of
 9 ownership in a corporate vendor; an owner of a sole
 10 proprietorship that is a vendor; or a partner in a
 11 partnership that is a vendor has been convicted of a felony
 12 offense based on fraud or willful misrepresentation related
 13 to any of the following:

14 (1) The medical assistance program under Article V
 15 of this Code.

16 (2) A medical assistance program in another state
 17 that is of the same kind as the program of medical
 18 assistance provided under Article V of this Code.

19 (3) The Medicare program under Title XVIII of the
 20 Social Security Act.

21 (4) The provision of health care services.

22 (c) ~~(B)~~ The Illinois Department of Public Aid shall
 23 deny, suspend or terminate the eligibility of any person,
 24 firm, corporation, association, agency, institution or other
 25 legal entity to participate as a vendor of goods or services
 26 to recipients under the medical assistance program under
 27 Article V:

28 (1) if such vendor is not properly licensed;

29 (2) within 30 days of the date when such vendor's
 30 professional license, certification or other
 31 authorization has been refused renewal or has been
 32 revoked, suspended or otherwise terminated; or

33 (3) if such vendor has been convicted of a
 34 violation of this Code, as provided in Article VIIIA.

1 (Source: P.A. 92-327, eff. 1-1-02.)

2 (305 ILCS 5/12-4.25.5 new) (was 305 ILCS 5/12-4.25,
3 subsec. (C))

4 Sec. 12-4.25.5. Consequences of vendor's termination.

5 (a) ~~(c)~~ Upon termination of a vendor of goods or
6 services from participation in the medical assistance program
7 authorized by this Article, a person with management
8 responsibility for such vendor during the time of any conduct
9 which served as the basis for that vendor's termination is
10 barred from participation in the medical assistance program.

11 (b) Upon termination of a corporate vendor, the officers
12 and persons owning, directly or indirectly, 5% or more of the
13 shares of stock or other evidences of ownership in the vendor
14 during the time of any conduct which served as the basis for
15 that vendor's termination are barred from participation in
16 the medical assistance program. A person who owns, directly
17 or indirectly, 5% or more of the shares of stock or other
18 evidences of ownership in a terminated corporate vendor may
19 not transfer his or her ownership interest in that vendor to
20 his or her spouse, child, brother, sister, parent,
21 grandparent, grandchild, uncle, aunt, niece, nephew, cousin,
22 or relative by marriage.

23 (c) Upon termination of a sole proprietorship or
24 partnership, the owner or partners during the time of any
25 conduct which served as the basis for that vendor's
26 termination are barred from participation in the medical
27 assistance program. The owner of a terminated vendor that is
28 a sole proprietorship, and a partner in a terminated vendor
29 that is a partnership, may not transfer his or her ownership
30 or partnership interest in that vendor to his or her spouse,
31 child, brother, sister, parent, grandparent, grandchild,
32 uncle, aunt, niece, nephew, cousin, or relative by marriage.

33 (d) Rules adopted by the Illinois Department of Public

1 Aid to implement these provisions shall specifically include
 2 a definition of the term "management responsibility" as used
 3 in this Section and Section 12-4.25. Such definition shall
 4 include, but not be limited to, typical job titles, and
 5 duties and descriptions which will be considered as within
 6 the definition of individuals with management responsibility
 7 for a provider.

8 (Source: P.A. 92-327, eff. 1-1-02.)

9 (305 ILCS 5/12-4.25.10 new) (was 305 ILCS 5/12-4.25,
 10 subsec. (D))

11 Sec. 12-4.25.10. Period of vendor's ineligibility;
 12 reinstatement.

13 (a) ~~(D)~~ If a vendor has been suspended from the medical
 14 assistance program under Article V of the Code, the Director
 15 of Public Aid may require that such vendor correct any
 16 deficiencies which served as the basis for the suspension.
 17 The Director shall specify in the suspension order a specific
 18 period of time, which shall not exceed one year from the date
 19 of the order, during which a suspended vendor shall not be
 20 eligible to participate. At the conclusion of the period of
 21 suspension the Director shall reinstate such vendor, unless
 22 he finds that such vendor has not corrected deficiencies upon
 23 which the suspension was based.

24 (b) If a vendor has been terminated from the medical
 25 assistance program under Article V, such vendor shall be
 26 barred from participation for at least one year. At the end
 27 of one year a vendor who has been terminated may apply for
 28 reinstatement to the program. Upon proper application to be
 29 reinstated such vendor may be deemed eligible by the Director
 30 of Public Aid providing that such vendor meets the
 31 requirements for eligibility under this Code. If such vendor
 32 is deemed not eligible for reinstatement, he shall be barred
 33 from again applying for reinstatement for one year from the

1 date his application for reinstatement is denied.

2 (c) If a vendor has been terminated and reinstated to
3 the medical assistance program under Article V and the vendor
4 is terminated a second or subsequent time from the medical
5 assistance program, the vendor shall be barred from
6 participation for at least 2 years. At the end of 2 years, a
7 vendor who has been terminated may apply for reinstatement to
8 the program. Upon application to be reinstated, the vendor
9 may be deemed eligible if the vendor meets the requirements
10 for eligibility under this Code. If the vendor is deemed not
11 eligible for reinstatement, the vendor shall be barred from
12 again applying for reinstatement for 2 years from the date
13 the vendor's application for reinstatement is denied.

14 (d) A vendor whose termination from participation in the
15 Illinois medical assistance program under Article V was based
16 solely on an action by a governmental entity other than the
17 Illinois Department of Public Aid may, upon reinstatement by
18 that governmental entity or upon reversal of the termination,
19 apply for rescission of the termination from participation in
20 the Illinois medical assistance program. Upon proper
21 application for rescission, the vendor may be deemed eligible
22 by the Director of Public Aid if the vendor meets the
23 requirements for eligibility under this Code.

24 (Source: P.A. 92-327, eff. 1-1-02.)

25 (305 ILCS 5/12-4.25.15 new) (was 305 ILCS 5/12-4.25,
26 subsec. (E))

27 Sec. 12-4.25.15. Recovery of moneys. (E) The Illinois
28 Department of Public Aid may recover money improperly or
29 erroneously paid, or overpayments, either by setoff,
30 crediting against future billings or by requiring direct
31 repayment to the Illinois Department.

32 (Source: P.A. 92-327, eff. 1-1-02.)

1 (305 ILCS 5/12-4.25.20 new) (was 305 ILCS 5/12-4.25,
2 subsecs. (F) and (F-5))

3 Sec. 12-4.25.20. Withholding of payments to vendor.

4 (a) (F) The Illinois Department of Public Aid may
5 withhold payments to any vendor during the pendency of any
6 proceeding under Sections 12-4.25 through 12-4.25.35 this
7 Section except that if a final administrative decision has
8 not been issued within 120 days of the initiation of such
9 proceedings, unless delay has been caused by the vendor,
10 payments can no longer be withheld, provided, however, that
11 the 120 day limit may be extended if said extension is
12 mutually agreed to by the Illinois Department and the vendor.
13 The Illinois Department of Public Aid shall state by rule
14 with as much specificity as practicable the conditions under
15 which payments will not be withheld during the pendency of
16 any proceeding under Sections 12-4.25 through 12-4.25.35 this
17 Section. Payments may be denied for bills submitted with
18 service dates occurring during the pendency of a proceeding
19 where the final administrative decision is to terminate
20 eligibility to participate in the medical assistance program.
21 The Illinois Department of Public Aid shall state by rule
22 with as much specificity as practicable the conditions under
23 which payments will not be denied for such bills.

24 (b) (F-5) The Illinois Department of Public Aid may
25 temporarily withhold payments to a vendor if any of the
26 following individuals have been indicted or otherwise charged
27 under a law of the United States or this or any other state
28 with a felony offense that is based on alleged fraud or
29 willful misrepresentation on the part of the individual
30 related to (i) the medical assistance program under Article V
31 of this Code, (ii) a medical assistance program provided in
32 another state which is of the kind provided under Article V
33 of this Code, (iii) the Medicare program under Title XVIII of
34 the Social Security Act, or (iv) the provision of health care

1 services:

2 (1) If the vendor is a corporation: an officer of
3 the corporation or an individual who owns, either
4 directly or indirectly, 5% or more of the shares of stock
5 or other evidence of ownership of the corporation.

6 (2) If the vendor is a sole proprietorship: the
7 owner of the sole proprietorship.

8 (3) If the vendor is a partnership: a partner in
9 the partnership.

10 (4) If the vendor is any other business entity
11 authorized by law to transact business in this State: an
12 officer of the entity or an individual who owns, either
13 directly or indirectly, 5% or more of the evidences of
14 ownership of the entity.

15 (c) If the Illinois Department of Public Aid withholds
16 payments to a vendor under this subsection (b), the
17 Department shall not release those payments to the vendor
18 while any criminal proceeding related to the indictment or
19 charge is pending unless the Department determines that there
20 is good cause to release the payments before completion of
21 the proceeding. If the indictment or charge results in the
22 individual's conviction, the Illinois Department of Public
23 Aid shall retain all withheld payments, which shall be
24 considered forfeited to the Department. If the indictment or
25 charge does not result in the individual's conviction, the
26 Illinois Department of Public Aid shall release to the vendor
27 all withheld payments.

28 (Source: P.A. 92-327, eff. 1-1-02.)

29 (305 ILCS 5/12-4.25.25 new) (was 305 ILCS 5/12-4.25,
30 subsec. (G))

31 Sec. 12-4.25.25. Judicial review of administrative
32 decisions. (G) The provisions of the Administrative Review
33 Law, as now or hereafter amended, and the rules adopted

1 pursuant thereto, shall apply to and govern all proceedings
 2 for the judicial review of final administrative decisions of
 3 the Illinois Department of Public Aid under Sections 12-4.25
 4 through 12-4.25.35 this-Section. The term "administrative
 5 decision" is defined as in Section 3-101 of the Code of Civil
 6 Procedure.

7 (Source: P.A. 92-327, eff. 1-1-02.)

8 (305 ILCS 5/12-4.25.30 new) (was 20 ILCS 2205/2205-10 and
 9 305 ILCS 5/12-4.25, subsec. (H))

10 Sec. 12-4.25.30. 2205-10. Suspension or termination of
 11 authorization to provide medical services.

12 (a) Whenever the Department of Public Aid suspends or
 13 terminates the authorization of any person, firm,
 14 corporation, association, agency, institution, or other legal
 15 entity to provide medical services under Article V of the
 16 Illinois Public Aid Code and the practice of providing those
 17 services or the maintenance of facilities for those services
 18 is licensed under a licensing Act administered by the
 19 Department of Public Health or the Department of Professional
 20 Regulation, the Department of Public Aid shall, within 30
 21 days of the suspension or termination, give written notice of
 22 the suspension or termination and transmit a record of the
 23 evidence and specify the grounds on which the suspension or
 24 termination is based to the Department that administers the
 25 licensing Act under which that person, firm, corporation,
 26 association, agency, institution, or other legal entity is
 27 licensed, subject to any confidentiality requirements imposed
 28 by applicable federal or State law. The cost of any such
 29 record shall be borne by the Department to which it is
 30 transmitted.

31 (b) (H) Nothing contained in this Code shall in any way
 32 limit or otherwise impair the authority or power of any State
 33 agency responsible for licensing of vendors.

1 (Source: P.A. 91-239, eff. 1-1-00; 92-327, eff. 1-1-02.)

2 (305 ILCS 5/12-4.25.35 new) (was 305 ILCS 5/12-4.25,
3 subsec. (I))

4 Sec. 12-4.25.35. Nursing homes.

5 (a) (I) Based on a finding of noncompliance on the part
6 of a nursing home with any requirement for certification
7 under Title XVIII or XIX of the Social Security Act (42
8 U.S.C. Sec. 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the
9 Illinois Department may impose one or more of the following
10 remedies after notice to the facility:

- 11 (1) Termination of the provider agreement.
- 12 (2) Temporary management.
- 13 (3) Denial of payment for new admissions.
- 14 (4) Civil money penalties.
- 15 (5) Closure of the facility in emergency situations
16 or transfer of residents, or both.
- 17 (6) State monitoring.
- 18 (7) Denial of all payments when the Health Care
19 Finance Administration has imposed this sanction.

20 (b) The Illinois Department of Public Aid shall by rule
21 establish criteria governing continued payments to a nursing
22 facility subsequent to termination of the facility's provider
23 agreement if, in the sole discretion of the Illinois
24 Department, circumstances affecting the health, safety, and
25 welfare of the facility's residents require those continued
26 payments. The Illinois Department may condition those
27 continued payments on the appointment of temporary
28 management, sale of the facility to new owners or operators,
29 or other arrangements that the Illinois Department determines
30 best serve the needs of the facility's residents.

31 (c) Except in the case of a facility that has a right to
32 a hearing on the finding of noncompliance before an agency of
33 the federal government, a facility may request a hearing

1 before a State agency on any finding of noncompliance within
2 60 days after the notice of the intent to impose a remedy.
3 Except in the case of civil money penalties, a request for a
4 hearing shall not delay imposition of the penalty. The
5 choice of remedies is not appealable at a hearing. The level
6 of noncompliance may be challenged only in the case of a
7 civil money penalty. The Illinois Department of Public Aid
8 shall provide by rule for the State agency that will conduct
9 the evidentiary hearings.

10 (d) The Illinois Department of Public Aid may collect
11 interest on unpaid civil money penalties.

12 (e) The Illinois Department of Public Aid may adopt all
13 rules necessary to implement this Section subsection-(f).

14 (Source: P.A. 92-327, eff. 1-1-02.)

15 (305 ILCS 5/12-4.25a) (from Ch. 23, par. 12-4.25a)

16 Sec. 12-4.25a. Physicians; medical quality review;
17 consulting with other physicians. Any vendor of physician
18 services who shall be the subject of a medical quality review
19 by the Illinois Department of Public Aid shall have the right
20 to consult with another physician or physicians to assist in
21 understanding the procedures and interpretations of the
22 Illinois Department and to assist in interpreting, as an
23 experienced or expert consultant or witness, the quality of
24 care, its relation to a prevailing standard of care, and
25 standards of documentation of the Illinois Department. The
26 consulting physician or physicians may be present at the
27 review meeting where the provider is present. The assistance
28 offered by the consulting physician or physicians shall
29 respect the confidentiality of recipient patient relations
30 with the treating physician in relation to consultation on
31 treatment matters. Nothing in this subsection shall be
32 deemed to waive the requirements of the Medical Patient
33 Rights Act as it relates to patient privacy and

1 confidentiality.

2 (Source: P.A. 87-399.)

3 (305 ILCS 5/12-4.25b) (from Ch. 23, par. 12-4.25b)

4 Sec. 12-4.25b. Physicians; medical quality review;
5 recording hearings. A vendor of physician services who is
6 the subject of medical quality review by the Illinois
7 Department of Public Aid shall have the right to record that
8 portion of any Medical Quality Review Committee meeting or
9 hearing with the Illinois Department, at which the vendor is
10 present and participates. The recording shall be privileged
11 and confidential and shall not be disclosed, except however
12 if the Illinois Department initiates action to deny, suspend
13 or terminate the vendor's participation in the Medicaid
14 program, the recording may be disclosed to an attorney or
15 physician consultant to prepare a defense.

16 (Source: P.A. 87-399.)

17 (305 ILCS 5/12-4.25c) (from Ch. 23, par. 12-4.25c)

18 Sec. 12-4.25c. Physicians; review of medical practices;
19 reviewer's qualifications. Where a medical provider's
20 medical practices are under review by the Illinois Department
21 of Public Aid and the provider is board certified in a
22 specialty by a nationally recognized specialty board and
23 practicing in the specialty, the Illinois Department should
24 attempt to utilize a medical practitioner with like
25 qualifications to assist in reviewing the medical practices
26 of the provider under review in the areas of practice within
27 the specialty.

28 (Source: P.A. 87-399.)

29 (305 ILCS 5/12-4.26) (from Ch. 23, par. 12-4.26)

30 Sec. 12-4.26. Scope of authority to terminate or suspend
31 vendor Application.) The Illinois Department of Public Aid

1 may terminate or suspend a vendor pursuant to the authority
 2 and powers conferred in Sections ~~Section~~ 12-4.25 through
 3 12-4.25.35, only subsequent to the effective date of this
 4 amendatory Act. However the authority and powers are
 5 expressly declared to be retroactive to the extent that
 6 conduct and activities of vendors engaged in prior to the
 7 effective date of this amendatory Act may be relied upon as
 8 the basis for terminating or suspending eligibility to
 9 participate in the Medical Assistance Program, where the
 10 vendor had actual or constructive knowledge of the
 11 requirements which applied to his conduct or activities.
 12 (Source: P.A. 80-2nd SS-2.)

13 (305 ILCS 5/12-4.27) (from Ch. 23, par. 12-4.27)
 14 Sec. 12-4.27. Factual determinations.} Factual
 15 determinations made by the Department of Public Aid in
 16 administrative hearings initiated prior to the effective date
 17 of this amendatory Act and which involve issues of fact
 18 relating to activities which constitute grounds for
 19 termination pursuant to this amendatory Act, shall be
 20 reviewed by the Director of Public Aid and may be used as
 21 grounds for approval or denial of applications to
 22 participate, for termination of eligibility, or for recovery
 23 of money, without conducting a new administrative proceeding.
 24 (Source: P.A. 80-2nd SS-2.)

25 (305 ILCS 5/12-4.29) (from Ch. 23, par. 12-4.29)
 26 Sec. 12-4.29. Youth employability and career development
 27 programs. The Illinois Department of Human Services may
 28 establish and administer community-based programs providing
 29 comprehensive, long-term intervention strategies to increase
 30 future employability and career development among high risk
 31 youth, as required by the High Risk Youth Career Development
 32 Act ~~"An--Act--in--relation--to--the--provision--of--assistance--to~~

1 certain persons, amending Acts named therein, certified
 2 December 27, 1987. The Illinois Department of Human Services
 3 may contract with private nonprofit organizations or units of
 4 local government to administer and deliver services pursuant
 5 to the above-named Act.

6 (Source: P.A. 85-1209.)

7 (305 ILCS 5/12-4.30) (from Ch. 23, par. 12-4.30)

8 Sec. 12-4.30. Demonstration programs. The Department of
 9 Public Aid and the Department of Human Services may establish
 10 demonstration programs, authorized by federal law and
 11 pursuant to State regulations. Such demonstration programs
 12 shall be subject to the prior review of the Citizens
 13 Assembly/Citizens Council on Public Aid and may include, but
 14 shall not be limited to: cashing out welfare benefits such
 15 as, but not limited to, food stamps, energy assistance
 16 payments and medical benefits; providing medical benefits
 17 through the purchase of health insurance; and capping grant
 18 amounts at certain levels regardless of the number of persons
 19 in the case. Such demonstration programs may be limited to
 20 particular geographic areas.

21 (Source: P.A. 85-1209.)

22 (305 ILCS 5/12-4.33) (was 305 ILCS 5/12-4.33, subsecs.

23 (a), (b), and (c))

24 Sec. 12-4.33. Welfare reform research and
 25 accountability.

26 (a) The Illinois Department shall collect and report
 27 upon all data in connection with federally funded or assisted
 28 welfare programs as federal law may require, including, but
 29 not limited to, Section 411 of the Personal Responsibility
 30 and Work Opportunity Reconciliation Act of 1996 and its
 31 implementing regulations and any amendments thereto as may
 32 from time to time be enacted.

1 (b) In addition to and on the same schedule as the data
 2 collection required by federal law and subsection (a), the
 3 Department of Human Services shall collect and report on
 4 further information with respect to the Temporary Assistance
 5 for Needy Families ("TANF") program, as follows:

6 (1) With respect to denials of applications for
 7 benefits, all of the same information about the family
 8 required under the federal law, plus the specific reason
 9 or reasons for denial of the application.

10 (2) With respect to all terminations of benefits,
 11 all of the same information as required under the federal
 12 law, plus the specific reason or reasons for the
 13 termination.

14 (c) The Department of Human Services shall collect all
 15 of the same data as set forth in subsections (a) and (b),
 16 and report it on the same schedule, with respect to all cash
 17 assistance benefits provided to families that are not funded
 18 from the TANF program federal block grant or are not
 19 otherwise required to be included in the data collection and
 20 reporting in subsections (a) and (b).

21 (Source: P.A. 90-74, eff. 7-8-97.)

22 (305 ILCS 5/12-4.33a new) (was 305 ILCS 5/12-4.33,
 23 subsec. (d))

24 Sec. 12-4.33a. Data and reports available to public.

25 (d) Whether or not reports under Sections 12-4.33 through
 26 12-4.33c this--Section must be submitted to the federal
 27 government, they shall be considered public and they shall be
 28 promptly made available to the public at the end of each
 29 fiscal year, free of charge upon request. The data
 30 underlying the reports shall be made available to academic
 31 institutions and public policy organizations involved in the
 32 study of welfare issues or programs and redacted to conform
 33 with applicable privacy laws. The cost shall be no more than

1 that incurred by the Department in assembling and delivering
2 the data.

3 (Source: P.A. 90-74, eff. 7-8-97.)

4 (305 ILCS 5/12-4.33b new) (was 305 ILCS 5/12-4.33,
5 subsec. (e))

6 Sec. 12-4.33b. TANF implementation study by university.

7 (a) ~~(e)~~ The Department of Human Services shall, in
8 addition to the foregoing data collection and reporting
9 activities, seek a university to conduct, at no cost to the
10 Department, a longitudinal study of the implementation of
11 TANF and related welfare reforms. The study shall select
12 subgroups representing important sectors of the assistance
13 population, including type of area of residence (city,
14 suburban, small town, rural), English proficiency, level of
15 education, literacy, work experience, number of adults in the
16 home, number of children in the home, teen parentage, parents
17 before and after the age of 18, and other such subgroups.
18 For each subgroup, the study shall assemble a statistically
19 valid sample of cases entering the TANF program at least 6
20 months after its implementation date and prior to July 1,
21 1998. The study shall continue until December 31, 2004.

22 (b) The Department of Human Services shall report to the
23 General Assembly and the Governor by March 1 of each year,
24 beginning March 1, 1999, the interim findings of the study
25 with respect to each subgroup, and by March 1, 2005, the
26 final findings with respect to each subgroup. The reports
27 shall be available to the public upon request.

28 (c) No later than November 1, 1997, the Department of
29 Human Services, in consultation with an advisory panel of
30 specialists in welfare policy, social science, and other
31 relevant fields shall devise the study and identify the
32 factors to be studied. The study shall, however, at least
33 include the following features:

1 (1) Demographic breakdowns including, but not
2 limited to, race, gender, and number of children in the
3 household at the beginning of Department services by the
4 Department of Human Services.

5 (2) The Department of Human Services shall obtain
6 permission to conduct the study from the subjects of the
7 study and guarantee their privacy according to the
8 privacy laws. To facilitate this permission, the study
9 may be designed to refer to subjects by pseudonyms or
10 codes and shall in any event guarantee anonymity to the
11 subjects without limiting access by outsiders to the data
12 (other than identities) generated by the study.

13 (3) The subjects of the study shall be followed
14 after denial or termination of assistance, to the extent
15 feasible. The evaluator shall attempt to maintain
16 personal contact with the subjects of the study, and
17 employ such methods as meetings, telephone contacts,
18 written surveys, and computer matches with other data
19 bases to accomplish this purpose. The intent of this
20 feature of the study is to discover the paths people take
21 after leaving welfare and the patterns of return to
22 welfare, including the factors that may influence these
23 paths and patterns.

24 (4) The study shall examine the influence of
25 various employability, education, and training programs
26 upon employment, earnings, job tenure, and cycling
27 between welfare and work.

28 (5) The study shall examine the influence of
29 various supportive services such as child care (including
30 type and cost), transportation, and payment of initial
31 employment expenses upon employment, earnings, job
32 tenure, and cycling between welfare and work.

33 (6) The study shall examine the frequency of
34 unplanned occurrences in subjects' lives, such as illness

1 or injury, family member's illness or injury, car
2 breakdown, strikes, natural disasters, evictions, loss of
3 other sources of income, domestic violence, and crime,
4 and their impact upon employment, earnings, job tenure,
5 and cycling between welfare and work.

6 (7) The study shall examine the wages and other
7 compensation, including health benefits and what they
8 cost the employee, received by subjects who obtain
9 employment, the type and characteristics of jobs, the
10 hours and time of day of work, union status, and the
11 relationships of such factors to earnings, job tenure,
12 and cycling between welfare and work.

13 (8) The study shall examine the reasons for
14 subjects' job loss, the availability of Unemployment
15 Insurance, the reasons for a subject's return to welfare,
16 programs or services utilized by subjects in the search
17 for another job, the characteristics of the subjects'
18 next job, and the relationships of these factors to
19 re-employment, earnings, job tenure on the new job, and
20 cycling between welfare and work.

21 (9) The study shall examine the impact of mandatory
22 work requirements, including the types of work activities
23 to which the subjects were assigned, and the links
24 between the requirements and the activities and
25 sanctions, employment, earnings, job tenure, and cycling
26 between welfare and work.

27 (10) The study shall identify all sources and
28 amounts of reported household non-wage income and
29 examine the influence of the sources and amounts of
30 non-wage non-welfare income on employment, earnings, job
31 tenure, and cycling between welfare and work.

32 (11) The study shall examine sanctions, including
33 child support enforcement and paternity establishment
34 sanctions, the reasons sanctions are threatened, the

1 number threatened, the number imposed, and the reasons
2 sanctions are not imposed or are ended, such as
3 cooperation achieved or good cause established.

4 (12) The study shall track the subjects' usage of
5 TANF benefits over the course of the lifetime 60-month
6 limit of TANF eligibility, including patterns of usage,
7 relationships between consecutive usage of large numbers
8 of months and other factors, status of all study subjects
9 with respect to the time limit as of each report,
10 characteristics of subjects exhausting the eligibility
11 limit, types of exceptions granted to the 60-month limit,
12 and numbers of cases within each type of exception.

13 (13) The study shall track subjects' participation
14 in other public systems, including the public schools,
15 the child welfare system, the criminal justice system,
16 homeless and food services, and others and attempt to
17 identify the positive or negative ripple effects in these
18 systems of welfare policies, systems, and procedures.

19 (Source: P.A. 90-74, eff. 7-8-97.)

20 (305 ILCS 5/12-4.33c new) (was 305 ILCS 5/12-4.33,
21 subsec. (f))

22 Sec. 12-4.33c. Study; impact of denial or termination of
23 aid on non-citizens.

24 (a) ~~(f)~~ The Department shall cooperate in any
25 appropriate study by an independent expert of the impact upon
26 Illinois resident non-citizens of the denial or termination
27 of assistance under the Supplemental Security Income, Food
28 Stamps, TANF, Medicaid, and Title XX social services programs
29 pursuant to the changes enacted in the federal Personal
30 Responsibility and Work Opportunity Reconciliation Act of
31 1996. The purpose of such a study must be to examine the
32 immediate and long-term effects on this population and on the
33 State of the denial or termination of these forms of

1 assistance, including the impact on the individuals, the
2 alternate means they find to obtain support and care, and the
3 impact on state and local spending and human services
4 delivery systems. An appropriate study shall select a
5 statistically valid sample of persons denied or terminated
6 from each type of benefits and attempt to track them until
7 December 31, 2000.

8 (b) Any reports from the study received by the
9 Department shall be made available to the General Assembly
10 and the Governor upon request, and a final report shall be
11 submitted upon completion. These reports shall be available
12 to the public upon request.

13 (Source: P.A. 90-74, eff. 7-8-97.)

14 (305 ILCS 5/12-4.34)

15 (Section scheduled to be repealed on August 31, 2002)

16 Sec. 12-4.34. Services to noncitizens.

17 (a) Subject to specific appropriation for this purpose
18 and notwithstanding Sections 1-11 and 3-1 of this Code, the
19 Department of Human Services is authorized to provide
20 services to legal immigrants, including but not limited to
21 naturalization and nutrition services and financial
22 assistance. The nature of these services, payment levels,
23 and eligibility conditions shall be determined by rule.

24 (b) The Illinois Department of Human Services is
25 authorized to lower the payment levels established under this
26 subsection or take such other actions during the fiscal year
27 as are necessary to ensure that payments under this
28 subsection do not exceed the amounts appropriated for this
29 purpose. These changes may be accomplished by emergency rule
30 under Section 5-45 of the Illinois Administrative Procedure
31 Act, except that the limitation on the number of emergency
32 rules that may be adopted in a 24-month period shall not
33 apply.

1 (c) This Section is repealed on August 31, 2002.
2 (Source: P.A. 91-24, eff. 7-1-99; 91-712, eff. 7-1-00; 92-10,
3 eff. 6-11-01.)

4 (305 ILCS 5/12-4.35)

5 Sec. 12-4.35. Medical services for certain noncitizens.

6 (a) Subject to specific appropriation for this purpose,
7 and notwithstanding Section 1-11 of this Code or Section
8 20(a) of the Children's Health Insurance Program Act, the
9 Department of Public Aid may provide medical services to
10 noncitizens who have not yet attained 19 years of age and who
11 are not eligible for medical assistance under Article V of
12 this Code or under the Children's Health Insurance Program
13 created by the Children's Health Insurance Program Act due to
14 their not meeting the otherwise applicable provisions of
15 Section 1-11 of this Code or Section 20(a) of the Children's
16 Health Insurance Program Act. The medical services
17 available, standards for eligibility, and other conditions of
18 participation under this Section shall be established by rule
19 by the Department of Public Aid; however, any such rule shall
20 be at least as restrictive as the rules for medical
21 assistance under Article V of this Code or the Children's
22 Health Insurance Program created by the Children's Health
23 Insurance Program Act.

24 (b) The Department of Public Aid is authorized to take
25 any action, including without limitation cessation of
26 enrollment, reduction of available medical services, and
27 changing standards for eligibility, that is deemed necessary
28 by the Department during a State fiscal year to assure that
29 payments under this Section do not exceed the amounts
30 appropriated for this purpose.

31 (c) In the event that the appropriation in any fiscal
32 year for the Children's Health Insurance Program created by
33 the Children's Health Insurance Program Act is determined by

1 the Department of Public Aid to be insufficient to continue
2 enrollment of otherwise eligible children under that Program
3 during that fiscal year, the Department is authorized to use
4 funds appropriated for the purposes of this Section to fund
5 that Program and to take any other action necessary to
6 continue the operation of that Program. Furthermore,
7 continued enrollment of individuals into the program created
8 under this Section in any fiscal year is contingent upon
9 continued enrollment of individuals into the Children's
10 Health Insurance Program during that fiscal year.

11 (d) The General Assembly finds that the adoption of
12 rules to meet the purposes of subsections (a), (b), and (c)
13 is an emergency and necessary for the public interest,
14 safety, and welfare. The Department of Public Aid may adopt
15 such rules through the use of emergency rulemaking in
16 accordance with Section 5-45 of the Illinois Administrative
17 Procedure Act, except that the limitation on the number of
18 emergency rules that may be adopted in a 24-month period
19 shall not apply.

20 (Source: P.A. 90-588, eff. 7-1-98.)

21 (305 ILCS 5/12-4.103)

22 Sec. 12-4.103. Individual Development Accounts. Subject
23 to funding availability, the Illinois Department of Human
24 Services shall establish a program that allows eligible
25 low-income individuals to open and maintain Individual
26 Development Accounts for the purpose of enabling the
27 individual to accumulate funds for a qualified purpose. A
28 qualified purpose for establishing an Individual Development
29 Account shall be one or more of the following:

30 (1) to pay for postsecondary education expenses if
31 the expenses are paid directly to an eligible educational
32 institution;

33 (2) to acquire a principal residence if the

1 individual is buying a home for the first time and if the
2 funds are paid directly to the person to whom the amounts
3 required for the purchase are due; or

4 (3) to finance business capitalization expenses if
5 the funds are paid directly into a business
6 capitalization account at a federally insured financial
7 institution and are restricted to use solely for
8 qualified business capitalization expenses.

9 An individual may make contributions to his or her
10 Individual Development Account only from earned income as
11 defined in Section 911(d)(2) of the Internal Revenue Code of
12 1986.

13 An Individual Development Account program shall be
14 established in accordance with subsection (h) of Section 404
15 of the Personal Responsibility and Work Opportunity
16 Reconciliation Act of 1996. State funds made available for
17 this program and federal funds, to the extent they may be
18 used for this purpose, shall be used (i) to match, dollar for
19 dollar, contributions made by individuals participating in an
20 Individual Development Account program approved by the
21 Illinois Department of Human Services, (ii) to fund or
22 supplement other funds available for the costs of the
23 administration of an Individual Development Account program
24 by a not-for-profit organization, and (iii) for a grant or
25 grants to not-for-profit organizations to provide technical
26 assistance and training to other not-for-profit organizations
27 in the State that wish to establish an Individual Development
28 Account program consistent with this Section. No Individual
29 Development Account program shall qualify for State funds
30 under this Section unless the administering not-for-profit
31 organization verifies that it has secured at least a dollar
32 for dollar match from other sources for contributions made by
33 participating individuals.

34 The Illinois Department of Human Services shall by rule

1 establish qualifications for a not-for-profit organization to
2 administer an Individual Development Account program. The
3 Illinois Department shall establish eligibility criteria for
4 individuals seeking to participate in an Individual
5 Development Account program. The Illinois Department shall
6 promulgate rules regarding the administration of Individual
7 Development Account programs by approved not-for-profit
8 organizations administering the programs.

9 Notwithstanding any other provision of State law, funds
10 in an Individual Development Account, including accrued
11 interest and matching deposits, shall be disregarded for the
12 purpose of determining the eligibility and benefit levels
13 under this Code of the individual establishing the Individual
14 Development Account with respect to any period during which
15 such individual maintains or makes contributions into such an
16 account. Nothing in this Section shall prohibit a
17 not-for-profit organization which does not receive State
18 matching funds from administering an approved Individual
19 Development Account under this Section.

20 (Source: P.A. 90-783, eff. 8-14-98.)

21 (305 ILCS 5/12-5) (was 305 ILCS 12-5, in part)

22 Sec. 12-5. Appropriations; ~~uses; federal grants; report~~
23 ~~to General Assembly.~~ From the sums appropriated by the
24 General Assembly, the Illinois Department shall order for
25 payment by warrant from the State Treasury grants for public
26 aid under Articles III, IV, and V, including grants for
27 funeral and burial expenses, and all costs of administration
28 of the Illinois Department and the county departments
29 relating thereto. Moneys appropriated to the Illinois
30 Department of Human Services for public aid under Article VI
31 may be used, with the consent of the Governor, to co-operate
32 with federal, State, and local agencies in the development of
33 work projects designed to provide suitable employment for

1 persons receiving public aid under Article VI.

2 (Source: P.A. 92-111, eff. 1-1-02.)

3 (305 ILCS 5/12-5.5 new) (was 305 ILCS 5/12-5, in part)

4 Sec. 12-5.5. Federal funds and commodities. The Illinois
5 Department of Human Services, with the consent of the
6 Governor, may be the agent of the State for the receipt and
7 disbursement of federal funds or commodities for public aid
8 purposes under Article VI and for related purposes in which
9 the co-operation of the Illinois Department is sought by the
10 federal government, and, in connection therewith, may make
11 necessary expenditures from moneys appropriated for public
12 aid under any Article of this Code and for administration.

13 (Source: P.A. 92-111, eff. 1-1-02.)

14 (305 ILCS 5/12-5.10 new) (was 305 ILCS 5/12-5, in part)

15 Sec. 12-5.10. Immigration Reform and Control Fund. The
16 Illinois Department, with the consent of the Governor, may be
17 the agent of the State for the receipt and disbursement of
18 federal funds pursuant to the Immigration Reform and Control
19 Act of 1986 and may make necessary expenditures from monies
20 appropriated to it for operations, administration, and
21 grants, including payment to the Health Insurance Reserve
22 Fund for group insurance costs at the rate certified by the
23 Department of Central Management Services. All amounts
24 received by the Illinois Department pursuant to the
25 Immigration Reform and Control Act of 1986 shall be deposited
26 in the Immigration Reform and Control Fund. All amounts
27 received into the Immigration Reform and Control Fund as
28 reimbursement for expenditures from the General Revenue Fund
29 shall be transferred to the General Revenue Fund.

30 (Source: P.A. 92-111, eff. 1-1-02.)

31 (305 ILCS 5/12-5.15 new) (was 305 ILCS 5/12-5, in part)

1 Sec. 12-5.15. Social Services Block Grant Fund; Local
2 Initiative Fund; Special Purposes Trust Fund.

3 (a) All grants received by the Illinois Department for
4 programs funded by the Federal Social Services Block Grant
5 shall be deposited in the Social Services Block Grant Fund.
6 All funds received into the Social Services Block Grant Fund
7 as reimbursement for expenditures from the General Revenue
8 Fund shall be transferred to the General Revenue Fund. All
9 funds received into the Social Services Block Grant fund for
10 reimbursement for expenditure out of the Local Initiative
11 Fund shall be transferred into the Local Initiative Fund.
12 Any other federal funds received into the Social Services
13 Block Grant Fund shall be transferred to the Special Purposes
14 Trust Fund.

15 (b) The Illinois Department shall consult with the
16 Citizens Assembly/Council on Public Aid in respect to the
17 expenditure of federal funds from the Special Purposes Trust
18 Fund under Section 12-10 and the Local Initiative Fund under
19 Section 12-10.1. It shall report to the General Assembly at
20 the end of each fiscal quarter the amount of all funds
21 received and paid into the Social Service Block Grant Fund
22 and the Local Initiative Fund and the expenditures and
23 transfers of such funds for services, programs and other
24 purposes authorized by law. Such report shall be filed with
25 the Speaker, Minority Leader and Clerk of the House, with the
26 President, Minority Leader and Secretary of the Senate, with
27 the Chairmen of the House and Senate Appropriations
28 Committees, the House Human Resources Committee and the
29 Senate Public Health, Welfare and Corrections Committee, or
30 the successor standing Committees of each as provided by the
31 rules of the House and Senate, respectively, with the
32 Legislative Research Unit and with the State Government
33 Report Distribution Center for the General Assembly as is
34 required under paragraph (t) of Section 7 of the State

1 Library Act and one copy with the Citizens Assembly/Council
2 on Public Aid or its successor shall be deemed sufficient to
3 comply with this Section.

4 (Source: P.A. 92-111, eff. 1-1-02.)

5 (305 ILCS 5/12-5.20 new) (was 305 ILCS 5/12-5, in part)

6 Sec. 12-5.20. Employment and Training Fund.

7 (a) All federal funds received by the Illinois
8 Department of Human Services as reimbursement for Employment
9 and Training Programs for expenditures made by the Illinois
10 Department from grants, gifts, or legacies as provided in
11 Section 12-4.18 or made by an entity other than the Illinois
12 Department shall be deposited into the Employment and
13 Training Fund, except that federal funds received as
14 reimbursement as a result of the appropriation made for the
15 costs of providing adult education to public assistance
16 recipients under the "Adult Education, Public Assistance
17 Fund" shall be deposited into the General Revenue Fund;
18 provided, however, that all funds, except those that are
19 specified in an interagency agreement between the Illinois
20 Community College Board and the Illinois Department of Human
21 Services, that are received by the Illinois Department as
22 reimbursement under Title IV-A of the Social Security Act for
23 expenditures that are made by the Illinois Community College
24 Board or any public community college of this State shall be
25 credited to a special account that the State Treasurer shall
26 establish and maintain within the Employment and Training
27 Fund for the purpose of segregating the reimbursements
28 received for expenditures made by those entities.

29 (b) As reimbursements are deposited into the Employment
30 and Training Fund, the Illinois Department of Human Services
31 shall certify to the State Comptroller and State Treasurer
32 the amount that is to be credited to the special account
33 established within that Fund as a reimbursement for

1 expenditures under Title IV-A of the Social Security Act made
2 by the Illinois Community College Board or any of the public
3 community colleges. All amounts credited to the special
4 account established and maintained within the Employment and
5 Training Fund as provided in this Section shall be held for
6 transfer to the TANF Opportunities Fund as provided in
7 subsection (d) of Section 12-10.3, and shall not be
8 transferred to any other fund or used for any other purpose.
9 (Source: P.A. 92-111, eff. 1-1-02.)

10 (305 ILCS 5/12-5.25 new) (was 305 ILCS 5/12-5, in part)
11 Sec. 12-5.25. Homelessness Prevention Fund. Any or all
12 federal funds received as reimbursement for food and shelter
13 assistance under the Emergency Food and Shelter Program
14 authorized by Section 12-4.5 may be deposited, with the
15 consent of the Governor, into the Homelessness Prevention
16 Fund.
17 (Source: P.A. 92-111, eff. 1-1-02.)

18 (305 ILCS 5/12-5.30 new) (was 305 ILCS 5/12-5, in part)
19 Sec. 12-5.30. DCFS Children's Services Fund. Eighty
20 percent of the federal financial participation funds received
21 by the Illinois Department of Human Services under the Title
22 IV-A Emergency Assistance program as reimbursement for
23 expenditures made from the Illinois Department of Children
24 and Family Services appropriations for the costs of providing
25 services in behalf of Department of Children and Family
26 Services clients shall be deposited into the DCFS Children's
27 Services Fund.
28 (Source: P.A. 92-111, eff. 1-1-02.)

29 (305 ILCS 5/12-5.35 new) (was 305 ILCS 5/12-5, in part)
30 Sec. 12-5.35. Other federal funds; various purposes.
31 (a) All federal funds, except those covered by Sections

1 12-5.15, 12-5.20, 12-5.25, and 12-5.30 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
 7 Titles IV, XVI, XIX and XX of the Federal Social Security
 8 Act.

9 (b) Any other federal funds received by the Illinois
 10 Department under Sections 12-4.6, 12-4.18 and 12-4.19 that
 11 are required by Section 12-10 of this Code to be paid into
 12 the Special Purposes Trust Fund shall be deposited into the
 13 Special Purposes Trust Fund.

14 (c) Any other federal funds received by the Illinois
 15 Department of Public Aid pursuant to the Child Support
 16 Enforcement Program established by Title IV-D of the Social
 17 Security Act shall be deposited in the Child Support
 18 Enforcement Trust Fund as required under Section 12-10.2 of
 19 this Code.

20 (d) Any other federal funds received by the Illinois
 21 Department of Public Aid for medical assistance program
 22 expenditures made under Title XIX of the Social Security Act
 23 and Article V of this Code that are required by Section
 24 5-4.21 of this Code to be paid into the Medicaid
 25 Developmentally Disabled Provider Participation Fee Trust
 26 Fund shall be deposited into the Medicaid Developmentally
 27 Disabled Provider Participation Fee Trust Fund.

28 Any other federal funds received by the Illinois
 29 Department of Public Aid for medical assistance program
 30 expenditures made under Title XIX of the Social Security Act
 31 and Article V of this Code that are required by Section
 32 5-4.31 of this Code to be paid into the Medicaid Long Term
 33 Care Provider Participation Fee Trust Fund shall be deposited
 34 into the Medicaid Long Term Care Provider Participation Fee

1 Trust Fund.

2 Any other federal funds received by the Illinois
3 Department of Public Aid for hospital inpatient, hospital
4 ambulatory care, and disproportionate share hospital
5 expenditures made under Title XIX of the Social Security Act
6 and Article V of this Code that are required by Section 14-2
7 of this Code to be paid into the Hospital Services Trust Fund
8 shall be deposited into the Hospital Services Trust Fund.

9 Any other federal funds received by the Illinois
10 Department of Public Aid for expenditures made under Title
11 XIX of the Social Security Act and Articles V and VI of this
12 Code that are required by Section 15-2 of this Code to be
13 paid into the County Provider Trust Fund shall be deposited
14 into the County Provider Trust Fund.

15 Any other federal funds received by the Illinois
16 Department of Public Aid for hospital inpatient, hospital
17 ambulatory care, and disproportionate share hospital
18 expenditures made under Title XIX of the Social Security Act
19 and Article V of this Code that are required by Section 5A-8
20 of this Code to be paid into the Hospital Provider Fund shall
21 be deposited into the Hospital Provider Fund.

22 Any other federal funds received by the Illinois
23 Department of Public Aid for medical assistance program
24 expenditures made under Title XIX of the Social Security Act
25 and Article V of this Code that are required by Section 5B-8
26 of this Code to be paid into the Long-Term Care Provider Fund
27 shall be deposited into the Long-Term Care Provider Fund.

28 Any other federal funds received by the Illinois
29 Department of Public Aid for medical assistance program
30 expenditures made under Title XIX of the Social Security Act
31 and Article V of this Code that are required by Section 5C-7
32 of this Code to be paid into the Developmentally Disabled
33 Care Provider Fund shall be deposited into the
34 Developmentally Disabled Care Provider Fund.

1 Any other federal funds received by the Illinois
2 Department of Public Aid for trauma center adjustment
3 payments that are required by Section 5-5.03 of this Code and
4 made under Title XIX of the Social Security Act and Article V
5 of this Code shall be deposited into the Trauma Center Fund.

6 (e) Any other federal funds received by the Illinois
7 Department of Human Services as reimbursement for expenses
8 for early intervention services paid from the Early
9 Intervention Services Revolving Fund shall be deposited into
10 that Fund.

11 (Source: P.A. 92-111, eff. 1-1-02.)

12 (305 ILCS 5/12-8) (from Ch. 23, par. 12-8)

13 Sec. 12-8. Public Assistance Emergency Revolving Fund;
14 uses. The Public Assistance Emergency Revolving Fund,
15 established by Act approved July 8, 1955 shall be held by the
16 Illinois Department and shall be used for the following
17 purposes:

18 1. To provide immediate financial aid to applicants
19 in acute need who have been determined eligible for aid
20 under Articles III, IV, or V.

21 2. To provide emergency aid to recipients under
22 said Articles who have failed to receive their grants
23 because of mail box or other thefts, or who are victims
24 of a burnout, eviction, or other circumstances causing
25 privation, in which cases the delays incident to the
26 issuance of grants from appropriations would cause
27 hardship and suffering.

28 3. To provide emergency aid for transportation,
29 meals and lodging to applicants who are referred to
30 cities other than where they reside for physical
31 examinations to establish blindness or disability, or to
32 determine the incapacity of the parent of a dependent
33 child.

1 4. To provide emergency transportation expense
2 allowances to recipients engaged in vocational training
3 and rehabilitation projects.

4 5. To assist public aid applicants in obtaining
5 copies of birth certificates, death certificates,
6 marriage licenses or other similar legal documents which
7 may facilitate the verification of eligibility for public
8 aid under this Code.

9 6. To provide immediate payments to current or
10 former recipients of support services, or refunds to
11 responsible relatives, for child support made to the
12 Illinois Department of Public Aid under Title IV-D of the
13 Social Security Act when such recipients of services or
14 responsible relatives are legally entitled to all or part
15 of such child support payments under applicable State or
16 federal law.

17 7. To provide payments to individuals or providers
18 of transportation to and from medical care for the
19 benefit of recipients under Articles III, IV, V, and VI.
20 Disbursements from the Public Assistance Emergency
21 Revolving Fund shall be made by the Illinois Department.

22 Expenditures from the Public Assistance Emergency
23 Revolving Fund shall be for purposes which are properly
24 chargeable to appropriations made to the Illinois Department,
25 or, in the case of payments under subparagraph 6, to the
26 Child Support Enforcement Trust Fund, except that no
27 expenditure shall be made for purposes which are properly
28 chargeable to appropriations for the following objects:
29 personal services; extra help; state contributions to
30 retirement system; state contributions to Social Security;
31 state contributions for employee group insurance; contractual
32 services; travel; commodities; printing; equipment;
33 electronic data processing; operation of auto equipment;
34 telecommunications services; library books; and refunds. The

1 Illinois Department shall reimburse the Public Assistance
 2 Emergency Revolving Fund by warrants drawn by the State
 3 Comptroller on the appropriation or appropriations which are
 4 so chargeable, or, in the case of payments under subparagraph
 5 6, by warrants drawn on the Child Support Enforcement Trust
 6 Fund, payable to the Revolving Fund.

7 The Illinois Department shall consult, in writing, with
 8 the Citizens Assembly/Council on Public Aid with respect to
 9 the investment of funds from the Public Assistance Emergency
 10 Revolving Fund outside the State Treasury in certificates of
 11 deposit or other interest-bearing accounts.

12 (Source: P.A. 92-111, eff. 1-1-02.)

13 (305 ILCS 5/12-8.1)

14 Sec. 12-8.1. State Disbursement Unit Revolving Fund.

15 (a) There is created a revolving fund to be known as the
 16 State Disbursement Unit Revolving Fund, to be held by the
 17 Director of Public Aid ~~the Illinois Department~~, outside the
 18 State treasury, for the following purposes:

19 (1) the deposit of all support payments received by
 20 the Department of Public Aid's ~~Illinois--Department's~~
 21 State Disbursement Unit;

22 (2) the deposit of other funds including, but not
 23 limited to, transfers of funds from other accounts
 24 attributable to support payments received by the
 25 Department of Public Aid's ~~Illinois-Department's~~ State
 26 Disbursement Unit;

27 (3) the deposit of any interest accrued by the
 28 revolving fund, which interest shall be available for
 29 payment of (i) any amounts considered to be Title IV-D
 30 program income that must be paid to the U.S. Department
 31 of Health and Human Services and (ii) any balance
 32 remaining after payments made under item (i) of this
 33 subsection (3) to the General Revenue Fund; however, the

1 disbursements under this subdivision (3) may not exceed
2 the amount of the interest accrued by the revolving fund;

3 (4) the disbursement of such payments to obligees
4 or to the assignees of the obligees in accordance with
5 the provisions of Title IV-D of the Social Security Act
6 and rules promulgated by the Department of Public Aid,
7 provided that such disbursement is based upon a payment
8 by a payor or obligor deposited into the revolving fund
9 established by this Section; and

10 (5) the disbursement of funds to payors or obligors
11 to correct erroneous payments to the Department of Public
12 Aid's Illinois--Department's State Disbursement Unit, in
13 an amount not to exceed the erroneous payments.

14 (b) The provisions of this Section shall apply only if
15 the Department of Public Aid performs the functions of the
16 Department of Public Aid's Illinois--Department's State
17 Disbursement Unit under paragraph (d) of Section 10-26.

18 (Source: P.A. 91-712, eff. 7-1-00; 92-44, eff. 7-1-01.)

19 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

20 Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The
21 Public Aid Recoveries Trust Fund shall consist of (1)
22 recoveries by the Illinois Department of Public Aid
23 authorized by this Code in respect to applicants or
24 recipients under Articles III, IV, V, and VI, including
25 recoveries made by the Illinois Department of Public Aid from
26 the estates of deceased recipients, (2) recoveries made by
27 the Illinois Department of Public Aid in respect to
28 applicants and recipients under the Children's Health
29 Insurance Program, and (3) federal funds received on behalf
30 of and earned by local governmental entities for services
31 provided to applicants or recipients covered under this Code.
32 The Fund shall be held as a special fund in the State
33 Treasury.

1 Disbursements from this Fund shall be only (1) for the
2 reimbursement of claims collected by the Illinois Department
3 of Public Aid through error or mistake, (2) for payment to
4 persons or agencies designated as payees or co-payees on any
5 instrument, whether or not negotiable, delivered to the
6 Illinois Department of Public Aid as a recovery under this
7 Section, such payment to be in proportion to the respective
8 interests of the payees in the amount so collected, (3) for
9 payments to the Department of Human Services for collections
10 made by the Illinois Department of Public Aid on behalf of
11 the Department of Human Services under this Code, (4) for
12 payment of administrative expenses incurred in performing the
13 activities authorized under this Code, (5) for payment of
14 fees to persons or agencies in the performance of activities
15 pursuant to the collection of monies owed the State that are
16 collected under this Code, (6) for payments of any amounts
17 which are reimbursable to the federal government which are
18 required to be paid by State warrant by either the State or
19 federal government, and (7) for payments to local
20 governmental entities of federal funds for services provided
21 to applicants or recipients covered under this Code.
22 Disbursements from this Fund for purposes of items (4) and
23 (5) of this paragraph shall be subject to appropriations from
24 the Fund to the Illinois Department of Public Aid.

25 The balance in this Fund on the first day of each
26 calendar quarter, after payment therefrom of any amounts
27 reimbursable to the federal government, and minus the amount
28 reasonably anticipated to be needed to make the disbursements
29 during that quarter authorized by this Section, shall be
30 certified by the Director of the--Illinois--Department--of
31 Public Aid and transferred by the State Comptroller to the
32 Drug Rebate Fund or the General Revenue Fund in the State
33 Treasury, as appropriate, within 30 days of the first day of
34 each calendar quarter.

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

5 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
6 92-10, eff. 6-11-01; 92-16, eff. 6-28-01.)

7 (305 ILCS 5/12-9.1)

8 Sec. 12-9.1. DHS Recoveries Trust Fund; uses. The DHS
9 Recoveries Trust Fund shall consist of recoveries authorized
10 by this Code in respect to applicants or recipients under
11 Articles III, IV, and VI, including recoveries from the
12 estates of deceased recipients, and payments received by the
13 Illinois Department of Human Services under Sections 10-3.1
14 through 10-3.1e, 10-8, 10-10 through 10-10.080, 10-16, 10-19,
15 and 12-9 that are required by those Sections to be paid into
16 the DHS Recoveries Trust Fund. This Fund shall be held as a
17 special fund in the State Treasury.

18 Disbursements from the Fund shall be only (1) for the
19 reimbursement of claims collected by the Illinois Department
20 of Human Services through error or mistake, (2) for payment
21 to persons or agencies designated as payees or co-payees on
22 any instrument, whether or not negotiable, delivered to the
23 Illinois Department of Human Services as a recovery under
24 this Section, such payment to be in proportion to the
25 respective interests of the payees in the amount so
26 collected, (3) for payments to non-recipients, or to former
27 recipients of financial aid of the collections which are made
28 in their behalf under Article X, (4) for payment to local
29 governmental units of support payments collected by the
30 Illinois Department of Human Services pursuant to an
31 agreement under Section 10-3.1a or 10-3.1b ~~10-3.1~~, (5) for
32 payment of administrative expenses incurred in performing the
33 activities authorized by Article X, (6) for payment of fees

1 to person or agencies in the performance of activities
2 pursuant to the collection of moneys owed the State, (7) for
3 payments of any amounts which are reimbursable to the federal
4 government which are required to be paid by State warrant by
5 either the State or federal government, and (8) for
6 disbursements to attorneys or advocates for legal
7 representation in an appeal of any claim for federal
8 Supplemental Security Income benefits before an
9 administrative law judge as provided for in Section 3-13 of
10 this Code. Disbursements from the Fund for purposes of items
11 (5), (6), and (8) of this paragraph shall be subject to
12 appropriations from the Fund to the Illinois Department of
13 Human Services.

14 The balance in the Fund on the first day of each calendar
15 quarter, after payment therefrom of any amounts reimbursable
16 to the federal government, and minus the amount reasonably
17 anticipated to be needed to make the disbursements during
18 that quarter authorized by this Section, shall be certified
19 by the Secretary of Human Services and transferred by the
20 State Comptroller to the General Revenue Fund within 30 days
21 after the first day of each calendar quarter.

22 (Source: P.A. 91-24, eff. 7-1-99.)

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

24 Sec. 12-10. Special Purposes Trust Fund; uses. The
25 Special Purposes Trust Fund, to be held outside the State
26 treasury by the State Treasurer as ex-officio custodian,
27 shall consist of (1) any federal grants received under
28 Section 12-4.6 that are not required by Sections Section 12-5
29 through 12-5.35 to be paid into the General Revenue Fund or
30 transferred into the Local Initiative Fund under Section
31 12-10.1 or deposited in the Employment and Training Fund
32 under Section 12-10.3 or in the special account established
33 and maintained in that Fund as provided in that Section; (2)

1 grants, gifts or legacies of moneys or securities received
2 under Section 12-4.18; (3) grants received under Section
3 12-4.19; and (4) funds for child care and development
4 services. Disbursements from this Fund shall be only for the
5 purposes authorized by the aforementioned Sections.

6 Disbursements from this Fund shall be by warrants drawn
7 by the State Comptroller on receipt of vouchers duly executed
8 and certified by the ~~Illinois~~ Department of Human Services,
9 including payment to the Health Insurance Reserve Fund for
10 group insurance costs at the rate certified by the Department
11 of Central Management Services.

12 All federal monies received as reimbursement for
13 expenditures from the General Revenue Fund, and which were
14 made for the purposes authorized for expenditures from the
15 Special Purposes Trust Fund, shall be deposited by the
16 Department of Human Services into the General Revenue Fund.

17 (Source: P.A. 90-587, eff. 7-1-98; 91-24, eff. 7-1-99.)

18 (305 ILCS 5/12-10.1) (from Ch. 23, par. 12-10.1)

19 Sec. 12-10.1. Local Initiative Fund; uses. There is
20 hereby created the Local Initiative Fund in the State
21 treasury. The Local Initiative Fund is created for the
22 purpose of receiving and disbursing monies in accordance with
23 the provisions of the Social Services Block Grant of the
24 federal Social Security Act and related rules and
25 regulations, as now or hereafter amended, governing the use
26 of such monies.

27 Expenditures from the Local Initiative Fund shall be made
28 for services contained in the Projected Expenditure Report
29 required of the State under the Social Services Block Grant
30 of the federal Social Security Act. The Local Initiative Fund
31 shall be administered by the ~~Illinois~~ Department of Human
32 Services, which shall expend monies appropriated from such
33 fund by the Illinois General Assembly for the purchase and

1 provision of social services. The Illinois Department of
 2 Human Services shall execute a written contract for the
 3 purchase of social services from persons qualified to provide
 4 such services. Such contract shall be filed with the Illinois
 5 Department of Human Services and the State Comptroller.

6 There shall be paid into the Local Initiative Fund the
 7 following monies:

8 1. Federal funds paid to the State as reimbursement
 9 for expenditures from the Local Initiative Fund made
 10 according to the provisions of the federal Social
 11 Services Block Grant.

12 2. Payments by the Illinois Department of Human
 13 Services for the purpose of reimbursing the Local
 14 Initiative Fund for expenditures for services not
 15 approved for federal reimbursement under the Social
 16 Security Block Grant of the federal Social Security Act
 17 either by the Illinois Department of Human Services or by
 18 the federal Department of Health and Human Services.
 19 Such payments shall be made by the Illinois Department of Human
 20 Services in the amount that the Secretary of Human
 21 Services ~~Director--of--the---Illinois---Department~~ has
 22 determined was not caused by the failure of a provider of
 23 services to comply with the provisions of a service
 24 contract or the provisions of the Social Services Block
 25 Grant of the federal Social Security Act and related
 26 rules and regulations as now or hereafter amended. Any
 27 such expenditures for services not approved for federal
 28 reimbursement which are subsequently paid into the Social
 29 Services Block Grant Fund shall be transferred into the
 30 General Revenue Fund.

31 (Source: P.A. 89-507, eff. 7-1-97.)

32 (305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)
 33 Sec. 12-10.2. The Child Support Enforcement Trust Fund.

1 (a) The Child Support Enforcement Trust Fund, to be held
2 by the State Treasurer as ex-officio custodian outside the
3 State Treasury, pursuant to the Child Support Enforcement
4 Program established by Title IV-D of the Social Security Act,
5 shall consist of:

6 (1) all support payments assigned to the Illinois
7 Department under Article X of this Code and rules
8 promulgated by the Illinois Department that are disbursed
9 to the Illinois Department by the State Disbursement Unit
10 established under Section 10-26,

11 (2) all support payments received by the Illinois
12 Department as a result of the Child Support Enforcement
13 Program established by Title IV-D of the Social Security
14 Act that are not required or directed to be paid to the
15 State Disbursement Unit established under Section 10-26,

16 (3) all federal grants received by the Illinois
17 Department funded by Title IV-D of the Social Security
18 Act, except those federal funds received under the Title
19 IV-D program as reimbursement for expenditures from the
20 General Revenue Fund,

21 (4) incentive payments received by the Illinois
22 Department from other states or political subdivisions of
23 other states for the enforcement and collection by the
24 Department of an assigned child support obligation in
25 behalf of such other states or their political
26 subdivisions pursuant to the provisions of Title IV-D of
27 the Social Security Act,

28 (5) incentive payments retained by the Illinois
29 Department from the amounts which otherwise would be paid
30 to the federal government to reimburse the federal
31 government's share of the support collection for the
32 Department's enforcement and collection of an assigned
33 support obligation on behalf of the State of Illinois
34 pursuant to the provisions of Title IV-D of the Social

1 Security Act,

2 (6) all fees charged by the Department for child
3 support enforcement services, as authorized under Title
4 IV-D of the Social Security Act and Section 10-1 of this
5 Code, and any other fees, costs, fines, recoveries, or
6 penalties provided for by State or federal law and
7 received by the Department under the Child Support
8 Enforcement Program established by Title IV-D of the
9 Social Security Act, and

10 (7) all amounts appropriated by the General
11 Assembly for deposit into the Fund, and

12 (8) any gifts, grants, donations, or awards from
13 individuals, private businesses, nonprofit associations,
14 and governmental entities.

15 (b) Disbursements from this Fund shall be only for the
16 following purposes:

17 (1) for the reimbursement of funds received by the
18 Illinois Department through error or mistake,

19 (2) for payments to non-recipients, current
20 recipients, and former recipients of financial aid of
21 support payments received on their behalf under Article X
22 of this Code that are not required to be disbursed by the
23 State Disbursement Unit established under Section 10.26,

24 (3) for any other payments required by law to be
25 paid by the Illinois Department to non-recipients,
26 current recipients, and former recipients,

27 (4) for payment of any administrative expenses
28 incurred through fiscal year 2002, but not thereafter,
29 including payment to the Health Insurance Reserve Fund
30 for group insurance costs at the rate certified by the
31 Department of Central Management Services, except those
32 required to be paid from the General Revenue Fund,
33 including personal and contractual services, incurred in
34 performing the Title IV-D activities authorized by

1 Article X of this Code,

2 (5) for the reimbursement of the Public Assistance
3 Emergency Revolving Fund for expenditures made from that
4 Fund for payments to former recipients of public aid for
5 child support made to the Illinois Department when the
6 former public aid recipient is legally entitled to all or
7 part of the child support payments, pursuant to the
8 provisions of Title IV-D of the Social Security Act,

9 (6) for the payment of incentive amounts owed to
10 other states or political subdivisions of other states
11 that enforce and collect an assigned support obligation
12 on behalf of the State of Illinois pursuant to the
13 provisions of Title IV-D of the Social Security Act,

14 (7) for the payment of incentive amounts owed to
15 political subdivisions of the State of Illinois that
16 enforce and collect an assigned support obligation on
17 behalf of the State pursuant to the provisions of Title
18 IV-D of the Social Security Act, and

19 (8) for payments of any amounts which are
20 reimbursable to the Federal government which are required
21 to be paid by State warrant by either the State or
22 Federal government.

23 Disbursements from this Fund shall be by warrants drawn
24 by the State Comptroller on receipt of vouchers duly executed
25 and certified by the Illinois Department or any other State
26 agency that receives an appropriation from the Fund.

27 (c) The Department of Public Aid's Illinois-Department's
28 child support administrative expenses, as defined in Section
29 12-10.2a, that are incurred after fiscal year 2002 shall be
30 paid only as provided in that Section.

31 (Source: P.A. 91-212, eff. 7-20-99; 91-400, eff. 7-30-99;
32 91-712, eff. 7-1-00; 92-44, eff. 7-1-01; revised 7-24-01.)

33 (305 ILCS 5/12-10.2a)

1 Sec. 12-10.2a. Child Support Administrative Fund.

2 (a) Beginning July 1, 2002, the Child Support
3 Administrative Fund is created as a special fund in the State
4 treasury. Moneys in the Fund may be used, subject to
5 appropriation, only for the Department of Public Aid's child
6 support administrative expenses, as defined in this Section.

7 (b) As used in this Section, "child support
8 administrative expenses" means administrative expenses,
9 including payment to the Health Insurance Reserve Fund for
10 group insurance costs at the rate certified by the Department
11 of Central Management Services, except those required to be
12 paid from the General Revenue Fund, including personal and
13 contractual services, incurred by the Department of Public
14 Aid, either directly or under its contracts with SDU
15 contractors as defined in Section 10-26.2, in performing
16 activities authorized by Article X of this Code. The term
17 includes expenses incurred by the Department of Public Aid in
18 administering the Child Support Enforcement Trust Fund and
19 the State Disbursement Unit Revolving Fund.

20 (c) Child support administrative expenses incurred in
21 fiscal year 2003 or thereafter shall be paid only from moneys
22 appropriated to the Department of Public Aid from the Child
23 Support Administrative Fund.

24 (d) Before April 1, 2003 and before April 1 of each year
25 thereafter, the Department of Public Aid shall provide
26 notification to the General Assembly of the amount of the
27 Department's child support administrative expenses expected
28 to be incurred during the fiscal year beginning on the next
29 July 1, including the estimated amount required for the
30 operation of the State Disbursement Unit, which shall be
31 separately identified in the annual administrative
32 appropriation.

33 (e) For the fiscal year beginning July 1, 2002 and for
34 each fiscal year thereafter, the State Comptroller and the

1 State Treasurer shall transfer from the Child Support
2 Enforcement Trust Fund to the Child Support Administrative
3 Fund amounts as determined by the Department of Public Aid
4 necessary to enable the Department to meet its child support
5 administrative expenses for the then-current fiscal year.
6 For any fiscal year, the State Comptroller and the State
7 Treasurer may not transfer more than the total amount
8 appropriated to the Department of Public Aid from the Child
9 Support Administrative Fund for the Department's child
10 support administrative expenses for that fiscal year.

11 (f) By December 1, 2001, the ~~Illinois~~ Department of
12 Public Aid shall provide a corrective action plan to the
13 General Assembly regarding the establishment of accurate
14 accounts in the Child Support Enforcement Trust Fund. The
15 plan shall include those tasks that may be required to
16 establish accurate accounts, the estimated time for
17 completion of each of those tasks and the plan, and the
18 estimated cost for completion of each of the tasks and the
19 plan.

20 (Source: P.A. 92-44, eff. 7-1-01.)

21 (305 ILCS 5/12-10.3) (from Ch. 23, par. 12-10.3)

22 Sec. 12-10.3. Employment and Training Fund; uses.

23 (a) The Employment and Training Fund is hereby created
24 in the State Treasury for the purpose of receiving and
25 disbursing moneys in accordance with the provisions of Title
26 IV-A of the federal Social Security Act; the Food Stamp Act,
27 Title 7 of the United States Code; and related rules and
28 regulations governing the use of those moneys for the
29 purposes of providing employment and training services.

30 (b) All federal funds received by the ~~Illinois~~
31 Department of Human Services as reimbursement for
32 expenditures for employment and training programs made by the
33 ~~Illinois~~ Department from grants, gifts, or legacies as

1 provided in Section 12-4.18 or by an entity other than the
2 Department, except as a result of appropriations made for the
3 costs of providing adult education to public assistance
4 recipients, shall be deposited into the Employment and
5 Training Fund; provided, however, that all funds, except
6 those that are specified in the interagency agreement between
7 the Illinois Community College Board and the Department, that
8 are received by the Department as reimbursement under Title
9 IV-A of the federal Social Security Act for expenditures that
10 are made by the Illinois Community College Board or by any
11 public community college of this State shall be credited to a
12 special account that the State Treasurer shall establish and
13 maintain within the Employment and Training Fund for the
14 purpose and in the manner provided in Section 12-5.20 12-5.

15 (c) Except as provided in subsection (d) of this
16 Section, the Employment and Training Fund shall be
17 administered by the Illinois Department of Human Services,
18 and the Illinois Department may make payments from the
19 Employment and Training Fund to clients for supportive
20 services or to public and private entities for employment and
21 training services. Such payments shall not include any funds
22 generated by Illinois community colleges as part of the
23 Opportunities Program.

24 (d) On or before the 10th day of August, 1992, and on or
25 before the 10th day of each month thereafter, the State
26 Treasurer and State Comptroller shall automatically transfer
27 to the TANF Opportunities Fund of the Illinois Community
28 College Board from the special account established and
29 maintained in the Employment and Training Fund all amounts
30 credited to that special account as provided in Section
31 12-5.20 12-5 during the preceding month as reimbursement for
32 expenditures under Title IV-A of the federal Social Security
33 Act made by the Illinois Community College Board or any
34 public community college of this State.

1 (e) The Illinois Department of Human Services shall
2 execute a written contract when purchasing employment and
3 training services from entities qualified to provide services
4 under the programs. The contract shall be filed with the
5 Illinois Department and the State Comptroller.

6 (Source: P.A. 92-111, eff. 1-1-02.)

7 (305 ILCS 5/12-10.5)

8 Sec. 12-10.5. Medical Special Purposes Trust Fund.

9 (a) The Medical Special Purposes Trust Fund ("the Fund")
10 is created. Any grant, gift, donation, or legacy of money or
11 securities that the Department of Public Aid is authorized to
12 receive under Section 12-4.18 or Section 12-4.19, and that is
13 dedicated for functions connected with the administration of
14 any medical program administered by the Department, shall be
15 deposited into the Fund. All federal moneys received by the
16 Department of Public Aid as reimbursement for disbursements
17 authorized to be made from the Fund shall also be deposited
18 into the Fund.

19 (b) No moneys received from a service provider or a
20 governmental or private entity that is enrolled with the
21 Department of Public Aid as a provider of medical services
22 shall be deposited into the Fund.

23 (c) Disbursements may be made from the Fund for the
24 purposes connected with the grants, gifts, donations, or
25 legacies deposited into the Fund, including, but not limited
26 to, medical quality assessment projects, eligibility
27 population studies, medical information systems evaluations,
28 and other administrative functions that assist the Department
29 of Public Aid in fulfilling its health care mission under the
30 Illinois Public Aid Code and the Children's Health Insurance
31 Program Act.

32 (Source: P.A. 92-37, eff. 7-1-01.)

1 (305 ILCS 5/12-10.6)

2 Sec. ~~12-10.6.~~ ~~12-10.5.~~ Medicaid Buy-In Program Revolving
3 Fund.

4 (a) The Medicaid Buy-In Program Revolving Fund is
5 created as a special fund in the State treasury. The Fund
6 shall consist of cost-sharing payments made by individuals
7 pursuant to the Medicaid Buy-In Program established under
8 paragraph 11 of Section 5-2 of this Code. All earnings on
9 moneys in the Fund shall be credited to the Fund.

10 (b) Moneys in the Fund shall be appropriated to the
11 Department of Public Aid to pay the costs of administering
12 the Medicaid Buy-In Program, including payments for medical
13 assistance benefits provided to Program participants. The
14 Department shall adopt rules specifying the particular
15 purposes for which the moneys in the Fund may be spent.

16 (Source: P.A. 92-163, eff. 7-25-01; revised 9-18-01.)

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

18 Sec. 12-12. Collection of claims; enforcement of penalty
19 provisions. The ~~Illinois~~ Department of Public Aid or the
20 Department of Human Services, as appropriate, shall pursue
21 the legal procedure necessary to collect the claims and
22 enforce the penalty provisions provided in any Section or
23 Article of this Code relative to applicants and recipients of
24 public aid. The Attorney General, at the request of the
25 ~~Illinois~~ Department of Public Aid or the Department of Human
26 Services, as appropriate, shall take the necessary
27 proceedings and represent the ~~Illinois~~ department making the
28 request in any matter arising in connection with such claims
29 or enforcement of penalty provisions.

30 (Source: P.A. 81-1085.)

31 (305 ILCS 5/12-12.1)

32 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 Sec. 12-12.1. Deadbeats most wanted list.

3 (a) The Director of Public Aid may disclose a "deadbeats
4 most wanted list" of individuals who are in arrears in their
5 child support obligations under an Illinois court order or
6 administrative order. The list shall include only those
7 persons who are in arrears in an amount greater than \$5,000
8 (or such greater amount as established by the Department by
9 rule). The list shall not exceed 200 individuals at any
10 point. The list shall include the individual's name and
11 address, the amount of any child support arrearage, and any
12 other information deemed appropriate by the Department of
13 Public Aid.

14 (b) At least 90 days before the disclosure under
15 subsection (a) of the name of an individual who is in arrears
16 in his or her child support obligations, the Director of
17 Public Aid shall mail a written notice to the individual by
18 certified mail addressed to the individual's last known
19 address. The notice shall detail the amount of the arrearage
20 and the Department of Public Aid's Department's intent to
21 disclose the arrearage. If the arrearage is not paid 60 days
22 after the notice was delivered to the individual or the
23 Department of Public Aid has been notified that delivery was
24 refused, and the individual has not, since the mailing of the
25 notice, entered into a written agreement with the Department
26 of Public Aid for payment of the arrearage, the Director of
27 Public Aid may disclose the individual's arrearage under
28 subsection (a).

29 (c) An individual in arrears in his or her child support
30 obligations under an Illinois court order or administrative
31 order is not subject to disclosure under subsection (a) if
32 (1) a written agreement for payment exists between the
33 individual and the Department of Public Aid or (2) the
34 arrearage is the subject of an administrative hearing,

1 administrative review, or judicial review.

2 (d) The list shall be available for public inspection at
3 the Department of Public Aid or by other means of
4 publication, including the Internet.

5 (e) A disclosure made by the Director of Public Aid in a
6 good faith effort to comply with this Section may not be
7 considered a violation of any confidentiality laws.

8 (Source: P.A. 92-373, eff. 7-1-02.)

9 (305 ILCS 5/12-13) (from Ch. 23, par. 12-13)

10 Sec. 12-13. Rules and regulations. The Department of
11 Public Aid and the Department of Human Services shall make
12 all rules and regulations and take such action as may be
13 necessary or desirable for carrying out the provisions of
14 this Code, to the end that its spirit and purpose may be
15 achieved and the public aid programs administered efficiently
16 throughout the State. However, the rules and regulations
17 shall not provide that payment for services rendered to a
18 specific recipient by a person licensed under the Medical
19 Practice Act of 1987, whether under a general or limited
20 license, or a person licensed or registered under other laws
21 of this State to provide dental, optometric, or pediatric
22 care, may be authorized only when services are recommended
23 for that recipient by a person licensed to practice medicine
24 in all its branches.

25 Whenever a rule of the Department of Public Aid or the
26 Department of Human Services requires that an applicant or
27 recipient verify information submitted to the Department, the
28 rule, in order to make the public fully aware of what
29 information is required for verification, shall specify the
30 acceptable means of verification or shall list examples of
31 acceptable means of verification.

32 The provisions of the Illinois Administrative Procedure
33 Act are hereby expressly adopted and incorporated herein, and

1 shall apply to all administrative rules and procedures of the
2 Illinois Department of Public Aid and the Department of Human
3 Services under this Act, except that Section 5-35 of the
4 Illinois Administrative Procedure Act relating to procedures
5 for rule-making does not apply to the adoption of any rule
6 required by federal law in connection with which the Illinois
7 Department of Public Aid or the Department of Human Services
8 is precluded by law from exercising any discretion, and the
9 requirements of the Administrative Procedure Act with respect
10 to contested cases are not applicable to (1) hearings
11 involving eligibility of applicants or recipients of public
12 aid or (2) support hearings involving responsible relatives.
13 (Source: P.A. 92-111, eff. 1-1-02.)

14 (305 ILCS 5/12-13.05)

15 Sec. 12-13.05. Rules for Temporary Assistance for Needy
16 Families. All rules regulating the Temporary Assistance for
17 Needy Families program and all other rules regulating the
18 amendatory changes to this Code made by this amendatory Act
19 of 1997 shall be promulgated pursuant to this Section. All
20 rules regulating the Temporary Assistance for Needy Families
21 program and all other rules regulating the amendatory changes
22 to this Code made by this amendatory Act of 1997 are repealed
23 on January 1, 2003. On and after January 1, 2003, the
24 Illinois Department of Human Services may not promulgate any
25 rules regulating the Temporary Assistance for Needy Families
26 program or regulating the amendatory changes to this Code
27 made by this amendatory Act of 1997.

28 (Source: P.A. 91-5, eff. 5-27-99; 92-111, eff. 1-1-02.)

29 (305 ILCS 5/12-13.2)

30 Sec. 12-13.2. Two-year financial plans.

31 (a) On or before September 30, 1994, the Illinois
32 Department of Public Aid shall submit to the General Assembly

1 an initial 2-year financial plan with respect to the Illinois
2 Department's administration and financing of the State's
3 Medicaid program for fiscal years 1995 and 1996. The
4 Illinois Department shall submit subsequent 2-year
5 financial plans in accordance with this Section. Beginning
6 with fiscal year 1997, and every second fiscal year
7 thereafter, the Illinois Department shall submit a financial
8 plan covering a period of 2 fiscal years not later than March
9 1 before the commencement of the first fiscal year to which
10 the financial plan relates. Each financial plan shall be
11 submitted in accordance with the procedures set forth in this
12 Section.

13 (b) Each financial plan for each fiscal year to which it
14 relates shall contain a description of revenues, liabilities,
15 expenditures, appropriations, and cash resources and uses.

16 (c) The Illinois Department of Public Aid shall
17 regularly reexamine the revenue and expenditure estimates on
18 which each financial plan was based and revise them as
19 necessary. The Illinois Department shall promptly notify the
20 General Assembly of any material change in the revenue or
21 expenditure estimates in the financial plan. The Illinois
22 Department shall submit to the General Assembly modified
23 financial plans based on revised revenue or expenditure
24 estimates or for any other good reason.

25 (Source: P.A. 88-554, eff. 7-26-94.)

26 (305 ILCS 5/12-19) (from Ch. 23, par. 12-19)

27 Sec. 12-19. County welfare services committees;
28 membership. If a county welfare services committee is formed
29 in a county of less than 3,000,000 population, the committee
30 may consist of not more than 10 members appointed by the
31 Illinois Department and the following members, ex-officio:
32 the state's attorney and the chairman of the county board.
33 The terms of the state's attorney and the chairman of the

1 county board shall be co-extensive with their terms of
2 office. The terms of the Illinois Department appointees shall
3 be as specified in this Section.

4 In counties of 3,000,000 or more population, if a county
5 welfare services committee is formed, it may consist of not
6 more than 33 members appointed by the Illinois Department and
7 the president of the county board of commissioners,
8 ex-officio. The term of the president of the county board of
9 commissioners shall be co-extensive with his term of office.
10 The terms of the Illinois Department appointees shall be as
11 specified in this Section.

12 The Illinois Department shall make its appointments from
13 a list of nominees submitted with the advice and consent of
14 the county board by the presiding officer of the county board
15 of each county. If the county board fails or refuses to
16 submit a list of nominees, the Illinois Department may make
17 appointments from among the residents of the county.

18 The Illinois Department and the county boards shall
19 include a balanced representation of recipients, service
20 providers, representatives of community and welfare advocacy
21 groups, representatives of local governments dealing with
22 public aid, and representatives of the general public on all
23 county welfare services committees appointed by the Illinois
24 Department or on lists of nominees submitted by the presiding
25 officers of the county boards.

26 (Source: P.A. 92-111, eff. 1-1-02.)

27 (305 ILCS 5/12-19.1) (from Ch. 23, par. 12-19.1)

28 Sec. 12-19.1. Appointments; terms; vacancy. In counties
29 of less than 3 million population, the Illinois Department
30 shall appoint 3 members of the County Welfare Services
31 Committee on July 1, 1967; 4 members on July 1, 1968; and 3
32 members on July 1, 1969, as successors respectively to the
33 members whose terms expire on such dates. In counties of 3

1 million or more population, the Illinois Department shall
2 appoint 4 members of the Committee on July 1, 1967; 4 on July
3 1, 1968; and 4 on July 1, 1969, as successors respectively to
4 the members whose terms expire on such dates, and shall on
5 July 1, 1971, appoint 25 members, 7 of whom shall serve for a
6 term of 1 year, 7 of whom shall serve for 2 years, and 11 of
7 whom shall serve for 3 years as designated by the Illinois
8 Department at the time of appointment. Thereafter, upon the
9 expiration of any term, successors shall be appointed in like
10 manner as the original appointees, for a term of 3 years and
11 until their successors are appointed. Vacancies in office
12 shall be filled in like manner as original appointments but
13 appointment shall be only for the remainder of the term of
14 the vacancy.

15 (Source: P.A. 77-522.)

16 (305 ILCS 5/12-19.3) (from Ch. 23, par. 12-19.3)

17 Sec. 12-19.3. Information to committee. The county
18 department shall furnish each member of the County Welfare
19 Services Committee, upon such member's request, a copy of the
20 existing regulations and of all changes of regulations
21 pertaining to any of the public aid programs, and of rulings
22 handed down by the Illinois Department or the courts on
23 review, affecting or interpreting such regulations.

24 (Source: P.A. 92-111, eff. 1-1-02.)

25 (305 ILCS 5/12-19.5) (from Ch. 23, par. 12-19.5)

26 Sec. 12-19.5. Advisory functions; reports. The County
27 Welfare Services Committee shall advise the county department
28 in relation to the administration of its functions and
29 duties. The Committee shall also advise the Illinois
30 Department on all matters pertaining to public aid in the
31 county, recommend the development of community welfare
32 programs it may deem necessary and stimulate community

1 interest in these programs and their proper organization,
2 survey economic and social welfare conditions and employment
3 opportunities, and perform any other duties as the Illinois
4 Department may prescribe.

5 The Committee shall submit to the Illinois Department
6 periodic reports of its activities, findings, and
7 recommendations at the times and in the manner as the
8 Department may direct.

9 The Committee shall review the quality of services
10 provided to recipients of and applicants for assistance and
11 other social services and the quality of relations between
12 recipients and applicants and employees of the Illinois
13 Department and county departments. The Committee shall report
14 annually to the Illinois Department its findings in these
15 matters and its recommendations for improvement.

16 (Source: P.A. 87-528.)

17 (305 ILCS 5/12-21) (from Ch. 23, par. 12-21)

18 Sec. 12-21. Administration in local governmental units.
19 Administration of the public aid programs for which
20 responsibility is vested in local governmental units under
21 Article VI shall be in accordance with the provisions of
22 Sections 12-21.1 to 12-21.20, inclusive.

23 However, all public aid programs which provide medical
24 services or assistance to non-residents of the State of
25 Illinois which, but for the aspect of residency, would be a
26 township responsibility, shall be administered by the
27 Illinois Department pursuant to Sections 12-4 to 12-12,
28 inclusive, of this Article, and pursuant to the Department's
29 authorized rules and regulations.

30 (Source: P.A. 81-1509.)

31 (305 ILCS 5/12-21.6) (from Ch. 23, par. 12-21.6)

32 Sec. 12-21.6. Compensation and standards of employees of

1 local governmental units receiving state funds. In any local
2 governmental unit receiving State funds for public aid
3 purposes under Article VI, the number and compensation rates
4 and standards of competence, performance, and tenure of all
5 employees or other persons paid from public aid funds,
6 including the compensation rates of the persons serving as or
7 designated as Supervisor of General Assistance if such person
8 is paid in whole or in part from public aid funds, shall be
9 subject to review and approval of the ~~Illinois~~ Department of Human Services.
10 Human Services.

11 (Source: P.A. 81-1085.)

12 (305 ILCS 5/12-21.7) (from Ch. 23, par. 12-21.7)

13 Sec. 12-21.7. Limitations on political activities. In any
14 local governmental unit receiving State funds, each employee
15 whose duties pertain to determination of eligibility for or
16 the amount of public aid is prohibited from engaging in at
17 any time, whether during or outside of regular working hours,
18 any of the following activities:

19 1. Using or threatening to use the influence or
20 authority of his position to coerce or to persuade any
21 person to follow any course of political action.

22 2. Soliciting money from any person for any
23 political purpose.

24 3. Selling or distributing tickets for political
25 meetings.

26 4. Assisting at the polls in behalf of any party or
27 party-designated candidate on any election day.

28 5. Initiating or circulating petitions on behalf of
29 a candidate.

30 6. Distributing campaign literature or material in
31 behalf of any candidate.

32 Any employee who engages in the foregoing proscribed
33 political activities shall be subject to immediate discharge

1 in accordance with the procedures controlling his position.
2 If an employee engages in such activities at the request or
3 direction of any officer or officers of the local
4 governmental unit, or if the governmental unit fails to
5 initiate procedures for the dismissal of an employee who
6 persists in such activities, the Illinois Department of Human
7 Services may withhold the payment of any further State funds
8 to the local governmental unit until the governmental unit
9 has established that its actions are in full accord with the
10 objectives of this Section.
11 (Source: Laws 1967, p. 122.)

12 (305 ILCS 5/12-21.8) (from Ch. 23, par. 12-21.8)
13 Sec. 12-21.8. Duties of supervisors of general
14 assistance. Except for the Supervisor of General Assistance
15 who is the Director of the County Department of Public Aid,
16 the Supervisor of General Assistance shall receive and pay
17 out moneys raised by taxes or allocated by the State for
18 public aid purposes and shall provide public aid to all
19 persons eligible therefor under Article VI of this Code.
20 State and municipal funds for General Assistance purposes in
21 a city, village or incorporated town of more than 500,000
22 population shall be received and disbursed as provided in
23 Section 12-10.

24 The Supervisor of General Assistance shall keep such
25 records and submit annually and at such other times as their
26 respective county boards, city councils, board of trustees,
27 or board of town trustees may require, reports relating to
28 the administration of such public aid programs as are the
29 responsibility of the local governmental unit under this
30 Code, prepared in such form as may be directed by such
31 agencies.

32 On or before the 15th day of each calendar month,
33 Supervisors of General Assistance shall submit to the

1 Illinois Department of Human Services full itemized reports
2 of all receipts and expenditures of moneys for public aid and
3 the costs of administration under Article VI of this Code
4 during the prior calendar month, together with such other
5 reports as the Illinois Department may require. The Illinois
6 Department of Human Services may audit the books and records
7 dealing with such public aid programs at such times as it
8 deems necessary.

9 (Source: P.A. 82-783.)

10 (305 ILCS 5/12-21.10) (from Ch. 23, par. 12-21.10)

11 Sec. 12-21.10. Default and misappropriation of funds;
12 removal of supervisor; Conditions requiring appointment of
13 interim supervisor. If the Supervisor of General Assistance
14 is a defaulter and in arrears with the governmental unit, or
15 has misused, misappropriated, or converted to his own use or
16 the use of any other person any of the funds of the unit, or
17 is guilty of any other misconduct in office, the governing
18 body of the governmental unit, and in the case of a township,
19 the board of town trustees, may remove him as Supervisor of
20 General Assistance and appoint a suitable person to be the
21 supervisor therein; provided, that for a township containing
22 4,000 inhabitants or more, upon written request of the
23 township supervisors, the board of town trustees may appoint
24 a Supervisor of General Assistance who is a resident of such
25 township, and fix his compensation and term of office, which
26 shall not exceed the term of the board.

27 If, as provided in Section 12-21.18, the Illinois
28 Department of Human Services has ordered the withholding of
29 State funds for failure of the governmental unit to comply
30 with the Department's rules and regulations, the governing
31 body of the governmental unit, and in the case of a township,
32 the board of town trustees, upon written order of the
33 Illinois Department of Human Services shall appoint an

1 Interim Supervisor of General Assistance, acceptable to the
2 Illinois Department, to serve as Supervisor of General
3 Assistance for the governmental unit until such time as the
4 policies and procedures of the unit are determined by the
5 Department to be in compliance with its rules. If, after a
6 reasonable time as determined by the Illinois Department of
7 Human Services, the governmental unit or agency to which such
8 order is directed fails to make an appointment, or appoints a
9 person who is not acceptable to the Illinois Department, the
10 Public Aid Committee, established under Section 11-8, of the
11 county in which the governmental unit is located, upon
12 written order of the Illinois Department of Human Services,
13 shall appoint an Interim Supervisor, which appointment shall
14 be subject to the approval of the Illinois Department.

15 The appointing authority shall fix the compensation of
16 the Interim Supervisor of General Assistance, subject to
17 approval of the Illinois Department of Human Services, which
18 shall be payable from the general assistance fund of the
19 local governmental unit.

20 An Interim Supervisor of General Assistance may be
21 removed and another person appointed in his place in the same
22 manner and for the same reasons as in the case of an initial
23 appointment of an Interim Supervisor.

24 The Illinois Department of Human Services shall not order
25 the appointment of an Interim Supervisor of General
26 Assistance if the local governmental unit takes such action
27 as the Department considers to have established satisfactory
28 compliance with its rules, and a reasonable time, to be
29 determined by the Department, shall be allowed the
30 governmental unit to establish such compliance.

31 If an Interim Supervisor of General Assistance has been
32 appointed, he shall exercise all the powers of that office in
33 respect to the administration of general assistance, and
34 shall have the sole authority to disburse State and local

1 funds available for this purpose. If the governmental unit
2 thereafter takes such action to assure the Department of
3 Human Services that it will comply with the Department's
4 rules, the service of the Interim Supervisor shall be
5 terminated.

6 (Source: P.A. 92-111, eff. 1-1-02.)

7 (305 ILCS 5/12-21.11) (from Ch. 23, par. 12-21.11)

8 Sec. 12-21.11. Bonds. Every Supervisor of General
9 Assistance, including an Interim Supervisor of General
10 Assistance appointed as provided in Section 12-21.10, shall
11 execute to the governmental unit which he serves an official
12 bond in a penal sum and with sureties to be fixed and
13 approved by the governing body thereof, and, in the case of a
14 township, as fixed and approved by the board of town
15 trustees, conditioned for the faithful discharge of his
16 duties and the due application of all funds and property
17 which shall come to his hands as such Supervisor. If the
18 local governmental unit receives State funds in accordance
19 with the provisions of this Code, the amount and surety of
20 the bond shall be subject to the further approval of the
21 ~~Illinois~~ Department of Human Services.

22 (Source: P.A. 82-783.)

23 (305 ILCS 5/12-21.12) (from Ch. 23, par. 12-21.12)

24 Sec. 12-21.12. Actions against local governmental units;
25 intervention of Attorney General. In any action against a
26 local governmental unit to recover expenditures alleged to be
27 the responsibility of the governmental unit under Article VI
28 of this Code, the Supervisor of General Assistance of such
29 governmental unit shall notify the ~~Illinois~~ Department of
30 Human Services of the filing of the action. If the
31 governmental unit was a recipient of State funds for public
32 aid purposes during all or part of the period of the

1 expenditures for which the action is brought, or if, as a
2 result of the action, the governmental unit may qualify for
3 and request State funds, the Attorney General shall be
4 permitted to intervene and participate in the action in order
5 to protect the State's interest therein.

6 (Source: P.A. 81-1085.)

7 (305 ILCS 5/12-21.14) (from Ch. 23, par. 12-21.14)

8 Sec. 12-21.14. Requirements; review by Illinois
9 Department of Human Services; allocations. The County Board
10 of each county or a duly appointed committee thereof, or any
11 other county agency designated by the County Board, shall by
12 the last day of each month submit to the Illinois Department
13 of Human Services an itemized statement showing, for all
14 local governmental units therein except a city, village or
15 incorporated town of more than 500,000 population, assistance
16 furnished in the county under Article VI of this Code during
17 the previous month and the expenses for the administration
18 thereof, and the actual revenues available through taxation
19 by the local governmental units. If the Illinois Department
20 has reason to believe that the amounts submitted by any
21 county are excessive, it may require appropriate officials of
22 the county to appear before it and substantiate the amounts
23 to the satisfaction of the Department.

24 The Illinois Department of Human Services shall review
25 these amounts and shall determine and allocate to the several
26 counties the amounts necessary to supplement local funds
27 actually available for public aid purposes. There shall be a
28 yearly reconciliation of amounts allocated to the local
29 governmental units by the Illinois Department to supplement
30 local funds.

31 If, because of circumstances beyond the local
32 governmental unit's control, such as a sudden caseload
33 increase or an unexpected increase in the administrative

1 expenses, a local governmental unit has insufficient local
2 funds actually available to furnish assistance or pay
3 administrative expenses, the Illinois Department of Human
4 Services shall provide a special allocation of funds to the
5 local governmental unit to meet the need. In calculating the
6 need for a special allocation, the Illinois Department shall
7 take into consideration the amount of funds legally available
8 from the taxes levied by the local governmental unit for
9 public aid purposes and any available unobligated balances.

10 If a local governmental unit has not received State funds
11 for public aid purposes for at least 84 consecutive months
12 immediately prior to its request for State funds, the
13 Illinois Department of Human Services shall not consider as a
14 legally available resource of the governmental unit public
15 aid funds, or the proceeds of public aid taxes and tax
16 anticipation warrants which may have been transferred or
17 expended during such period for other purposes.

18 Except as hereinafter provided, State allocations shall
19 be paid to the County Treasurer for disbursement to local
20 governmental units as certified by the Illinois Department of
21 Human Services. Until January 1, 1974, moneys allocated by
22 the Illinois Department of Public Aid for General Assistance
23 purposes in a city, village or incorporated town of more than
24 500,000 population and moneys received from the Treasurer of
25 the municipality from taxes levied for General Assistance
26 purposes in the municipality and other moneys and funds
27 designated in Section 11-43-2 of the Illinois Municipal Code
28 shall be paid into the special fund established by the County
29 Treasurer of the county in which the municipality is located
30 and retained for disbursement by the Director of the County
31 Department of Public Aid serving as Supervisor of General
32 Assistance for the municipality.

33 On January 1, 1974, or as soon thereafter as is feasible
34 but not later than January 1, 1975, the County Treasurer

1 shall transfer to the Special Purposes Trust Fund established
 2 by Section 12-10 of this Code all State and municipal moneys
 3 remaining in or due to the special fund of the County
 4 Treasury. After December 31, 1973, but not later than June
 5 30, 1979, State allocations and municipal funds for General
 6 Assistance purposes in such a municipality, and other moneys
 7 and funds designated by Section 11-43-2 of the Illinois
 8 Municipal Code, shall be paid into the Special Purposes Trust
 9 Fund and disbursed as provided in Section 12-10. State and
 10 municipal moneys paid into the Special Purposes Trust Fund
 11 under the foregoing provision shall be used exclusively for
 12 (1) furnishing General Assistance within the municipality;
 13 (2) the payment of administrative costs; and (3) the payment
 14 of warrants issued against and in anticipation of taxes
 15 levied by the municipality for General Assistance purposes,
 16 and the accrued interest thereon. After June 30, 1979, moneys
 17 and funds designated by Section 11-43-2 of the Illinois
 18 Municipal Code, shall be paid into the General Revenue Fund
 19 as reimbursement for appropriated funds disbursed.

20 (Source: P.A. 92-111, eff. 1-1-02.)

21 (305 ILCS 5/12-21.16) (from Ch. 23, par. 12-21.16)

22 Sec. 12-21.16. Administrative costs. In any local
 23 governmental unit receiving State funds, moneys expended for
 24 costs of administration, exclusive of any compensation paid
 25 to the Supervisor of General Assistance from funds other than
 26 public aid funds, shall not exceed amounts which have been
 27 submitted to and approved by the Illinois Department of Human
 28 Services.

29 If a local governmental unit is a participating
 30 municipality in the Illinois Municipal Retirement Fund
 31 created by Article 7 of the "Illinois Pension Code", its
 32 estimate of administrative expenses may include amounts
 33 required as contributions by the governmental unit in behalf

1 of its employees engaged in the administration of public aid
2 for retirement annuity purposes for current service rendered
3 by such employees on and after July 1, 1953, provided the
4 governmental unit has levied a tax at a rate not less than
5 one-half the maximum rate authorized under Section 7-171 of
6 the aforesaid Article.

7 Contributions for retirement annuity purposes of
8 employees of the county department engaged in administration
9 of General Assistance for such a municipality shall be met
10 from funds appropriated for the State contribution to the
11 State Employees Retirement System under Article 14 of the
12 "Illinois Pension Code".

13 The contributions of a governmental unit for retirement
14 annuity purposes which are authorized to be included in
15 estimates of administrative expenses shall include Social
16 Security contributions for which the unit is obligated under
17 the Illinois Municipal Retirement Fund created by Article 7
18 of the Illinois Pension Code, or if the governmental unit is
19 not a participating municipality in that Fund, the Social
20 Security contributions for which it is obligated pursuant to
21 an agreement executed under Article 21 of the Illinois
22 Pension Code. In like manner, if the retirement fund
23 established under Article 9 of the Illinois Pension Code
24 becomes obligated for Social Security employer contributions,
25 the estimated expenses of the county department may include
26 the Social Security contributions together with the regular
27 contributions for which the county is obligated.

28 A local governmental unit receiving State funds may
29 include in its estimate of administrative expenses
30 obligations assumed by it for insurance premiums or charges
31 for group life or health insurance, or both, for employees of
32 the local governmental unit, for any such employees who
33 retire or who had retired on or after January 1, 1966, and
34 for dependents receiving an annuity as survivors of such

1 employees or retired employees if the governmental unit has
 2 so acted under Section 3 of the Government Salary Withholding
 3 Act "An--Act--defining--the--powers--and--duties--of--local
 4 governmental--agencies--to--pay--premiums--and--costs--or--portions
 5 thereof,--and--to--withhold--parts--of--employee--and--elected--or
 6 appointed--official--compensation--to--provide--insurance--or
 7 retirement--benefits--for--employees--and--appointed--or--elected
 8 officials", approved August 16, 1963, as amended, or has so
 9 acted in exercise of its powers as a home rule unit. The
 10 amount included for this purpose in the estimate of
 11 administrative expenses shall not exceed the comparable
 12 insurance premiums or charges per employee, retiree, or
 13 survivor currently paid by the State of Illinois for State
 14 employees under the "State Employees Group Insurance Act of
 15 1971".

16 (Source: P.A. 78-1297.)

17 (305 ILCS 5/12-21.17) (from Ch. 23, par. 12-21.17)
 18 Sec. 12-21.17. Supervision by Illinois Department of
 19 Human Services. If a local governmental unit receives State
 20 funds for public aid purposes under Article VI its
 21 administration, including the use of local resources, shall
 22 be subject to the supervision and the rules and regulations
 23 of the Illinois Department of Human Services. The Department
 24 of Human Services shall also supervise the setting of the
 25 local uniform budget standard and its enforcement.

26 Such units and the officers thereof shall deliver to the
 27 Illinois Department of Human Services for examination and
 28 inspection all books, records, accounts, and other documents
 29 which the Department requires.

30 (Source: P.A. 81-1085.)

31 (305 ILCS 5/12-21.18) (from Ch. 23, par. 12-21.18)
 32 Sec. 12-21.18. Non-compliance with rules of the Illinois

1 Department of Human Services. If a local governmental unit
2 subject to the supervision of the Illinois Department of
3 Human Services is, in the determination of the Department,
4 refusing or failing to comply with the Department's rules and
5 regulations, the Illinois Department shall give notice
6 promptly by United States registered or certified mail to the
7 Supervisor of General Assistance or other proper officer of
8 such unit of the rules which are not being observed and give
9 the governmental unit or its designated representative an
10 opportunity to appear before it and substantiate its position
11 in respect to the rule or rules at issue.

12 If within 5 days after such notice, the local
13 governmental unit continues to refuse or fails to comply with
14 the Department of Human Services' Department's rules, or
15 fails to avail itself of the opportunity offered for a
16 hearing before the Department, the Department shall instruct
17 the county treasurer of the county in which the governmental
18 unit is located to withhold the payment of any further State
19 funds until he receives notice from the Department to
20 release the funds.

21 The Illinois Department of Human Services may suspend an
22 order for the withholding of funds (1) if the governmental
23 unit takes such action as the Department considers to have
24 established satisfactory compliance with its rules or (2)
25 upon appointment of an Interim Supervisor of General
26 Assistance, as directed by the provisions of Section
27 12-21.10.

28 The provisions of the Administrative Review Law, as
29 amended, and the rules adopted pursuant thereto, shall apply
30 to and govern proceedings for the judicial review of final
31 administrative decisions of the Illinois Department of Human
32 Services under this Section. The term "administrative
33 decision" is defined as in Section 3-101 of the Code of Civil
34 Procedure.

1 (Source: P.A. 82-783.)

2 (305 ILCS 5/14-1) (from Ch. 23, par. 14-1)

3 Sec. 14-1. Definitions. As used in this Article, unless
4 the context requires otherwise:

5 "Fund" means the Hospital Services Trust Fund.

6 "Estimated Rate Year Utilization" means the hospital's
7 projected utilization for the State fiscal year in which the
8 fee is due (for example, fiscal year 1992 for fees imposed in
9 State fiscal year 1992, fiscal year 1993 for fees imposed in
10 State fiscal year 1993, and so forth).

11 "Gross Receipts" means all payments for medical services
12 delivered under Title XIX of the Social Security Act and
13 Articles V, VI, and VII of this Code and shall mean any and
14 all payments made by the Illinois Department of Public Aid,
15 or a Division thereof, to a Medical Assistance Program
16 provider certified to participate in the Illinois Medical
17 Assistance Program, for services rendered eligible for
18 Medical Assistance under Articles V, VI and VII of this Code,
19 State regulations and the federal Medicaid Program as defined
20 in Title XIX of the Social Security Act and federal
21 regulations.

22 "Hospital" means any institution, place, building, or
23 agency, public or private, whether organized for profit or
24 not-for-profit, which is located in the State and is subject
25 to licensure by the Illinois Department of Public Health
26 under the Hospital Licensing Act or any institution, place,
27 building, or agency, public or private, whether organized for
28 profit or not-for-profit, which meets all comparable
29 conditions and requirements of the Hospital Licensing Act in
30 effect for the state in which it is located, and is required
31 to submit cost reports to the Illinois Department of Public
32 Aid under Title 89, Part 148, of the Illinois Administrative
33 Code, but shall not include the University of Illinois

1 Hospital as defined in the University of Illinois Hospital
2 Act or a county hospital in a county of over 3 million
3 population.

4 "Total Medicaid Base Year Spending" means the hospital's
5 State fiscal year 1991 weighted average payment rates, as
6 defined by rule, excluding payments under Sections ~~Section~~
7 5-5.02 through 5-5.02j of this Code, reduced by 5% and
8 multiplied by the hospital's estimated rate year utilization.
9 (Source: P.A. 87-13.)

10 (305 ILCS 5/14-2) (from Ch. 23, par. 14-2)
11 Sec. 14-2. Hospital Services Trust Fund.

12 (a) There is created in the State treasury the Hospital
13 Services Trust Fund. Interest earned by the Fund shall be
14 credited to the Fund. The Fund shall not be used to replace
15 any funds appropriated to the Medicaid program by the General
16 Assembly.

17 (b) The Fund is created for the purpose of receiving and
18 disbursing monies in accordance with this Article XIV.
19 Disbursements from the Fund shall be made only:

20 (1) for hospital inpatient, hospital ambulatory
21 care, and disproportionate share hospital distributive
22 expenditures made under Title XIX of the Social Security
23 Act and Article V of this Code, as required by Sections
24 ~~Section~~ 14-8 through 14-8.45 of this Code;

25 (2) for the reimbursement of monies collected by
26 the Illinois Department of Public Aid from hospitals
27 through error or mistake;

28 (3) for payment of administrative expenses incurred
29 by the Illinois Department of Public Aid or its agent in
30 performing the activities authorized by Sections 14-3
31 through 14-7;

32 (4) for payments of any amounts which are
33 reimbursable to the federal government for payments from

1 this Fund which are required to be paid by State warrant;
2 and

3 (5) (Blank).

4 Disbursements from this Fund shall be by warrants drawn
5 by the State Comptroller upon receipt of vouchers duly
6 executed and certified by the Illinois Department of Public
7 Aid.

8 (c) The Fund shall consist of:

9 (1) All monies collected or received by the
10 Illinois Department of Public Aid under Section 14-3 of
11 this Code;

12 (2) All federal matching funds received by the
13 Illinois Department of Public Aid as a result of
14 expenditures made by the Illinois Department as required
15 by Sections Section 14-8 through 14-8.45 of this Code,
16 that are attributable to monies deposited in the Fund;

17 (3) Any interest or penalty levied in conjunction
18 with the administration of the Fund; and

19 (4) All other monies received for the Fund from any
20 other source, including interest earned thereon.

21 (d) All payments received by the Illinois Department of
22 Public Aid shall be credited first to any interest or
23 penalty, and then to the fee due.

24 (Source: P.A. 89-626, eff. 8-9-96; 90-372, eff. 7-1-98.)

25 (305 ILCS 5/14-3) (from Ch. 23, par. 14-3)

26 Sec. 14-3. Provider participation fees.

27 (a) Beginning on July 1, 1991, and ending on June 30,
28 1992, a fee is imposed upon each hospital in an amount equal
29 to 50% of the positive difference between the hospital's
30 anticipated annualized spending, which shall be calculated
31 using the estimated rate year utilization, for State fiscal
32 year 1992 under the rates in effect on June 30, 1992, as
33 calculated under subsection-(a)-of Section 14-8, excluding

1 payments under Sections ~~Section~~ 5-5.02 through 5-5.02j of
 2 this Code, and the hospital's total Medicaid base year
 3 spending. This fee shall be adjusted pursuant to the annual
 4 audit described in Section 14-9 to reflect actual annualized
 5 spending and actual rate year utilization.

6 (b) Beginning on July 1, 1991, and ending on June 30,
 7 1992, a fee is imposed upon each hospital in an amount equal
 8 to 5% of the hospital's gross receipts for services provided
 9 for the previous State fiscal year as determined and reported
 10 by the ~~Illinois~~ Department of Public Aid.

11 (c) Beginning on July 1, 1991, and ending on June 30,
 12 1992, a fee is imposed upon each hospital which receives
 13 critical care access payments under ~~subsection-(d)-of~~ Section
 14 14-8.15 ~~14-8~~ of this Code in an amount equal to 50% of those
 15 payments.

16 (d) In no event shall the payment rates to a hospital
 17 for the period July 1, 1991, through June 30, 1992, less the
 18 fees paid by the hospital under this Section, equal less than
 19 the hospital's State fiscal year 1991 weighted average
 20 payment rates reduced by 5%.

21 (e) These fees are imposed pursuant to the authority
 22 granted by Sections 1 and 2 of Article IX of the Illinois
 23 Constitution of 1970.

24 (Source: P.A. 87-13; 87-861.)

25 (305 ILCS 5/14-4) (from Ch. 23, par. 14-4)
 26 Sec. 14-4. Payment of fees due.

27 (a) The fees described in Section 14-3 shall be due and
 28 payable on a calendar quarterly basis.

29 (b) The fees shall be payable to and collected by the
 30 ~~Illinois~~ Department of Public Aid in equal quarterly amounts
 31 due on the first business day of the first calendar quarter
 32 following the quarter for which the fee is being paid. All
 33 monies collected under Section 14-3 shall be deposited into

1 the Fund.

2 (Source: P.A. 87-13.)

3 (305 ILCS 5/14-5) (from Ch. 23, par. 14-5)

4 Sec. 14-5. Notification. The ~~Illinois~~ Department of
5 Public Aid shall notify each hospital of the results of its
6 calculations under this Article. If a hospital, so notified,
7 does not submit a request for reconsideration, the
8 calculations shall be considered final. The notification
9 shall be in writing.

10 (Source: P.A. 87-13.)

11 (305 ILCS 5/14-6) (from Ch. 23, par. 14-6)

12 Sec. 14-6. Procedure for reconsideration and final
13 reconciliation. Each hospital shall have the right to
14 reconsideration of the amount of its fees. The ~~Illinois~~
15 Department of Public Aid shall conduct a final
16 reconciliation.

17 (Source: P.A. 87-13.)

18 (305 ILCS 5/14-7) (from Ch. 23, par. 14-7)

19 Sec. 14-7. Penalties.

20 (a) Any hospital that fails to pay the fee when due or
21 pays less than the full amount due, shall be assessed a
22 penalty of 10% of the delinquency or deficiency for each
23 month, or any fraction thereof, computed on the full amount
24 of the delinquency or deficiency, from the time the fee was
25 due.

26 (b) In addition, the ~~Illinois~~ Department of Public Aid
27 may take action to notify the Office of the Comptroller to
28 collect any amount of monies owed under this Article XIV,
29 pursuant to Section 10.05 of the State Comptroller Act, or
30 may suspend payments to, or cancel or refuse to issue,
31 extend, or reinstate a Provider Agreement to, any hospital

1 which has failed to pay any delinquent fee or penalty.

2 (c) The Director of Public Aid ~~the Illinois Department~~
3 is authorized to establish delayed payment schedules for
4 facilities that are unable to make timely payments under this
5 subsection due to financial difficulties. The delayed
6 payments shall include interest at a rate not to exceed the
7 State of Illinois borrowing rate. The interest may be waived
8 by the Director for good cause shown.

9 (Source: P.A. 87-13.)

10 (305 ILCS 5/14-8) (was 305 ILCS 5/14-8, subsecs. (a) and
11 (b))

12 Sec. 14-8. Disbursements to hospitals; inpatient
13 hospital services.

14 (a) For inpatient hospital services rendered on and
15 after September 1, 1991, the ~~Illinois~~ Department of Public
16 Aid shall reimburse hospitals for inpatient services at an
17 inpatient payment rate calculated for each hospital based
18 upon the Medicare Prospective Payment System as set forth in
19 Sections 1886(b), (d), (g), and (h) of the federal Social
20 Security Act, and the regulations, policies, and procedures
21 promulgated thereunder, except as modified by this Section
22 and Sections 14-8.5 through 14-8.45. Payment rates for
23 inpatient hospital services rendered on or after September 1,
24 1991 and on or before September 30, 1992 shall be calculated
25 using the Medicare Prospective Payment rates in effect on
26 September 1, 1991. Payment rates for inpatient hospital
27 services rendered on or after October 1, 1992 and on or
28 before March 31, 1994 shall be calculated using the Medicare
29 Prospective Payment rates in effect on September 1, 1992.
30 Payment rates for inpatient hospital services rendered on or
31 after April 1, 1994 shall be calculated using the Medicare
32 Prospective Payment rates (including the Medicare grouping
33 methodology and weighting factors as adjusted pursuant to

1 paragraph--(1)--of--this subsection (b) in effect 90 days
2 prior to the date of admission. For services rendered on or
3 after July 1, 1995, the reimbursement methodology implemented
4 under this Section subsectien shall not include those costs
5 referred to in Sections 1886(d)(5)(B) and 1886(h) of the
6 Social Security Act.

7 The additional payment amounts required under Section
8 1886(d)(5)(F) of the Social Security Act, for hospitals
9 serving a disproportionate share of low-income or indigent
10 patients, are not required under this Section and Sections
11 14-8.5 through 14-8.45.

12 For hospital inpatient services rendered on or after July
13 1, 1995, the Illinois Department of Public Aid shall
14 reimburse hospitals using the relative weighting factors and
15 the base payment rates calculated for each hospital that were
16 in effect on June 30, 1995, less the portion of such rates
17 attributed by the Illinois Department to the cost of medical
18 education.

19 (b) (1) The weighting factors established under Section
20 1886(d)(4) of the Social Security Act shall not be used in
21 the reimbursement system established under this Section and
22 Sections 14-8.5 through 14-8.45. Rather, the Illinois
23 Department of Public Aid shall establish by rule Medicaid
24 weighting factors to be used in the reimbursement system
25 established under this Section and Sections 14-8.5 through
26 14-8.45.

27 (c) (2) The Illinois Department of Public Aid shall
28 define by rule those hospitals or distinct parts of hospitals
29 that shall be exempt from the reimbursement system
30 established under this Section and Sections 14-8.5 through
31 14-8.45. In defining such hospitals, the Illinois Department
32 shall take into consideration those hospitals exempt from the
33 Medicare Prospective Payment System as of September 1, 1991.

34 For hospitals defined as exempt under this Section

1 subsection, the Illinois Department of Public Aid shall by
2 rule establish a reimbursement system for payment of
3 inpatient hospital services rendered on and after September
4 1, 1991.

5 For all hospitals that are children's hospitals as
6 defined in Section 5-5.02b ~~5-5-02~~ of this Code, the
7 reimbursement methodology shall, through June 30, 1992, net
8 of all applicable fees, at least equal each children's
9 hospital 1990 ICARE payment rates, indexed to the current
10 year by application of the DRI hospital cost index from 1989
11 to the year in which payments are made. Excepting county
12 providers as defined in Article XV of this Code, hospitals
13 licensed under the University of Illinois Hospital Act, and
14 facilities operated by the Department of Mental Health and
15 Developmental Disabilities (or its successor, the Department
16 of Human Services) for hospital inpatient services rendered
17 on or after July 1, 1995, the Illinois Department of Public
18 Aid shall reimburse children's hospitals, as defined in 89
19 Illinois Administrative Code Section 149.50(c)(3), at the
20 rates in effect on June 30, 1995, and shall reimburse all
21 other hospitals at the rates in effect on June 30, 1995, less
22 the portion of such rates attributed by the Illinois
23 Department to the cost of medical education. For inpatient
24 hospital services provided on or after August 1, 1998, the
25 Illinois Department of Public Aid may establish by rule a
26 means of adjusting the rates of children's hospitals, as
27 defined in 89 Illinois Administrative Code Section
28 149.50(c)(3), that did not meet that definition on June 30,
29 1995, in order for the inpatient hospital rates of such
30 hospitals to take into account the average inpatient hospital
31 rates of those children's hospitals that did meet the
32 definition of children's hospitals on June 30, 1995.

33 ~~(3)~~--(Blank)

34 (d) ~~(4)~~ Notwithstanding any other provision of this

1 Section and Sections 14-8.5 through 14-8.45, hospitals that
 2 on August 31, 1991, have a contract with the Illinois
 3 Department of Public Aid under Section 3-4 of the Illinois
 4 Health Finance Reform Act may elect to continue to be
 5 reimbursed at rates stated in such contracts for general and
 6 specialty care.

7 (e) (5) In addition to any payments made under this
 8 Section subsection-(a), the Illinois Department of Public Aid
 9 shall make the adjustment payments required by Sections
 10 Section 5-5.02 through 5-5.02j of this Code; provided, that
 11 in the case of any hospital reimbursed under a per case
 12 methodology, the Illinois Department shall add an amount
 13 equal to the product of the hospital's average length of
 14 stay, less one day, multiplied by 20, for inpatient hospital
 15 services rendered on or after September 1, 1991 and on or
 16 before September 30, 1992.

17 (b)--(Blank)
 18 (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96;
 19 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97;
 20 90-588, eff. 7-1-98.)

21 (305 ILCS 5/14-8.5 new) (was 305 ILCS 5/14-8, subsec.
 22 (b-5))

23 Sec. 14-8.5. Outpatient services. (b-5) Excepting county
 24 providers as defined in Article XV of this Code, hospitals
 25 licensed under the University of Illinois Hospital Act, and
 26 facilities operated by the Illinois Department of Mental
 27 Health and Developmental Disabilities (or its successor, the
 28 Department of Human Services), for outpatient services
 29 rendered on or after July 1, 1995 and before July 1, 1998 the
 30 Illinois Department of Public Aid shall reimburse children's
 31 hospitals, as defined in the Illinois Administrative Code
 32 Section 149.50(c)(3), at the rates in effect on June 30,
 33 1995, less that portion of such rates attributed by the

1 Illinois Department of Public Aid to the outpatient indigent
 2 volume adjustment and shall reimburse all other hospitals at
 3 the rates in effect on June 30, 1995, less the portions of
 4 such rates attributed by the Illinois Department to the cost
 5 of medical education and attributed by the Illinois
 6 Department to the outpatient indigent volume adjustment.

7 For outpatient services provided on or after July 1,
 8 1998, reimbursement rates shall be established by rule.

9 (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96;
 10 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97;
 11 90-588, eff. 7-1-98.)

12 (305 ILCS 5/14-8.10 new) (was 305 ILCS 5/14-8, subsec.
 13 (c))

14 Sec. 14-8.10. Disproportionate share reimbursement
 15 methodology. (e) In addition to any other payments under this
 16 Code, the Illinois Department of Public Aid shall develop a
 17 hospital disproportionate share reimbursement methodology
 18 that, effective July 1, 1991, through September 30, 1992,
 19 shall reimburse hospitals sufficiently to expend the fee
 20 monies described in subsection (b) of Section 14-3 of this
 21 Code and the federal matching funds received by the Illinois
 22 Department as a result of expenditures made by the Illinois
 23 Department as required by this Section subsection-(e) and
 24 Section 14-2 that are attributable to fee monies deposited in
 25 the Fund, less amounts applied to adjustment payments under
 26 Sections Section 5-5.02 through 5-5.02j.

27 (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96;
 28 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97;
 29 90-588, eff. 7-1-98.)

30 (305 ILCS 5/14-8.15 new) (was 305 ILCS 5/14-8, subsec.
 31 (d))

32 Sec. 14-8.15. (d) Critical care access payments.

1 (a) ~~(1)~~ In addition to any other payments made under
 2 this Code, the Illinois Department of Public Aid shall
 3 develop a reimbursement methodology that shall reimburse
 4 Critical Care Access Hospitals for the specialized services
 5 that qualify them as Critical Care Access Hospitals. No
 6 adjustment payments shall be made under this Section
 7 ~~subsection~~ on or after July 1, 1995.

8 (b) ~~(2)~~ "Critical Care Access Hospitals" includes, but
 9 is not limited to, hospitals that meet at least one of the
 10 following criteria:

11 (1) ~~(A)~~ Hospitals located outside of a metropolitan
 12 statistical area that are designated as Level II
 13 Perinatal Centers and that provide a disproportionate
 14 share of perinatal services to recipients; or

15 (2) ~~(B)~~ Hospitals that are designated as Level I
 16 Trauma Centers (adult or pediatric) and certain Level II
 17 Trauma Centers as determined by the Illinois Department
 18 of Public Aid; or

19 (3) ~~(C)~~ Hospitals located outside of a metropolitan
 20 statistical area and that provide a disproportionate
 21 share of obstetrical services to recipients.

22 (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96;
 23 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97;
 24 90-588, eff. 7-1-98.)

25 (305 ILCS 5/14-8.20 new) (was 305 ILCS 5/14-8, subsec.
 26 (e))

27 Sec. 14-8.20. ~~(e)~~ Inpatient high volume adjustment. For
 28 hospital inpatient services, effective with rate periods
 29 beginning on or after October 1, 1993, in addition to rates
 30 paid for inpatient services by the Illinois Department of
 31 Public Aid, the Illinois Department shall make adjustment
 32 payments for inpatient services furnished by Medicaid high
 33 volume hospitals. The Illinois Department shall establish by

1 rule criteria for qualifying as a Medicaid high volume
 2 hospital and shall establish by rule a reimbursement
 3 methodology for calculating these adjustment payments to
 4 Medicaid high volume hospitals. No adjustment payment shall
 5 be made under this Section ~~subsectiøn~~ for services rendered
 6 on or after July 1, 1995.

7 (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96;
 8 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97;
 9 90-588, eff. 7-1-98.)

10 (305 ILCS 5/14-8.25 new) (was 305 ILCS 5/14-8, subsec.
 11 (f))

12 Sec. 14-8.25. Adjustment payments; modification of
 13 rules. ~~(f)~~ The Illinois Department of Public Aid shall
 14 modify its current rules governing adjustment payments for
 15 targeted access, critical care access, and uncompensated care
 16 to classify those adjustment payments as not being payments
 17 to disproportionate share hospitals under Title XIX of the
 18 federal Social Security Act. Rules adopted under this Section
 19 ~~subsectiøn~~ shall not be effective with respect to services
 20 rendered on or after July 1, 1995. The Illinois Department
 21 has no obligation to adopt or implement any rules or make any
 22 payments under this Section ~~subsectiøn~~ for services rendered
 23 on or after July 1, 1995.

24 (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96;
 25 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97;
 26 90-588, eff. 7-1-98.)

27 (305 ILCS 5/14-8.30 new) (was 305 ILCS 5/14-8, subsec.
 28 (f-5))

29 Sec. 14-8.30. Adjustment payments; recommendations.
 30 (a) ~~(f-5)~~ The State recognizes that adjustment payments
 31 to hospitals providing certain services or incurring certain
 32 costs may be necessary to assure that recipients of medical

1 assistance have adequate access to necessary medical
 2 services. These adjustments include payments for teaching
 3 costs and uncompensated care, trauma center payments,
 4 rehabilitation hospital payments, perinatal center payments,
 5 obstetrical care payments, targeted access payments, Medicaid
 6 high volume payments, and outpatient indigent volume
 7 payments.

8 (b) On or before April 1, 1995, the Illinois Department
 9 of Public Aid shall issue recommendations regarding (i)
 10 reimbursement mechanisms or adjustment payments to reflect
 11 these costs and services, including methods by which the
 12 payments may be calculated and the method by which the
 13 payments may be financed, and (ii) reimbursement mechanisms
 14 or adjustment payments to reflect costs and services of
 15 federally qualified health centers with respect to recipients
 16 of medical assistance.

17 (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96;
 18 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97;
 19 90-588, eff. 7-1-98.)

20 (305 ILCS 5/14-8.35 new) (was 305 ILCS 5/14-8, subsec.
 21 (g))

22 Sec. 14-8.35. Suit by hospital challenging Article. (g)
 23 If one or more hospitals file suit in any court challenging
 24 any part of this Article XIV, payments to hospitals under
 25 this Article XIV shall be made only to the extent that
 26 sufficient monies are available in the Fund and only to the
 27 extent that any monies in the Fund are not prohibited from
 28 disbursement under any order of the court.

29 (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96;
 30 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97;
 31 90-588, eff. 7-1-98.)

32 (305 ILCS 5/14-8.40 new) (was 305 ILCS 5/14-8, subsec.

1 (h))

2 Sec. 14-8.40. Federal approval required. (h) Payments
3 under the disbursement methodology described in Sections 14-8
4 through 14-8.45 ~~this-Section~~ are subject to approval by the
5 federal government in an appropriate State plan amendment.

6 (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96;
7 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97;
8 90-588, eff. 7-1-98.)

9 (305 ILCS 5/14-8.45 new) (was 305 ILCS 5/14-8, subsec.

10 (i))

11 Sec. 14-8.45. Rules. (i) The ~~Illinois~~ Department of
12 Public Aid may by rule establish criteria for and develop
13 methodologies for adjustment payments to hospitals
14 participating under this Article.

15 (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96;
16 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97;
17 90-588, eff. 7-1-98.)

18 (305 ILCS 5/14-9) (from Ch. 23, par. 14-9)

19 Sec. 14-9. Annual audit.

20 (a) The ~~Illinois~~ Department of Public Aid shall conduct
21 an annual audit of the Fund to determine that amounts
22 received from or paid to hospitals were correct. If such an
23 audit identifies amounts that a hospital should not have been
24 required to pay but did pay, a hospital should have been
25 required to pay but did not pay, a hospital should not have
26 received but did receive, or a hospital should have received
27 but did not receive, the ~~Illinois~~ Department of Public Aid
28 shall:

- 29 (1) Make required payments to any such hospital, or
- 30 (2) Take action to recover required amounts from
- 31 any such hospital, including recoupment from future
- 32 payments.

1 (b) Amounts recovered from a hospital shall be credited
2 to the Fund. A hospital is entitled to recover amounts paid
3 to the Department of Public Aid and to receive refunds and
4 payments from the Department under this Section only to the
5 extent that monies are available in the Fund.

6 (Source: P.A. 87-13.)

7 (305 ILCS 5/14-10) (from Ch. 23, par. 14-10)

8 Sec. 14-10. Applicability. No fee is imposed by Section
9 14-3 for periods beginning on or after July 1, 1992; however,
10 Sections Section 14-8 through 14-8.45 and the other
11 provisions of this Article shall continue in effect for the
12 purpose of collecting fees imposed for periods ending before
13 July 1, 1992, performing reconciliations and audits, and
14 disbursing moneys in the Fund.

15 (Source: P.A. 87-13; 87-861.)

16 (305 ILCS 5/15-2) (from Ch. 23, par. 15-2)

17 Sec. 15-2. County Provider Trust Fund.

18 (a) There is created in the State Treasury the County
19 Provider Trust Fund. Interest earned by the Fund shall be
20 credited to the Fund. The Fund shall not be used to replace
21 any funds appropriated to the Medicaid program by the General
22 Assembly.

23 (b) The Fund is created solely for the purposes of
24 receiving, investing, and distributing monies in accordance
25 with this Article XV. The Fund shall consist of:

26 (1) All monies collected or received by the
27 ~~Illinois~~ Department of Public Aid under Section 15-3 of
28 this Code;

29 (2) All federal financial participation monies
30 received by the ~~Illinois~~ Department of Public Aid
31 pursuant to Title XIX of the Social Security Act, 42
32 U.S.C. 1396(b), attributable to eligible expenditures

1 made by the Illinois Department pursuant to Section 15-5
2 of this Code;

3 (3) All federal moneys received by the Illinois
4 Department of Public Aid pursuant to Title XXI of the
5 Social Security Act attributable to eligible expenditures
6 made by the Illinois Department pursuant to Section 15-5
7 of this Code; and

8 (4) All other monies received by the Fund from any
9 source, including interest thereon.

10 (c) Disbursements from the Fund shall be by warrants
11 drawn by the State Comptroller upon receipt of vouchers duly
12 executed and certified by the Illinois Department of Public
13 Aid and shall be made only:

14 (1) For hospital inpatient care, hospital
15 outpatient care, care provided by other outpatient
16 facilities operated by a county, and disproportionate
17 share hospital payments made under Title XIX of the
18 Social Security Act and Article V of this Code as
19 required by Section 15-5 of this Code;

20 (1.5) For services provided by county providers
21 pursuant to Sections ~~Section~~ 5-11 through 5-11.065 of
22 this Code;

23 (2) For the reimbursement of administrative
24 expenses incurred by county providers on behalf of the
25 Illinois Department of Public Aid as permitted by Section
26 15-4 of this Code;

27 (3) For the reimbursement of monies received by the
28 Fund through error or mistake;

29 (4) For the payment of administrative expenses
30 necessarily incurred by the Illinois Department of Public
31 Aid or its agent in performing the activities required by
32 this Article XV;

33 (5) For the payment of any amounts that are
34 reimbursable to the federal government, attributable

1 solely to the Fund, and required to be paid by State
2 warrant; and

3 (6) For hospital inpatient care, hospital
4 outpatient care, care provided by other outpatient
5 facilities operated by a county, and disproportionate
6 share hospital payments made under Title XXI of the
7 Social Security Act, pursuant to Section 15-5 of this
8 Code.

9 (Source: P.A. 91-24, eff. 7-1-99; 92-370, eff. 8-15-01.)

10 (305 ILCS 5/15-3) (from Ch. 23, par. 15-3)

11 Sec. 15-3. Intergovernmental Transfers.

12 (a) Each qualifying county shall make an annual
13 intergovernmental transfer to the ~~Illinois~~ Department of
14 Public Aid in an amount equal to 71.7% of the difference
15 between the total payments made by the ~~Illinois~~ Department to
16 such county provider for hospital services under Titles XIX
17 and XXI of the Social Security Act or pursuant to Sections
18 ~~Section~~ 5-11 through 5-11.065 of this Code in each fiscal
19 year ending June 30 (or fraction thereof during the fiscal
20 year ending June 30, 1993) and \$108,800,000 (or fraction
21 thereof), except that the annual intergovernmental transfer
22 shall not exceed the total payments made by the ~~Illinois~~
23 Department to such county provider for hospital services
24 under this Code, less the sum of (i) 50% of payments
25 reimbursable under the Social Security Act at a rate of 50%
26 and (ii) 65% of payments reimbursable under the Social
27 Security Act at a rate of 65%, in each fiscal year ending
28 June 30 (or fraction thereof).

29 (b) The payment schedule for the intergovernmental
30 transfer made hereunder shall be established by
31 intergovernmental agreement between the ~~Illinois~~ Department
32 of Public Aid and the applicable county, which agreement
33 shall at a minimum provide:

1 (1) For periodic payments no less frequently than
2 monthly to the county provider for inpatient and
3 outpatient approved or adjudicated claims and for
4 disproportionate share payments under Sections ~~Section~~
5 5-5.02 through 5-5.02j of this Code (in the initial year,
6 for services after July 1, 1991, or such other date as an
7 approved State Medical Assistance Plan shall provide).

8 (2) For periodic payments no less frequently than
9 monthly to the county provider for supplemental
10 disproportionate share payments hereunder based on a
11 federally approved State Medical Assistance Plan.

12 (3) For calculation of the intergovernmental
13 transfer payment to be made by the county equal to 71.7%
14 of the difference between the amount of the periodic
15 payment and the base amount; provided, however, that if
16 the periodic payment for any period is less than the base
17 amount for such period, the base amount for the
18 succeeding period (and any successive period if
19 necessary) shall be increased by the amount of such
20 shortfall.

21 (4) For an intergovernmental transfer methodology
22 which obligates the ~~Illinois~~ Department of Public Aid to
23 notify the county and county provider in writing of each
24 impending periodic payment and the intergovernmental
25 transfer payment attributable thereto and which obligates
26 the Comptroller to release the periodic payment to the
27 county provider within one working day of receipt of the
28 intergovernmental transfer payment from the county.

29 (Source: P.A. 91-24, eff. 7-1-99; 92-370, eff. 8-15-01.)

30 (305 ILCS 5/15-4) (from Ch. 23, par. 15-4)

31 Sec. 15-4. Contractual assumption of certain expenses.
32 Hospitals may, at their election, by written agreement
33 between the counties owning and operating the hospitals and

1 the Illinois Department of Public Aid, assume specified
2 expenses of the operation of the Illinois Department
3 associated with the determination of eligibility, direct
4 payment of which expenses by the Illinois Department would
5 qualify as public funds expended by the Illinois Department
6 for the Illinois Medical Assistance Program or other health
7 care programs administered by the Illinois Department. The
8 Illinois Department of Public Aid shall open an adequately
9 staffed special on-site office or offices at facilities
10 designated by the county for the purpose of assisting the
11 county in ensuring that all eligible individuals are enrolled
12 in the Illinois Medical Assistance Program. Each such
13 agreement, executed in accordance with Section 3 of the
14 Intergovernmental Cooperation Act, shall describe the
15 operational expenses to be assumed in sufficient detail to
16 permit the Illinois Department of Public Aid to certify upon
17 such written obligation or performance thereunder that the
18 hospital's compliance with the terms of the agreement will
19 amount to the commitment of public funds eligible for the
20 federal financial participation or other federal funding
21 called for in Title XIX or Title XXI of the Social Security
22 Act.

23 (Source: P.A. 91-24, eff. 7-1-99; 92-370, eff. 8-15-01.)

24 (305 ILCS 5/15-5) (from Ch. 23, par. 15-5)

25 Sec. 15-5. Disbursements from the Fund.

26 (a) The monies in the Fund shall be disbursed only as
27 provided in Section 15-2 of this Code and as follows:

28 (1) To pay the county hospitals' inpatient
29 reimbursement rate based on actual costs, trended forward
30 annually by an inflation index and supplemented by
31 teaching, capital, and other direct and indirect costs,
32 according to a State plan approved by the federal
33 government. Effective October 1, 1992, the inpatient

1 reimbursement rate (including any disproportionate or
2 supplemental disproportionate share payments) for
3 hospital services provided by county operated facilities
4 within the County shall be no less than the reimbursement
5 rates in effect on June 1, 1992, except that this minimum
6 shall be adjusted as of July 1, 1992 and each July 1
7 thereafter by the annual percentage change in the per
8 diem cost of inpatient hospital services as reported in
9 the most recent annual Medicaid cost report.

10 (2) To pay county hospitals and county operated
11 outpatient facilities for outpatient services based on a
12 federally approved methodology to cover the maximum
13 allowable costs per patient visit. Effective October 1,
14 1992, the outpatient reimbursement rate for outpatient
15 services provided by county hospitals and county operated
16 outpatient facilities shall be no less than the
17 reimbursement rates in effect on June 1, 1992, except
18 that this minimum shall be adjusted as of July 1, 1992
19 and each July 1 thereafter by the annual percentage
20 change in the per diem cost of inpatient hospital
21 services as reported in the most recent annual Medicaid
22 cost report.

23 (3) To pay the county hospitals' disproportionate
24 share payments as established by the Illinois Department
25 of Public Aid under Sections Section 5-5.02 through
26 5-5.02j of this Code. Effective October 1, 1992, the
27 disproportionate share payments for hospital services
28 provided by county operated facilities within the County
29 shall be no less than the reimbursement rates in effect
30 on June 1, 1992, except that this minimum shall be
31 adjusted as of July 1, 1992 and each July 1 thereafter by
32 the annual percentage change in the per diem cost of
33 inpatient hospital services as reported in the most
34 recent annual Medicaid cost report.

1 (3.5) To pay county providers for services provided
2 pursuant to Sections Section 5-11 through 5-11.065 of
3 this Code.

4 (4) To reimburse the county providers for expenses
5 contractually assumed pursuant to Section 15-4 of this
6 Code.

7 (5) To pay the Illinois Department of Public Aid
8 its necessary administrative expenses relative to the
9 Fund and other amounts agreed to, if any, by the county
10 providers in the agreement provided for in subsection
11 (c).

12 (6) To pay the county hospitals' supplemental
13 disproportionate share payments, hereby authorized, as
14 specified in the agreement provided for in subsection (c)
15 and according to a federally approved State plan.
16 Effective October 1, 1992, the supplemental
17 disproportionate share payments for hospital services
18 provided by county operated facilities within the County
19 shall be no less than the reimbursement rates in effect
20 on June 1, 1992, except that this minimum shall be
21 adjusted as of July 1, 1992 and each July 1 thereafter by
22 the annual percentage change in the per diem cost of
23 inpatient hospital services as reported in the most
24 recent annual Medicaid cost report.

25 (b) The Illinois Department of Public Aid shall promptly
26 seek all appropriate amendments to the Illinois State Plan to
27 effect the foregoing payment methodology.

28 (c) The Illinois Department of Public Aid shall
29 implement the changes made by Article 3 of this amendatory
30 Act of 1992 beginning October 1, 1992. All terms and
31 conditions of the disbursement of monies from the Fund not
32 set forth expressly in this Article shall be set forth in the
33 agreement executed under the Intergovernmental Cooperation
34 Act so long as those terms and conditions are not

1 inconsistent with this Article or applicable federal law.
2 The Illinois Department of Public Aid shall report in writing
3 to the Hospital Service Procurement Advisory Board and the
4 Health Care Cost Containment Council by October 15, 1992, the
5 terms and conditions of all such initial agreements and,
6 where no such initial agreement has yet been executed with a
7 qualifying county, the Illinois Department's reasons that
8 each such initial agreement has not been executed. Copies
9 and reports of amended agreements following the initial
10 agreements shall likewise be filed by the Illinois Department
11 with the Hospital Service Procurement Advisory Board and the
12 Health Care Cost Containment Council within 30 days following
13 their execution. The foregoing filing obligations of the
14 Illinois Department of Public Aid are informational only, to
15 allow the Board and Council, respectively, to better perform
16 their public roles, except that the Board or Council may, at
17 its discretion, advise the Illinois Department in the case of
18 the failure of the Illinois Department to reach agreement
19 with any qualifying county by the required date.

20 (d) The payments provided for herein are intended to
21 cover services rendered on and after July 1, 1991, and any
22 agreement executed between a qualifying county and the
23 Illinois Department of Public Aid pursuant to this Section
24 may relate back to that date, provided the Illinois
25 Department obtains federal approval. Any changes in payment
26 rates resulting from the provisions of Article 3 of this
27 amendatory Act of 1992 are intended to apply to services
28 rendered on or after October 1, 1992, and any agreement
29 executed between a qualifying county and the Illinois
30 Department pursuant to this Section may be effective as of
31 that date.

32 (e) If one or more hospitals file suit in any court
33 challenging any part of this Article XV, payments to
34 hospitals from the Fund under this Article XV shall be made

1 only to the extent that sufficient monies are available in
2 the Fund and only to the extent that any monies in the Fund
3 are not prohibited from disbursement and may be disbursed
4 under any order of the court.

5 (f) All payments under this Section are contingent upon
6 federal approval of changes to the State plan, if that
7 approval is required.

8 (Source: P.A. 92-370, eff. 8-15-01.)

9 (305 ILCS 5/15-6) (from Ch. 23, par. 15-6)
10 Sec. 15-6. Annual audit.

11 (a) Within 120 days after the end of each fiscal year of
12 each county hospital, the Illinois Department of Public Aid
13 shall conduct an annual audit of the Fund to determine that
14 amounts received from or paid to county providers were
15 correct. If such an audit identifies amounts that a county
16 provider should not have been required to pay but did pay, a
17 county provider should have been required to pay but did not
18 pay, a county provider should not have received but did
19 receive, or a county provider should have received but did
20 not receive, the Illinois Department of Public Aid shall:

21 (1) Make required payments to any such county
22 provider, or

23 (2) Take action to recover required amounts from
24 any such county provider, including recoupment from
25 future payments.

26 (b) Amounts recovered from a county provider shall be
27 credited to the Fund. A county provider is entitled to
28 recover amounts paid to the Illinois Department of Public Aid
29 into the Fund and to receive refunds and payment from the
30 Illinois Department for payments that should have been paid
31 from the Fund only to the extent that monies are available in
32 the Fund.

33 (Source: P.A. 87-13; 88-554, eff. 7-26-94.)

1 (305 ILCS 5/15-7) (from Ch. 23, par. 15-7)

2 Sec. 15-7. Applicability. The requirements of this
3 Article XV shall apply only as long as federal funds under
4 Title XIX of the Social Security Act are available to match
5 the intergovernmental transfer payments made and disbursed
6 under this Article and only as long as reimbursable
7 expenditures are matched by the federal government at a rate
8 of at least 50%. Whenever the Illinois Department of Public
9 Aid is informed that federal funds are not available for
10 these purposes, or shall be available at a lower percentage,
11 this Article XV shall no longer apply and the Illinois
12 Department shall promptly refund to each county provider the
13 amount of money currently in the Fund that has been paid by
14 the county provider, plus any investment earnings on that
15 amount.

16 (Source: P.A. 87-13; 87-861; 88-554, eff. 7-26-94.)

17 (305 ILCS 5/15-8) (from Ch. 23, par. 15-8)

18 Sec. 15-8. Federal disallowances. In the event of any
19 federal deferral or disallowance of any federal matching
20 funds obtained through this Article which have been disbursed
21 by the Illinois Department of Public Aid under this Article
22 based upon challenges to reimbursement methodology or
23 disproportionate share methodology, the full faith and credit
24 of the county is pledged for repayment by the county of those
25 amounts deferred or disallowed to the Illinois Department.

26 (Source: P.A. 87-13.)

27 Section 5-10. The Illinois Administrative Procedure Act
28 is amended by changing Section 5-160 as follows:

29 (5 ILCS 100/5-160)

30 Sec. 5-160. Certain provisions of the Illinois Public
31 Aid Code control over provisions of this Act. In the event

1 that any provisions of this Act are in conflict with the
 2 provisions of Sections ~~Section~~ 4-2 through 4-2.30 of the
 3 Illinois Public Aid Code, the provisions of Sections ~~Section~~
 4 4-2 through 4-2.30 of the Illinois Public Aid Code shall
 5 control.

6 (Source: P.A. 90-17, eff. 7-1-97.)

7 Section 5-15. The Freedom of Information Act is amended
 8 by changing Section 7.1 as follows:

9 (5 ILCS 140/7.1) (from Ch. 116, par. 207.1)

10 Sec. 7.1. Nothing in this Act shall be construed to
 11 prohibit publication and dissemination by the Department of
 12 Public Aid or the Department of Human Services of the names
 13 and addresses of entities which have had receipt of benefits
 14 or payments under the Illinois Public Aid Code suspended or
 15 terminated or future receipt barred, pursuant to Sections
 16 ~~Section~~ 11-26 through 11-26.030 of that Code.

17 (Source: P.A. 89-507, eff. 7-1-97.)

18 Section 5-20. The State Finance Act is amended by
 19 changing Section 13.2 as follows:

20 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

21 Sec. 13.2. Transfers among line item appropriations.

22 (a) Transfers among line item appropriations from the
 23 same treasury fund for the objects specified in this Section
 24 may be made in the manner provided in this Section when the
 25 balance remaining in one or more such line item
 26 appropriations is insufficient for the purpose for which the
 27 appropriation was made.

28 No transfers may be made from one agency to another
 29 agency, nor may transfers be made from one institution of
 30 higher education to another institution of higher education.

1 Transfers may be made only among the objects of expenditure
2 enumerated in this Section, except that no funds may be
3 transferred from any appropriation for personal services,
4 from any appropriation for State contributions to the State
5 Employees' Retirement System, from any separate appropriation
6 for employee retirement contributions paid by the employer,
7 nor from any appropriation for State contribution for
8 employee group insurance. Further, if an agency receives a
9 separate appropriation for employee retirement contributions
10 paid by the employer, any transfer by that agency into an
11 appropriation for personal services must be accompanied by a
12 corresponding transfer into the appropriation for employee
13 retirement contributions paid by the employer, in an amount
14 sufficient to meet the employer share of the employee
15 contributions required to be remitted to the retirement
16 system.

17 (b) In addition to the general transfer authority
18 provided under subsection (c), the following agencies have
19 the specific transfer authority granted in this subsection:

20 The Illinois Department of Human Services Public Aid is
21 authorized to make transfers representing savings
22 attributable to not increasing grants due to the births of
23 additional children from line items for payments of cash
24 grants to line items for payments for employment and social
25 services for the purposes outlined in subsection (f) of
26 Section 4-2.25 4-2 of the Illinois Public Aid Code.

27 The Department of Children and Family Services is
28 authorized to make transfers not exceeding 2% of the
29 aggregate amount appropriated to it within the same treasury
30 fund for the following line items among these same line
31 items: Foster Home and Specialized Foster Care and
32 Prevention, Institutions and Group Homes and Prevention, and
33 Purchase of Adoption and Guardianship Services.

34 The Department on Aging is authorized to make transfers

1 not exceeding 2% of the aggregate amount appropriated to it
2 within the same treasury fund for the following Community
3 Care Program line items among these same line items:
4 Homemaker and Senior Companion Services, Case Coordination
5 Units, and Adult Day Care Services.

6 (c) The sum of such transfers for an agency in a fiscal
7 year shall not exceed 2% of the aggregate amount appropriated
8 to it within the same treasury fund for the following
9 objects: Personal Services; Extra Help; Student and Inmate
10 Compensation; State Contributions to Retirement Systems;
11 State Contributions to Social Security; State Contribution
12 for Employee Group Insurance; Contractual Services; Travel;
13 Commodities; Printing; Equipment; Electronic Data Processing;
14 Operation of Automotive Equipment; Telecommunications
15 Services; Travel and Allowance for Committed, Paroled and
16 Discharged Prisoners; Library Books; Federal Matching Grants
17 for Student Loans; Refunds; Workers' Compensation,
18 Occupational Disease, and Tort Claims; and, in appropriations
19 to institutions of higher education, Awards and Grants.
20 Notwithstanding the above, any amounts appropriated for
21 payment of workers' compensation claims to an agency to which
22 the authority to evaluate, administer and pay such claims has
23 been delegated by the Department of Central Management
24 Services may be transferred to any other expenditure object
25 where such amounts exceed the amount necessary for the
26 payment of such claims.

27 (d) Transfers among appropriations made to agencies of
28 the Legislative and Judicial departments and to the
29 constitutionally elected officers in the Executive branch
30 require the approval of the officer authorized in Section 10
31 of this Act to approve and certify vouchers. Transfers among
32 appropriations made to the University of Illinois, Southern
33 Illinois University, Chicago State University, Eastern
34 Illinois University, Governors State University, Illinois

1 State University, Northeastern Illinois University, Northern
2 Illinois University, Western Illinois University, the
3 Illinois Mathematics and Science Academy and the Board of
4 Higher Education require the approval of the Board of Higher
5 Education and the Governor. Transfers among appropriations
6 to all other agencies require the approval of the Governor.

7 The officer responsible for approval shall certify that
8 the transfer is necessary to carry out the programs and
9 purposes for which the appropriations were made by the
10 General Assembly and shall transmit to the State Comptroller
11 a certified copy of the approval which shall set forth the
12 specific amounts transferred so that the Comptroller may
13 change his records accordingly. The Comptroller shall
14 furnish the Governor with information copies of all transfers
15 approved for agencies of the Legislative and Judicial
16 departments and transfers approved by the constitutionally
17 elected officials of the Executive branch other than the
18 Governor, showing the amounts transferred and indicating the
19 dates such changes were entered on the Comptroller's records.
20 (Source: P.A. 89-4, eff. 1-1-96; 89-641, eff. 8-9-96; 90-587,
21 eff. 7-1-98.)

22 Section 5-25. The Public Community College Act is
23 amended by changing Section 2-16.03 as follows:

24 (110 ILCS 805/2-16.03) (from Ch. 122, par. 102-16.2)

25 Sec. 2-16.03. The AFDC Opportunities Fund is hereby
26 created in the State Treasury. Each month there shall be
27 transferred into that Fund as provided in subsection (d) of
28 Section 12-10.3 of the Illinois Public Aid Code all amounts
29 credited for deposit in the special account established and
30 maintained in the Employment and Training Fund as provided in
31 Section 12-5.20 ~~12-5~~ of the Illinois Public Aid Code.

32 Expenditures and distributions from the AFDC

1 Opportunities Fund shall be made by the State Board, pursuant
2 to appropriations made by the General Assembly from that
3 Fund, for grants to public community colleges for costs of
4 work force training and technology and for the operating
5 expenses made and incurred by the State Board in connection
6 with these purposes.

7 (Source: P.A. 91-776, eff. 6-9-00.)

8 Section 5-30. The Illinois Insurance Code is amended by
9 changing Section 409 as follows:

10 (215 ILCS 5/409) (from Ch. 73, par. 1021)

11 Sec. 409. Annual privilege tax payable by companies.

12 (1) As of January 1, 1999 for all health maintenance
13 organization premiums written; as of July 1, 1998 for all
14 premiums written as accident and health business, voluntary
15 health service plan business, dental service plan business,
16 or limited health service organization business; and as of
17 January 1, 1998 for all other types of insurance premiums
18 written, every company doing any form of insurance business
19 in this State, including, but not limited to, every risk
20 retention group, and excluding all fraternal benefit
21 societies, all farm mutual companies, all religious
22 charitable risk pooling trusts, and excluding all statutory
23 residual market and special purpose entities in which
24 companies are statutorily required to participate, whether
25 incorporated or otherwise, shall pay, for the privilege of
26 doing business in this State, to the Director for the State
27 treasury a State tax equal to 0.5% of the net taxable premium
28 written, together with any amounts due under Section 444 of
29 this Code, except that the tax to be paid on any premium
30 derived from any accident and health insurance or on any
31 insurance business written by any company operating as a
32 health maintenance organization, voluntary health service

1 plan, dental service plan, or limited health service
2 organization shall be equal to 0.4% of such net taxable
3 premium written, together with any amounts due under Section
4 444. Upon the failure of any company to pay any such tax
5 due, the Director may, by order, revoke or suspend the
6 company's certificate of authority after giving 20 days
7 written notice to the company, or commence proceedings for
8 the suspension of business in this State under the procedures
9 set forth by Section 401.1 of this Code. The gross taxable
10 premium written shall be the gross amount of premiums
11 received on direct business during the calendar year on
12 contracts covering risks in this State, except premiums on
13 annuities, premiums on which State premium taxes are
14 prohibited by federal law, premiums paid by the State for
15 health care coverage for Medicaid eligible insureds as
16 described in Sections Section 5-2 through 5-2.0100 of the
17 Illinois Public Aid Code, premiums paid for health care
18 services included as an element of tuition charges at any
19 university or college owned and operated by the State of
20 Illinois, premiums on group insurance contracts under the
21 State Employees Group Insurance Act of 1971, and except
22 premiums for deferred compensation plans for employees of the
23 State, units of local government, or school districts. The
24 net taxable premium shall be the gross taxable premium
25 written reduced only by the following:

26 (a) the amount of premiums returned thereon which
27 shall be limited to premiums returned during the same
28 preceding calendar year and shall not include the return
29 of cash surrender values or death benefits on life
30 policies including annuities;

31 (b) dividends on such direct business that have
32 been paid in cash, applied in reduction of premiums or
33 left to accumulate to the credit of policyholders or
34 annuitants. In the case of life insurance, no deduction

1 shall be made for the payment of deferred dividends paid
2 in cash to policyholders on maturing policies; dividends
3 left to accumulate to the credit of policyholders or
4 annuitants shall be included as gross taxable premium
5 written when such dividend accumulations are applied to
6 purchase paid-up insurance or to shorten the endowment or
7 premium paying period.

8 (2) The annual privilege tax payment due from a company
9 under subsection (4) of this Section may be reduced by: (a)
10 the excess amount, if any, by which the aggregate income
11 taxes paid by the company, on a cash basis, for the preceding
12 calendar year under subsections (a) through (d) of Section
13 201 of the Illinois Income Tax Act exceed 1.5% of the
14 company's net taxable premium written for that prior calendar
15 year, as determined under subsection (1) of this Section; and
16 (b) the amount of any fire department taxes paid by the
17 company during the preceding calendar year under Section
18 11-10-1 of the Illinois Municipal Code. Any deductible
19 amount or offset allowed under items (a) and (b) of this
20 subsection for any calendar year will not be allowed as a
21 deduction or offset against the company's privilege tax
22 liability for any other taxing period or calendar year.

23 (3) If a company survives or was formed by a merger,
24 consolidation, reorganization, or reincorporation, the
25 premiums received and amounts returned or paid by all
26 companies party to the merger, consolidation, reorganization,
27 or reincorporation shall, for purposes of determining the
28 amount of the tax imposed by this Section, be regarded as
29 received, returned, or paid by the surviving or new company.

30 (4)(a) All companies subject to the provisions of this
31 Section shall make an annual return for the preceding
32 calendar year on or before March 15 setting forth such
33 information on such forms as the Director may reasonably
34 require. Payments of quarterly installments of the

1 taxpayer's total estimated tax for the current calendar year
2 shall be due on or before April 15, June 15, September 15,
3 and December 15 of such year, except that all companies
4 transacting insurance in this State whose annual tax for the
5 immediately preceding calendar year was less than \$5,000
6 shall make only an annual return. Failure of a company to
7 make the annual payment, or to make the quarterly payments,
8 if required, of at least 25% of either (i) the total tax paid
9 during the previous calendar year or (ii) 80% of the actual
10 tax for the current calendar year shall subject it to the
11 penalty provisions set forth in Section 412 of this Code.

12 (b) Notwithstanding the foregoing provisions, no annual
13 return shall be required or made on March 15, 1998, under
14 this subsection. For the calendar year 1998:

15 (i) each health maintenance organization shall have
16 no estimated tax installments;

17 (ii) all companies subject to the tax as of July 1,
18 1998 as set forth in subsection (1) shall have estimated
19 tax installments due on September 15 and December 15 of
20 1998 which installments shall each amount to no less than
21 one-half of 80% of the actual tax on its net taxable
22 premium written during the period July 1, 1998, through
23 December 31, 1998; and

24 (iii) all other companies shall have estimated tax
25 installments due on June 15, September 15, and December
26 15 of 1998 which installments shall each amount to no
27 less than one-third of 80% of the actual tax on its net
28 taxable premium written during the calendar year 1998.

29 In the year 1999 and thereafter all companies shall make
30 annual and quarterly installments of their estimated tax as
31 provided by paragraph (a) of this subsection.

32 (5) In addition to the authority specifically granted
33 under Article XXV of this Code, the Director shall have such
34 authority to adopt rules and establish forms as may be

1 reasonably necessary for purposes of determining the
2 allocation of Illinois corporate income taxes paid under
3 subsections (a) through (d) of Section 201 of the Illinois
4 Income Tax Act amongst members of a business group that files
5 an Illinois corporate income tax return on a unitary basis,
6 for purposes of regulating the amendment of tax returns, for
7 purposes of defining terms, and for purposes of enforcing the
8 provisions of Article XXV of this Code. The Director shall
9 also have authority to defer, waive, or abate the tax imposed
10 by this Section if in his opinion the company's solvency and
11 ability to meet its insured obligations would be immediately
12 threatened by payment of the tax due.

13 (Source: P.A. 90-583, eff. 5-29-98.)

14 Section 5-35. The Children's Health Insurance Program
15 Act is amended by changing Section 25 as follows:

16 (215 ILCS 106/25)

17 (Section scheduled to be repealed on July 1, 2002)

18 Sec. 25. Health benefits for children.

19 (a) The Department shall, subject to appropriation,
20 provide health benefits coverage to eligible children by:

21 (1) Subsidizing the cost of privately sponsored
22 health insurance, including employer based health
23 insurance, to assist families to take advantage of
24 available privately sponsored health insurance for their
25 eligible children; and

26 (2) Purchasing or providing health care benefits
27 for eligible children. The health benefits provided
28 under this subdivision (a)(2) shall, subject to
29 appropriation and without regard to any applicable cost
30 sharing under Section 30, be identical to the benefits
31 provided for children under the State's approved plan
32 under Title XIX of the Social Security Act. Providers

1 under this subdivision (a)(2) shall be subject to
2 approval by the Department to provide health care under
3 the Illinois Public Aid Code and shall be reimbursed at
4 the same rate as providers under the State's approved
5 plan under Title XIX of the Social Security Act. In
6 addition, providers may retain co-payments when
7 determined appropriate by the Department.

8 (b) The subsidization provided pursuant to subdivision
9 (a)(1) shall be credited to the family of the eligible child.

10 (c) The Department is prohibited from denying coverage
11 to a child who is enrolled in a privately sponsored health
12 insurance plan pursuant to subdivision (a)(1) because the
13 plan does not meet federal benchmarking standards or cost
14 sharing and contribution requirements. To be eligible for
15 inclusion in the Program, the plan shall contain
16 comprehensive major medical coverage which shall consist of
17 physician and hospital inpatient services. The Department is
18 prohibited from denying coverage to a child who is enrolled
19 in a privately sponsored health insurance plan pursuant to
20 subdivision (a)(1) because the plan offers benefits in
21 addition to physician and hospital inpatient services.

22 (d) The total dollar amount of subsidizing coverage per
23 child per month pursuant to subdivision (a)(1) shall be equal
24 to the average dollar payments, less premiums incurred, per
25 child per month pursuant to subdivision (a)(2). The
26 Department shall set this amount prospectively based upon the
27 prior fiscal year's experience adjusted for incurred but not
28 reported claims and estimated increases or decreases in the
29 cost of medical care. Payments obligated before July 1,
30 1999, will be computed using State Fiscal Year 1996 payments
31 for children eligible for Medical Assistance and income
32 assistance under the Aid to Families with Dependent Children
33 Program, with appropriate adjustments for cost and
34 utilization changes through January 1, 1999. The Department

1 is prohibited from providing a subsidy pursuant to
2 subdivision (a)(1) that is more than the individual's monthly
3 portion of the premium.

4 (e) An eligible child may obtain immediate coverage
5 under this Program only once during a medical visit. If
6 coverage lapses, re-enrollment shall be completed in advance
7 of the next covered medical visit and the first month's
8 required premium shall be paid in advance of any covered
9 medical visit.

10 (f) In order to accelerate and facilitate the
11 development of networks to deliver services to children in
12 areas outside counties with populations in excess of
13 3,000,000, in the event less than 25% of the eligible
14 children in a county or contiguous counties has enrolled with
15 a Health Maintenance Organization pursuant to Sections
16 Section 5-11 through 5-11.065 of the Illinois Public Aid
17 Code, the Department may develop and implement demonstration
18 projects to create alternative networks designed to enhance
19 enrollment and participation in the program. The Department
20 shall prescribe by rule the criteria, standards, and
21 procedures for effecting demonstration projects under this
22 Section.

23 (Source: P.A. 90-736, eff. 8-12-98.)

24 Section 5-40. The Health Maintenance Organization Act is
25 amended by changing Sections 2-1 and 4-17 as follows:

26 (215 ILCS 125/2-1) (from Ch. 111 1/2, par. 1403)

27 Sec. 2-1. Certificate of authority - Exception for
28 corporate employee programs - Applications - Material
29 modification of operation.

30 (a) No organization shall establish or operate a Health
31 Maintenance Organization in this State without obtaining a
32 certificate of authority under this Act. No person other

1 than an organization may lawfully establish or operate a
2 Health Maintenance Organization in this State. This Act shall
3 not apply to the establishment and operation of a Health
4 Maintenance Organization exclusively providing or arranging
5 for health care services to employees of a corporate
6 affiliate of such Health Maintenance Organization. This
7 exclusion shall be available only to those Health Maintenance
8 Organizations which require employee contributions which
9 equal less than 50% of the total cost of the health care
10 plan, with the remainder of the cost being paid by the
11 corporate affiliate which is the employer of the participants
12 in the plan. This Act shall not apply to the establishment
13 and operation of a Health Maintenance Organization
14 exclusively providing or arranging health care services under
15 contract with the State to persons committed to the custody
16 of the Illinois Department of Corrections.

17 This Act does not apply to the establishment and
18 operation of managed care community networks that are
19 certified as risk-bearing entities under Sections ~~Section~~
20 5-11 through 5-11.065 of the Illinois Public Aid Code and
21 that contract with the Illinois Department of Public Aid
22 pursuant to that Section.

23 (b) Any organization may apply to the Director for and
24 obtain a certificate of authority to establish and operate a
25 Health Maintenance Organization in compliance with this Act.
26 A foreign corporation may qualify under this Act, subject to
27 its registration to do business in this State as a foreign
28 corporation.

29 (c) Each application for a certificate of authority
30 shall be filed in triplicate and verified by an officer or
31 authorized representative of the applicant, shall be in a
32 form prescribed by the Director, and shall set forth, without
33 limiting what may be required by the Director, the following:

- 34 (1) A copy of the organizational document;

1 (2) A copy of the bylaws, rules and regulations, or
2 similar document regulating the conduct of the internal
3 affairs of the applicant, which shall include a mechanism
4 to afford the enrollees an opportunity to participate in
5 an advisory capacity in matters of policy and operations;

6 (3) A list of the names, addresses, and official
7 positions of the persons who are to be responsible for
8 the conduct of the affairs of the applicant; including,
9 but not limited to, all members of the board of
10 directors, executive committee, the principal officers,
11 and any person or entity owning or having the right to
12 acquire 10% or more of the voting securities or
13 subordinated debt of the applicant;

14 (4) A statement generally describing the applicant,
15 geographic area to be served, its facilities, personnel
16 and the health care services to be offered;

17 (5) A copy of the form of any contract made or to
18 be made between the applicant and any providers regarding
19 the provision of health care services to enrollees;

20 (6) A copy of the form of any contract made or to
21 be made between the applicant and any person listed in
22 paragraph (3) of this subsection;

23 (7) A copy of the form of any contract made or to
24 be made between the applicant and any person,
25 corporation, partnership or other entity for the
26 performance on the applicant's behalf of any functions
27 including, but not limited to, marketing, administration,
28 enrollment, investment management and subcontracting for
29 the provision of health services to enrollees;

30 (8) A copy of the form of any group contract which
31 is to be issued to employers, unions, trustees, or other
32 organizations and a copy of any form of evidence of
33 coverage to be issued to any enrollee or subscriber and
34 any advertising material;

1 (9) Descriptions of the applicant's procedures for
2 resolving enrollee grievances which must include
3 procedures providing for enrollees participation in the
4 resolution of grievances;

5 (10) A copy of the applicant's most recent
6 financial statements audited by an independent certified
7 public accountant. If the financial affairs of the
8 applicant's parent company are audited by an independent
9 certified public accountant but those of the applicant
10 are not, then a copy of the most recent audited financial
11 statement of the applicant's parent, attached to which
12 shall be consolidating financial statements of the parent
13 including separate unaudited financial statements of the
14 applicant, unless the Director determines that additional
15 or more recent financial information is required for the
16 proper administration of this Act;

17 (11) A copy of the applicant's financial plan,
18 including a three-year projection of anticipated
19 operating results, a statement of the sources of working
20 capital, and any other sources of funding and provisions
21 for contingencies;

22 (12) A description of rate methodology;

23 (13) A description of the proposed method of
24 marketing;

25 (14) A copy of every filing made with the Illinois
26 Secretary of State which relates to the applicant's
27 registered agent or registered office;

28 (15) A description of the complaint procedures to
29 be established and maintained as required under Section
30 4-6 of this Act;

31 (16) A description, in accordance with regulations
32 promulgated by the Illinois Department of Public Health,
33 of the quality assessment and utilization review
34 procedures to be utilized by the applicant;

1 (17) The fee for filing an application for issuance
2 of a certificate of authority provided in Section 408 of
3 the Illinois Insurance Code, as now or hereafter amended;
4 and

5 (18) Such other information as the Director may
6 reasonably require to make the determinations required by
7 this Act.

8 (Source: P.A. 92-370, eff. 8-15-01.)

9 (215 ILCS 125/4-17)

10 Sec. 4-17. Basic outpatient preventive and primary health
11 care services for children. In order to attempt to address
12 the needs of children in Illinois (i) without health care
13 coverage, either through a parent's employment, through
14 medical assistance under the Illinois Public Aid Code, or any
15 other health plan or (ii) who lose medical assistance if and
16 when their parents move from welfare to work and do not find
17 employment that offers health care coverage, a health
18 maintenance organization may undertake to provide or arrange
19 for and to pay for or reimburse the cost of basic outpatient
20 preventive and primary health care services. The Department
21 shall promulgate rules to establish minimum coverage and
22 disclosure requirements. These requirements at a minimum
23 shall include routine physical examinations and
24 immunizations, sick visits, diagnostic x-rays and laboratory
25 services, and emergency outpatient services. Coverage may
26 also include preventive dental services, vision screening and
27 one pair of eyeglasses, prescription drugs, and mental health
28 services. The coverage may include any reasonable
29 co-payments, deductibles, and benefit maximums subject to
30 limitations established by the Director by rule. Coverage
31 shall be limited to children who are 18 years of age or
32 under, who have resided in the State of Illinois for at least
33 30 days, and who do not qualify for medical assistance under

1 the Illinois Public Aid Code. Any such coverage shall be
2 made available to an adult on behalf of such children and
3 shall not be funded through State appropriations. In
4 counties with populations in excess of 3,000,000, the
5 Director shall not approve any arrangement under this Section
6 unless and until an arrangement for at least one health
7 maintenance organization under contract with the Illinois
8 Department of Public Aid for furnishing health services
9 pursuant to Sections Section 5-11 through 5-11.065 of the
10 Illinois Public Aid Code and for which the requirements of 42
11 CFR 434.26(a) have been waived is approved.

12 (Source: P.A. 90-376, eff. 8-14-97; 90-655, eff. 7-30-98.)

13 Section 5-45. The Voluntary Health Services Plans Act is
14 amended by changing Section 2 as follows:

15 (215 ILCS 165/2) (from Ch. 32, par. 596)

16 Sec. 2. For the purposes of this Act, the following terms
17 have the respective meanings set forth in this section,
18 unless different meanings are plainly indicated by the
19 context:

20 (a) "Health Services Plan Corporation" means a
21 corporation organized under the terms of this Act for the
22 purpose of establishing and operating a voluntary health
23 services plan and providing other medically related services.

24 (b) "Voluntary health services plan" means either a plan
25 or system under which medical, hospital, nursing and relating
26 health services may be rendered to a subscriber or
27 beneficiary at the expense of a health services plan
28 corporation, or any contractual arrangement to provide,
29 either directly or through arrangements with others, dental
30 care services to subscribers and beneficiaries.

31 (c) "Subscriber" means a natural person to whom a
32 subscription certificate has been issued by a health services

1 plan corporation. Persons eligible under Sections Section
2 5-2 through 5-2.0100 of the Illinois Public Aid Code may be
3 subscribers if a written agreement exists, as specified in
4 Section 25 of this Act, between the Health Services Plan
5 Corporation and the Department of Public Aid. A subscription
6 certificate may be issued to such persons at no cost.

7 (d) "Beneficiary" means a person designated in a
8 subscription certificate as one entitled to receive health
9 services.

10 (e) "Health services" means those services ordinarily
11 rendered by physicians licensed in Illinois to practice
12 medicine in all of its branches, by podiatrists licensed in
13 Illinois to practice podiatric medicine, by dentists and
14 dental surgeons licensed to practice in Illinois, by nurses
15 registered in Illinois, by dental hygienists licensed to
16 practice in Illinois, and by assistants and technicians
17 acting under professional supervision; it likewise means
18 hospital services as usually and customarily rendered in
19 Illinois, and the compounding and dispensing of drugs and
20 medicines by pharmacists and assistant pharmacists registered
21 in Illinois.

22 (f) "Subscription certificate" means a certificate
23 issued to a subscriber by a health services plan corporation,
24 setting forth the terms and conditions upon which health
25 services shall be rendered to a subscriber or a beneficiary.

26 (g) "Physician rendering service for a plan" means a
27 physician licensed in Illinois to practice medicine in all of
28 its branches who has undertaken or agreed, upon terms and
29 conditions acceptable both to himself and to the health
30 services plan corporation involved, to furnish medical
31 service to the plan's subscribers and beneficiaries.

32 (h) "Dentist or dental surgeon rendering service for a
33 plan" means a dentist or dental surgeon licensed in Illinois
34 to practice dentistry or dental surgery who has undertaken or

1 agreed, upon terms and conditions acceptable both to himself
2 and to the health services plan corporation involved, to
3 furnish dental or dental surgical services to the plan's
4 subscribers and beneficiaries.

5 (i) "Director" means the Director of Insurance of the
6 State of Illinois.

7 (j) "Person" means any of the following: a natural
8 person, corporation, partnership or unincorporated
9 association.

10 (k) "Podiatrist or podiatric surgeon rendering service
11 for a plan" means any podiatrist or podiatric surgeon
12 licensed in Illinois to practice podiatry, who has undertaken
13 or agreed, upon terms and conditions acceptable both to
14 himself and to the health services plan corporation involved,
15 to furnish podiatric or podiatric surgical services to the
16 plan's subscribers and beneficiaries.

17 (Source: P.A. 83-254.)

18 Section 5-50. The Illinois Marriage and Dissolution of
19 Marriage Act is amended by changing Section 505.1 as follows:

20 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

21 Sec. 505.1. (a) Whenever it is determined in a
22 proceeding to establish or enforce a child support or
23 maintenance obligation that the person owing a duty of
24 support is unemployed, the court may order the person to seek
25 employment and report periodically to the court with a diary,
26 listing or other memorandum of his or her efforts in
27 accordance with such order. Additionally, the court may order
28 the unemployed person to report to the Department of
29 Employment Security for job search services or to make
30 application with the local Job Training Partnership Act
31 provider for participation in job search, training or work
32 programs and where the duty of support is owed to a child

1 receiving support services under Article X of the Illinois
 2 Public Aid Code, as amended, the court may order the
 3 unemployed person to report to the Illinois Department of
 4 Public Aid for participation in job search, training or work
 5 programs established under Sections Section 9-6 through
 6 9-6.0065 and Article IXA of that Code.

7 (b) Whenever it is determined that a person owes
 8 past-due support for a child or for a child and the parent
 9 with whom the child is living, and the child is receiving
 10 assistance under the Illinois Public Aid Code, the court
 11 shall order at the request of the Illinois Department of
 12 Public Aid:

13 (1) that the person pay the past-due support in
 14 accordance with a plan approved by the court; or

15 (2) if the person owing past-due support is
 16 unemployed, is subject to such a plan, and is not
 17 incapacitated, that the person participate in such job
 18 search, training, or work programs established under
 19 Sections Section 9-6 through 9-6.0065 and Article IXA of
 20 the Illinois Public Aid Code as the court deems
 21 appropriate.

22 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

23 Section 5-55. The Non-Support Punishment Act is amended
 24 by changing Section 60 as follows:

25 (750 ILCS 16/60)

26 Sec. 60. Unemployed persons owing duty of support.

27 (a) Whenever it is determined in a proceeding to
 28 establish or enforce a child support or maintenance
 29 obligation that the person owing a duty of support is
 30 unemployed, the court may order the person to seek employment
 31 and report periodically to the court with a diary, listing or
 32 other memorandum of his or her efforts in accordance with

1 such order. Additionally, the court may order the unemployed
 2 person to report to the Department of Employment Security for
 3 job search services or to make application with the local Job
 4 Training Partnership Act provider for participation in job
 5 search, training, or work programs and where the duty of
 6 support is owed to a child receiving support services under
 7 Article X of the Illinois Public Aid Code the court may order
 8 the unemployed person to report to the Illinois Department of
 9 Public Aid for participation in job search, training, or work
 10 programs established under Sections Section 9-6 through
 11 9-6.0065 and Article IXA of that Code.

12 (b) Whenever it is determined that a person owes past
 13 due support for a child or for a child and the parent with
 14 whom the child is living, and the child is receiving
 15 assistance under the Illinois Public Aid Code, the court
 16 shall order at the request of the Illinois Department of
 17 Public Aid:

18 (1) that the person pay the past-due support in
 19 accordance with a plan approved by the court; or

20 (2) if the person owing past-due support is
 21 unemployed, is subject to such a plan, and is not
 22 incapacitated, that the person participate in such job
 23 search, training, or work programs established under
 24 Sections Section 9-6 through 9-6.0065 and Article IXA of
 25 the Illinois Public Aid Code as the court deems
 26 appropriate.

27 (Source: P.A. 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

28 Section 5-60. The Expedited Child Support Act of 1990 is
 29 amended by changing Section 6 as follows:

30 (750 ILCS 25/6) (from Ch. 40, par. 2706)

31 Sec. 6. Authority of hearing officers.

32 (a) With the exception of judicial functions exclusively

1 retained by the court in Section 8 of this Act and in
2 accordance with Supreme Court rules promulgated pursuant to
3 this Act, Administrative Hearing Officers shall be authorized
4 to:

5 (1) Accept voluntary agreements reached by the
6 parties setting the amount of child support to be paid
7 and medical support liability and recommend the entry of
8 orders incorporating such agreements.

9 (2) Accept voluntary acknowledgments of parentage
10 and recommend entry of an order establishing parentage
11 based on such acknowledgement. Prior to accepting such
12 acknowledgment, the Administrative Hearing Officer shall
13 advise the putative father of his rights and obligations
14 in accordance with Supreme Court rules promulgated
15 pursuant to this Act.

16 (3) Manage all stages of discovery, including
17 setting deadlines by which discovery must be completed;
18 and directing the parties to submit to appropriate tests
19 pursuant to Section 11 of the Illinois Parentage Act of
20 1984.

21 (4) Cause notices to be issued requiring the
22 Obligor to appear either before the Administrative
23 Hearing Officer or in court.

24 (5) Administer the oath or affirmation and take
25 testimony under oath or affirmation.

26 (6) Analyze the evidence and prepare written
27 recommendations based on such evidence, including but not
28 limited to: (i) proposed findings as to the amount of the
29 Obligor's income; (ii) proposed findings as to the amount
30 and nature of appropriate deductions from the Obligor's
31 income to determine the Obligor's net income; (iii)
32 proposed findings as to the existence of relevant factors
33 as set forth in subsection (a)(2) of Section 505 of the
34 Illinois Marriage and Dissolution of Marriage Act, which

1 justify setting child support payment levels above or
2 below the guidelines; (iv) recommended orders for
3 temporary child support; (v) recommended orders setting
4 the amount of current child support to be paid; (vi)
5 proposed findings as to the existence and amount of any
6 arrearages; (vii) recommended orders reducing any
7 arrearages to judgement and for the payment of amounts
8 towards such arrearages; (viii) proposed findings as to
9 whether there has been a substantial change of
10 circumstances since the entry of the last child support
11 order, or other circumstances justifying a modification
12 of the child support order; and (ix) proposed findings as
13 to whether the Obligor is employed.

14 (7) With respect to any unemployed Obligor who is
15 not making child support payments or is otherwise unable
16 to provide support, recommend that the Obligor be ordered
17 to seek employment and report periodically of his or her
18 efforts in accordance with such order. Additionally, the
19 Administrative Hearing Officer may recommend that the
20 Obligor be ordered to report to the Department of
21 Employment Security for job search services or to make
22 application with the local Job Training Partnership Act
23 provider for participation in job search, training or
24 work programs and, where the duty of support is owed to a
25 child receiving support services under Article X of the
26 Illinois Public Aid Code, the Administrative Hearing
27 Officer may recommend that the Obligor be ordered to
28 report to the Illinois Department of Public Aid for
29 participation in the job search, training or work
30 programs established under Sections Section 9-6 through
31 9-6.0050 of the Public Aid Code.

32 (8) Recommend the registration of any foreign
33 support judgments or orders as the judgments or orders of
34 Illinois.

1 (b) In any case in which the Obligee is not
2 participating in the IV-D program or has not applied to
3 participate in the IV-D program, the Administrative Hearing
4 Officer shall:

5 (1) inform the Obligee of the existence of the IV-D
6 program and provide applications on request; and

7 (2) inform the Obligee and the Obligor of the
8 option of requesting payment to be made through the Clerk
9 of the Circuit Court.

10 If a request for payment through the Clerk is made, the
11 Administrative Hearing Officer shall note this fact in the
12 recommendations to the court.

13 (c) The Administrative Hearing Officer may make
14 recommendations in addition to the proposed findings of fact
15 and recommended order to which the parties have agreed.

16 (Source: P.A. 92-16, eff. 6-28-01.)

17 Section 5-65. The Illinois Parentage Act of 1984 is
18 amended by changing Section 15.1 as follows:

19 (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

20 Sec. 15.1. (a) Whenever it is determined in a proceeding
21 to establish or enforce a child support obligation that the
22 person owing a duty of support is unemployed, the court may
23 order the person to seek employment and report periodically
24 to the court with a diary, listing or other memorandum of his
25 or her efforts in accordance with such order. Additionally,
26 the court may order the unemployed person to report to the
27 Department of Employment Security for job search services or
28 to make application with the local Job Training Partnership
29 Act provider for participation in job search, training or
30 work programs and where the duty of support is owed to a
31 child receiving support services under Article X of the
32 Illinois Public Aid Code, as amended, the court may order the

1 unemployed person to report to the Illinois Department of
 2 Public Aid for participation in job search, training or work
 3 programs established under Sections Section 9-6 through
 4 9-6.0050 and Article IXA of that Code.

5 (b) Whenever it is determined that a person owes
 6 past-due support for a child, and the child is receiving
 7 assistance under the Illinois Public Aid Code, the court
 8 shall order the following at the request of the Illinois
 9 Department of Public Aid:

10 (1) that the person pay the past-due support in
 11 accordance with a plan approved by the court; or

12 (2) if the person owing past-due support is
 13 unemployed, is subject to such a plan, and is not
 14 incapacitated, that the person participate in such job
 15 search, training, or work programs established under
 16 Sections Section 9-6 through 9-6.0050 and Article IXA of
 17 the Illinois Public Aid Code as the court deems
 18 appropriate.

19 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

20 ARTICLE 98. DISPOSITION AND DERIVATION TABLES

21 Section 98-1. Explanation. This Article 98 is included
 22 only for informational purposes to show the following:

23 (1) How Sections of the Department of Public Aid Law
 24 of the Civil Administrative Code of Illinois and the
 25 Illinois Public Aid Code as amended through Public Act
 26 92-494 and revised by the Legislative Reference Bureau
 27 through October 24, 2001 are renumbered and rearranged in
 28 the Illinois Public Aid Code by this Act.

29 (2) How Sections of the Illinois Public Aid Code as
 30 renumbered and rearranged by this Act are derived from
 31 the Department of Public Aid Law of the Civil
 32 Administrative Code of Illinois and the Illinois Public

1 Aid Code as amended through Public Act 92-494 and revised
 2 by the Legislative Reference Bureau through October 24,
 3 2001.

4 This Article 98 is repealed on the effective date of this
 5 Act.

6 Section 98-5. Disposition table.

| 7 BEFORE RENUMBERING | AS RENUMBERED BY THIS ACT |
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| 8 20 ILCS 2205/2205-10 | 305 ILCS 5/12-4.25.30, in part |
| 10 305 ILCS 5/4-2, subsec. (a) | 305 ILCS 5/4-2 |
| 11 305 ILCS 5/4-2, subsec. (b) | 305 ILCS 5/4-2.30 |
| 12 305 ILCS 5/4-2, subsec. (c) | 305 ILCS 5/4-2.5 |
| 13 305 ILCS 5/4-2, subsec. (d) | 305 ILCS 5/4-2.10 |
| 14 305 ILCS 5/4-2, subsecs. | |
| 15 (f) and (g) | 305 ILCS 5/4-2.15 |
| 16 305 ILCS 5/4-2, subsec. (e) | 305 ILCS 5/4-2.25 |
| 17 305 ILCS 5/4-2, subsec. (h) | 305 ILCS 5/4-2.20 |
| 18 305 ILCS 5/4-8, subsec. (a), 19 in part | 305 ILCS 5/4-8 |
| 20 305 ILCS 5/4-8, subsec. (a), 21 in part | 305 ILCS 5/4-8.5 |
| 22 305 ILCS 5/4-8, subsec. (a), 23 in part | 305 ILCS 5/4-8.10 |
| 24 305 ILCS 5/4-8, subsec. (b) | 305 ILCS 5/4-8.15 |
| 25 305 ILCS 5/4-8, subsec. (c) | 305 ILCS 5/4-8.20 |
| 26 305 ILCS 5/5-2, in part | 305 ILCS 5/5-2 |
| 27 305 ILCS 5/5-2, par. 1 | 305 ILCS 5/5-2.05 |
| 28 305 ILCS 5/5-2, par. 2 | 305 ILCS 5/5-2.010 |
| 29 305 ILCS 5/5-2, par. 3 | 305 ILCS 5/5-2.015 |
| 30 305 ILCS 5/5-2, par. 4 | 305 ILCS 5/5-2.020 |
| 31 305 ILCS 5/5-2, par. 5 | 305 ILCS 5/5-2.025 |
| 32 305 ILCS 5/5-2, par. 6 | 305 ILCS 5/5-2.030 |
| 33 305 ILCS 5/5-2, in part, | |

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| 1 | and par. 7 | 305 ILCS 5/5-2.035 |
| 2 | 305 ILCS 5/5-2, par. 8 | 305 ILCS 5/5-2.040 |
| 3 | 305 ILCS 5/5-2, par. 9 | 305 ILCS 5/5-2.045 |
| 4 | 305 ILCS 5/5-2, par. 10 | 305 ILCS 5/5-2.050 |
| 5 | 305 ILCS 5/5-2, par. 11 | 305 ILCS 5/5-2.055 |
| 6 | 305 ILCS 5/5-2, par. 12 | 305 ILCS 5/5-2.060 |
| 7 | 305 ILCS 5/5-2, in part | 305 ILCS 5/5-2.0100 |
| 8 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5 |
| 9 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.005 |
| 10 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0010 |
| 11 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0015 |
| 12 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0020 |
| 13 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0025 |
| 14 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0030 |
| 15 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0035 |
| 16 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0040 |
| 17 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0045 |
| 18 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0050 |
| 19 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0055 |
| 20 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0060 |
| 21 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0065 |
| 22 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0070 |
| 23 | 305 ILCS 5/5-5, in part | 305 ILCS 5/5-5.0075 |
| 24 | 305 ILCS 5/5-5.02, subsec. (a) | 305 ILCS 5/5-5.02a |
| 25 | 305 ILCS 5/5-5.02, subsec. (b) | 305 ILCS 5/5-5.02b |
| 26 | 305 ILCS 5/5-5.02, subsec. (c) | 305 ILCS 5/5-5.02c |
| 27 | 305 ILCS 5/5-5.02, subsec. (d) | 305 ILCS 5/5-5.02d |
| 28 | 305 ILCS 5/5-5.02, subsec. (e) | 305 ILCS 5/5-5.02e |
| 29 | 305 ILCS 5/5-5.02, subsec. (f) | 305 ILCS 5/5-5.02f |
| 30 | 305 ILCS 5/5-5.02, subsec. (g) | 305 ILCS 5/5-5.02g |
| 31 | 305 ILCS 5/5-5.02, subsec. (h) | 305 ILCS 5/5-5.02 |
| 32 | 305 ILCS 5/5-5.02, subsec. (i) | 305 ILCS 5/5-5.02h |
| 33 | 305 ILCS 5/5-5.02, subsec. (j) | 305 ILCS 5/5-5.02i |
| 34 | 305 ILCS 5/5-5.02, subsec. (k) | 305 ILCS 5/5-5.02j |

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| 1 | 305 ILCS 5/5-11, subsec. | |
| 2 | (a), in part | 305 ILCS 5/5-11 |
| 3 | 305 ILCS 5/5-11, subsec. | |
| 4 | (a), in part | 305 ILCS 5/5-11.05 |
| 5 | 305 ILCS 5/5-11, subsec. | |
| 6 | (a), in part | 305 ILCS 5/5-11.010 |
| 7 | 305 ILCS 5/5-11, subsec. | |
| 8 | (a), in part | 305 ILCS 5/5-11.015 |
| 9 | 305 ILCS 5/5-11, subsec. | |
| 10 | (b), in part | 305 ILCS 5/5-11.020 |
| 11 | 305 ILCS 5/5-11, subsec. | |
| 12 | (b), in part | 305 ILCS 5/5-11.025 |
| 13 | 305 ILCS 5/5-11, subsec. | |
| 14 | (b), in part | 305 ILCS 5/5-11.030 |
| 15 | 305 ILCS 5/5-11, subsec. | |
| 16 | (b), in part | 305 ILCS 5/5-11.035 |
| 17 | 305 ILCS 5/5-11, subsec. | |
| 18 | (b), in part | 305 ILCS 5/5-11.040 |
| 19 | 305 ILCS 5/5-11, subsec. | |
| 20 | (b), in part | 305 ILCS 5/5-11.045 |
| 21 | 305 ILCS 5/5-11, subsec. | |
| 22 | (b), in part | 305 ILCS 5/5-11.050 |
| 23 | 305 ILCS 5/5-11, subsec. | |
| 24 | (b), in part | 305 ILCS 5/5-11.055 |
| 25 | 305 ILCS 5/5-11, subsec. (c) | 305 ILCS 5/5-11.060 |
| 26 | 305 ILCS 5/6-11, subsecs. | |
| 27 | (a) and (b) | 305 ILCS 5/6-11 |
| 28 | 305 ILCS 5/6-11, subsecs. | |
| 29 | (c) and (g) | 305 ILCS 5/6-11.5 |
| 30 | 305 ILCS 5/6-11, subsec. (d) | 305 ILCS 5/6-11.10 |
| 31 | 305 ILCS 5/6-11, subsecs. | |
| 32 | (e) and (f) | 305 ILCS 5/6-11.15 |
| 33 | 305 ILCS 5/8A-7, subsecs. | |
| 34 | (a), (b), and (c) | 305 ILCS 5/8A-7 |

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| 1 | 305 ILCS 5/8A-7, subsec. | |
| 2 | (d), in part | 305 ILCS 5/8A-7.05 |
| 3 | 305 ILCS 5/8A-7, subsec. | |
| 4 | (d), in part | 305 ILCS 5/8A-7.10 |
| 5 | 305 ILCS 5/8A-7, subsec. | |
| 6 | (d), in part | 305 ILCS 5/8A-7.15 |
| 7 | 305 ILCS 5/8A-7, subsec. | |
| 8 | (d), in part | 305 ILCS 5/8A-7.20 |
| 9 | 305 ILCS 5/8A-7, subsec. | |
| 10 | (d), in part | 305 ILCS 5/8A-7.25 |
| 11 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6 |
| 12 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6.005 |
| 13 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6.0010 |
| 14 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6.0015 |
| 15 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6.0020 |
| 16 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6.0025 |
| 17 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6.0030 |
| 18 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6.0035 |
| 19 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6.0040 |
| 20 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6.0045 |
| 21 | 305 ILCS 5/9-6, in part | 305 ILCS 5/9-6.0050 |
| 22 | 305 ILCS 5/9A-7, in part, | |
| 23 | and subsec. (b) | 305 ILCS 5/9A-7 |
| 24 | 305 ILCS 5/9A-7, subsec. (c) | 305 ILCS 5/9A-7.5 |
| 25 | 305 ILCS 5/9A-8, subsecs. | |
| 26 | (a), (b), and (c) | 305 ILCS 5/9A-8 |
| 27 | 305 ILCS 5/9A-8, subsecs. | |
| 28 | (d) and (e) | 305 ILCS 5/9A-8.05 |
| 29 | 305 ILCS 5/9A-8, subsecs. | |
| 30 | (f), (g), and (h) | 305 ILCS 5/9A-8.010 |
| 31 | 305 ILCS 5/10-3.1, in part | 305 ILCS 5/10-3.1 |
| 32 | 305 ILCS 5/10-3.1, in part | 305 ILCS 5/10-3.1a |
| 33 | 305 ILCS 5/10-3.1, in part | 305 ILCS 5/10-3.1b |
| 34 | 305 ILCS 5/10-3.1, in part | 305 ILCS 5/10-3.1c |

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| 1 | 305 ILCS 5/10-3.1, in part | 305 ILCS 5/10-3.1d |
| 2 | 305 ILCS 5/10-3.1, in part | 305 ILCS 5/10-3.1e |
| 3 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10 |
| 4 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.05 |
| 5 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.010 |
| 6 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.015 |
| 7 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.020 |
| 8 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.025 |
| 9 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.030 |
| 10 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.035 |
| 11 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.040 |
| 12 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.045 |
| 13 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.050 |
| 14 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.055 |
| 15 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.060 |
| 16 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.065 |
| 17 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.070 |
| 18 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.075 |
| 19 | 305 ILCS 5/10-10, in part | 305 ILCS 5/10-10.080 |
| 20 | 305 ILCS 5/11-22, in part | 305 ILCS 5/11-22 |
| 21 | 305 ILCS 5/11-22, in part | 305 ILCS 5/11-22.5 |
| 22 | 305 ILCS 5/11-22, in part | 305 ILCS 5/11-22.10 |
| 23 | 305 ILCS 5/11-22, in part | 305 ILCS 5/11-22.15 |
| 24 | 305 ILCS 5/11-22, in part | 305 ILCS 5/11-22.20 |
| 25 | 305 ILCS 5/11-22b, subsec. (a) | 305 ILCS 5/11-22b |
| 26 | 305 ILCS 5/11-22b, subsec. (b) | 305 ILCS 5/11-22b.5 |
| 27 | 305 ILCS 5/11-22b, subdivs. | |
| 28 | (c)(1) and (c)(2) | 305 ILCS 5/11-22b.10 |
| 29 | 305 ILCS 5/11-22b, subdivs. | |
| 30 | (c)(3) and (c)(4) and | |
| 31 | subsec. (i) | 305 ILCS 5/11-22b.15 |
| 32 | 305 ILCS 5/11-22b, subsec. (d) | 305 ILCS 5/11-22b.20 |
| 33 | 305 ILCS 5/11-22b, subsecs. | |
| 34 | (e), (f), and (g) | 305 ILCS 5/11-22b.25 |

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| 1 | 305 ILCS 5/11-22b, subsec. (h) | 305 ILCS 5/11-22b.30 |
| 2 | 305 ILCS 5/11-26, subsecs. | |
| 3 | (a) and (h) | 305 ILCS 5/11-26 |
| 4 | 305 ILCS 5/11-26, subsecs. | |
| 5 | (b) and (c) | 305 ILCS 5/11-26.05 |
| 6 | 305 ILCS 5/11-26, subsec. (d) | 305 ILCS 5/11-26.010 |
| 7 | 305 ILCS 5/11-26, subsec. (e) | 305 ILCS 5/11-26.015 |
| 8 | 305 ILCS 5/11-26, subsec. (f) | 305 ILCS 5/11-26.020 |
| 9 | 305 ILCS 5/11-26, subsec. (g) | 305 ILCS 5/11-26.025 |
| 10 | 305 ILCS 5/11-26, subsec. (i) | 305 ILCS 5/11-26.030 |
| 11 | 305 ILCS 5/12-4.25, subsecs. | |
| 12 | (A), (A-5), and (B) | 305 ILCS 5/12-4.25 |
| 13 | 305 ILCS 5/12-4.25, subsec. (C) | 305 ILCS 5/12-4.25.5 |
| 14 | 305 ILCS 5/12-4.25, subsec. (D) | 305 ILCS 5/12-4.25.10 |
| 15 | 305 ILCS 5/12-4.25, subsec. (E) | 305 ILCS 5/12-4.25.15 |
| 16 | 305 ILCS 5/12-4.25, subsecs. | |
| 17 | (F) and (F-5) | 305 ILCS 5/12-4.25.20 |
| 18 | 305 ILCS 5/12-4.25, subsec. (G) | 305 ILCS 5/12-4.25.25 |
| 19 | 305 ILCS 5/12-4.25, subsec. (H) | 305 ILCS 5/12-4.25.30, |
| 20 | | in part |
| 21 | 305 ILCS 5/12-4.25, subsec. (I) | 305 ILCS 5/12-4.25.35 |
| 22 | 305 ILCS 5/12-4.33, subsecs. | |
| 23 | (a), (b), and (c) | 305 ILCS 5/12-4.33 |
| 24 | 305 ILCS 5/12-4.33, subsec. (d) | 305 ILCS 5/12-4.33a |
| 25 | 305 ILCS 5/12-4.33, subsec. (e) | 305 ILCS 5/12-4.33b |
| 26 | 305 ILCS 5/12-4.33, subsec. (f) | 305 ILCS 5/12-4.33c |
| 27 | 305 ILCS 5/12-5, in part | 305 ILCS 5/12-5 |
| 28 | 305 ILCS 5/12-5, in part | 305 ILCS 5/12-5.5 |
| 29 | 305 ILCS 5/12-5, in part | 305 ILCS 5/12-5.10 |
| 30 | 305 ILCS 5/12-5, in part | 305 ILCS 5/12-5.15 |
| 31 | 305 ILCS 5/12-5, in part | 305 ILCS 5/12-5.20 |
| 32 | 305 ILCS 5/12-5, in part | 305 ILCS 5/12-5.25 |
| 33 | 305 ILCS 5/12-5, in part | 305 ILCS 5/12-5.30 |
| 34 | 305 ILCS 5/12-5, in part | 305 ILCS 5/12-5.35 |

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| 1 | 305 ILCS 5/14-8, subsecs. | |
| 2 | (a) and (b) | 305 ILCS 5/14-8 |
| 3 | 305 ILCS 5/14-8, subsec. (b-5) | 305 ILCS 5/14-8.5 |
| 4 | 305 ILCS 5/14-8, subsec. (c) | 305 ILCS 5/14-8.10 |
| 5 | 305 ILCS 5/14-8, subsec. (d) | 305 ILCS 5/14-8.15 |
| 6 | 305 ILCS 5/14-8, subsec. (e) | 305 ILCS 5/14-8.20 |
| 7 | 305 ILCS 5/14-8, subsec. (f) | 305 ILCS 5/14-8.25 |
| 8 | 305 ILCS 5/14-8, subsec. (f-5) | 305 ILCS 5/14-8.30 |
| 9 | 305 ILCS 5/14-8, subsec. (g) | 305 ILCS 5/14-8.35 |
| 10 | 305 ILCS 5/14-8, subsec. (h) | 305 ILCS 5/14-8.40 |
| 11 | 305 ILCS 5/14-8, subsec. (i) | 305 ILCS 5/14-8.45 |

12 Section 98-10. Derivation table.

| 13 | AS RENUMBERED BY THIS ACT | BEFORE RENUMBERING |
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| 14 | 305 ILCS 5/4-2 | 305 ILCS 5/4-2, subsec. (a) |
| 15 | 305 ILCS 5/4-2.5 | 305 ILCS 5/4-2, subsec. (c) |
| 16 | 305 ILCS 5/4-2.10 | 305 ILCS 5/4-2, subsec. (d) |
| 17 | 305 ILCS 5/4-2.15 | 305 ILCS 5/4-2, subsecs. |
| 18 | | (f) and (g) |
| 19 | 305 ILCS 5/4-2.20 | 305 ILCS 5/4-2, subsec. (h) |
| 20 | 305 ILCS 5/4-2.25 | 305 ILCS 5/4-2, subsec. (e) |
| 21 | 305 ILCS 5/4-2.30 | 305 ILCS 5/4-2, subsec. (b) |
| 22 | 305 ILCS 5/4-8 | 305 ILCS 5/4-8, subsec. |
| 23 | | (a), in part |
| 24 | 305 ILCS 5/4-8.5 | 305 ILCS 5/4-8, subsec. |
| 25 | | (a), in part |
| 26 | 305 ILCS 5/4-8.10 | 305 ILCS 5/4-8, subsec. |
| 27 | | (a), in part |
| 28 | 305 ILCS 5/4-8.15 | 305 ILCS 5/4-8, subsec. (b) |
| 29 | 305 ILCS 5/4-8.20 | 305 ILCS 5/4-8, subsec. (c) |
| 30 | 305 ILCS 5/5-2 | 305 ILCS 5/5-2, in part |
| 31 | 305 ILCS 5/5-2.05 | 305 ILCS 5/5-2, par. 1 |
| 32 | 305 ILCS 5/5-2.010 | 305 ILCS 5/5-2, par. 2 |
| 33 | 305 ILCS 5/5-2.015 | 305 ILCS 5/5-2, par. 3 |

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| 1 | 305 ILCS 5/5-2.020 | 305 ILCS 5/5-2, par. 4 |
| 2 | 305 ILCS 5/5-2.025 | 305 ILCS 5/5-2, par. 5 |
| 3 | 305 ILCS 5/5-2.030 | 305 ILCS 5/5-2, par. 6 |
| 4 | 305 ILCS 5/5-2.035 | 305 ILCS 5/5-2, in part, |
| 5 | | and par. 7 |
| 6 | 305 ILCS 5/5-2.040 | 305 ILCS 5/5-2, par. 8 |
| 7 | 305 ILCS 5/5-2.045 | 305 ILCS 5/5-2, par. 9 |
| 8 | 305 ILCS 5/5-2.050 | 305 ILCS 5/5-2, par. 10 |
| 9 | 305 ILCS 5/5-2.055 | 305 ILCS 5/5-2, par. 11 |
| 10 | 305 ILCS 5/5-2.060 | 305 ILCS 5/5-2, par. 12 |
| 11 | 305 ILCS 5/5-2.0100 | 305 ILCS 5/5-2, in part |
| 12 | 305 ILCS 5/5-5 | 305 ILCS 5/5-5, in part |
| 13 | 305 ILCS 5/5-5.005 | 305 ILCS 5/5-5, in part |
| 14 | 305 ILCS 5/5-5.0010 | 305 ILCS 5/5-5, in part |
| 15 | 305 ILCS 5/5-5.0015 | 305 ILCS 5/5-5, in part |
| 16 | 305 ILCS 5/5-5.0020 | 305 ILCS 5/5-5, in part |
| 17 | 305 ILCS 5/5-5.0025 | 305 ILCS 5/5-5, in part |
| 18 | 305 ILCS 5/5-5.0030 | 305 ILCS 5/5-5, in part |
| 19 | 305 ILCS 5/5-5.0035 | 305 ILCS 5/5-5, in part |
| 20 | 305 ILCS 5/5-5.0040 | 305 ILCS 5/5-5, in part |
| 21 | 305 ILCS 5/5-5.0045 | 305 ILCS 5/5-5, in part |
| 22 | 305 ILCS 5/5-5.0050 | 305 ILCS 5/5-5, in part |
| 23 | 305 ILCS 5/5-5.0055 | 305 ILCS 5/5-5, in part |
| 24 | 305 ILCS 5/5-5.0060 | 305 ILCS 5/5-5, in part |
| 25 | 305 ILCS 5/5-5.0065 | 305 ILCS 5/5-5, in part |
| 26 | 305 ILCS 5/5-5.0070 | 305 ILCS 5/5-5, in part |
| 27 | 305 ILCS 5/5-5.0075 | 305 ILCS 5/5-5, in part |
| 28 | 305 ILCS 5/5-5.02 | 305 ILCS 5/5-5.02, subsec. (h) |
| 29 | 305 ILCS 5/5-5.02a | 305 ILCS 5/5-5.02, subsec. (a) |
| 30 | 305 ILCS 5/5-5.02b | 305 ILCS 5/5-5.02, subsec. (b) |
| 31 | 305 ILCS 5/5-5.02c | 305 ILCS 5/5-5.02, subsec. (c) |
| 32 | 305 ILCS 5/5-5.02d | 305 ILCS 5/5-5.02, subsec. (d) |
| 33 | 305 ILCS 5/5-5.02e | 305 ILCS 5/5-5.02, subsec. (e) |
| 34 | 305 ILCS 5/5-5.02f | 305 ILCS 5/5-5.02, subsec. (f) |

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| 1 | 305 ILCS 5/5-5.02g | 305 ILCS 5/5-5.02, subsec. (g) |
| 2 | 305 ILCS 5/5-5.02h | 305 ILCS 5/5-5.02, subsec. (i) |
| 3 | 305 ILCS 5/5-5.02i | 305 ILCS 5/5-5.02, subsec. (j) |
| 4 | 305 ILCS 5/5-5.02j | 305 ILCS 5/5-5.02, subsec. (k) |
| 5 | 305 ILCS 5/5-11 | 305 ILCS 5/5-11, subsec. |
| 6 | | (a), in part |
| 7 | 305 ILCS 5/5-11.05 | 305 ILCS 5/5-11, subsec. |
| 8 | | (a), in part |
| 9 | 305 ILCS 5/5-11.010 | 305 ILCS 5/5-11, subsec. |
| 10 | | (a), in part |
| 11 | 305 ILCS 5/5-11.015 | 305 ILCS 5/5-11, subsec. |
| 12 | | (a), in part |
| 13 | 305 ILCS 5/5-11.020 | 305 ILCS 5/5-11, subsec. |
| 14 | | (b), in part |
| 15 | 305 ILCS 5/5-11.025 | 305 ILCS 5/5-11, subsec. |
| 16 | | (b), in part |
| 17 | 305 ILCS 5/5-11.030 | 305 ILCS 5/5-11, subsec. |
| 18 | | (b), in part |
| 19 | 305 ILCS 5/5-11.035 | 305 ILCS 5/5-11, subsec. |
| 20 | | (b), in part |
| 21 | 305 ILCS 5/5-11.040 | 305 ILCS 5/5-11, subsec. |
| 22 | | (b), in part |
| 23 | 305 ILCS 5/5-11.045 | 305 ILCS 5/5-11, subsec. |
| 24 | | (b), in part |
| 25 | 305 ILCS 5/5-11.050 | 305 ILCS 5/5-11, subsec. |
| 26 | | (b), in part |
| 27 | 305 ILCS 5/5-11.055 | 305 ILCS 5/5-11, subsec. |
| 28 | | (b), in part |
| 29 | 305 ILCS 5/5-11.060 | 305 ILCS 5/5-11, subsec. (c) |
| 30 | 305 ILCS 5/6-11 | 305 ILCS 5/6-11, subsecs. |
| 31 | | (a) and (b) |
| 32 | 305 ILCS 5/6-11.5 | 305 ILCS 5/6-11, subsecs. |
| 33 | | (c) and (g) |
| 34 | 305 ILCS 5/6-11.10 | 305 ILCS 5/6-11, subsec. (d) |

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| 1 | 305 ILCS 5/6-11.15 | 305 ILCS 5/6-11, subsecs. |
| 2 | | (e) and (f) |
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| 9 | 305 ILCS 5/5-19 | from Ch. 23, par. 5-19 |
| 10 | 305 ILCS 5/5-20 | |
| 11 | 305 ILCS 5/5-21 | |
| 12 | 305 ILCS 5/5-22 | |
| 13 | 305 ILCS 5/5A-2 | from Ch. 23, par. 5A-2 |
| 14 | 305 ILCS 5/5A-3 | from Ch. 23, par. 5A-3 |
| 15 | 305 ILCS 5/5A-4 | from Ch. 23, par. 5A-4 |
| 16 | 305 ILCS 5/5A-5 | from Ch. 23, par. 5A-5 |
| 17 | 305 ILCS 5/5A-6 | from Ch. 23, par. 5A-6 |
| 18 | 305 ILCS 5/5A-7 | from Ch. 23, par. 5A-7 |
| 19 | 305 ILCS 5/5A-8 | from Ch. 23, par. 5A-8 |
| 20 | 305 ILCS 5/5A-9 | from Ch. 23, par. 5A-9 |
| 21 | 305 ILCS 5/5B-4 | from Ch. 23, par. 5B-4 |
| 22 | 305 ILCS 5/5B-5 | from Ch. 23, par. 5B-5 |
| 23 | 305 ILCS 5/5B-6 | from Ch. 23, par. 5B-6 |
| 24 | 305 ILCS 5/5B-7 | from Ch. 23, par. 5B-7 |
| 25 | 305 ILCS 5/5B-8 | from Ch. 23, par. 5B-8 |
| 26 | 305 ILCS 5/5C-3 | from Ch. 23, par. 5C-3 |
| 27 | 305 ILCS 5/5C-4 | from Ch. 23, par. 5C-4 |
| 28 | 305 ILCS 5/5C-5 | from Ch. 23, par. 5C-5 |
| 29 | 305 ILCS 5/5C-6 | from Ch. 23, par. 5C-6 |
| 30 | 305 ILCS 5/5C-7 | from Ch. 23, par. 5C-7 |
| 31 | 305 ILCS 5/5E-10 | |
| 32 | 305 ILCS 5/6-1 | from Ch. 23, par. 6-1 |
| 33 | 305 ILCS 5/6-1.2 | from Ch. 23, par. 6-1.2 |
| 34 | 305 ILCS 5/6-1.3 | from Ch. 23, par. 6-1.3 |

1 305 ILCS 5/6-1.3a from Ch. 23, par. 6-1.3a
2 305 ILCS 5/6-1.6 from Ch. 23, par. 6-1.6
3 305 ILCS 5/6-1.7 from Ch. 23, par. 6-1.7
4 305 ILCS 5/6-2 from Ch. 23, par. 6-2
5 305 ILCS 5/6-2.1 from Ch. 23, par. 6-2.1
6 305 ILCS 5/6-6 from Ch. 23, par. 6-6
7 305 ILCS 5/6-7 from Ch. 23, par. 6-7
8 305 ILCS 5/6-9 from Ch. 23, par. 6-9
9 305 ILCS 5/6-10 from Ch. 23, par. 6-10
10 305 ILCS 5/6-11 was 305 ILCS 5/6-11, subsecs.
11 (a) and (b)
12 305 ILCS 5/6-11.5 new was 305 ILCS 5/6-11, subsecs.
13 (c) and (g)
14 305 ILCS 5/6-11.10 new was 305 ILCS 5/6-11, subsec. (d)
15 305 ILCS 5/6-11.15 new was 305 ILCS 5/6-11, subsecs.
16 (e) and (f)
17 305 ILCS 5/6-12 from Ch. 23, par. 6-12
18 305 ILCS 5/8A-2.5
19 305 ILCS 5/8A-4 from Ch. 23, par. 8A-4
20 305 ILCS 5/8A-4A from Ch. 23, par. 8A-4A
21 305 ILCS 5/8A-5 from Ch. 23, par. 8A-5
22 305 ILCS 5/8A-5A from Ch. 23, par. 8A-5A
23 305 ILCS 5/8A-7 was 305 ILCS 5/8A-7, subsecs.
24 (a), (b), and (c)
25 305 ILCS 5/8A-7.05 new was 305 ILCS 8A-7, subsec.
26 (d), in part
27 305 ILCS 5/8A-7.010 new was 305 ILCS 5/8A-7, subsec.
28 (d), in part
29 305 ILCS 5/8A-7.015 new was 305 ILCS 5/8A-7, subsec.
30 (d), in part
31 305 ILCS 5/8A-7.020 new was 305 ILCS 5/8A-7, subsec.
32 (d), in part
33 305 ILCS 5/8A-7.025 new was 305 ILCS 5/8A-7, subsec.
34 (d), in part

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| 1 | 305 ILCS 5/8A-7.1 | from Ch. 23, par. 8A-7.1 |
| 2 | 305 ILCS 5/8A-8 | from Ch. 23, par. 8A-8 |
| 3 | 305 ILCS 5/8A-9 | from Ch. 23, par. 8A-9 |
| 4 | 305 ILCS 5/8A-11 | from Ch. 23, par. 8A-11 |
| 5 | 305 ILCS 5/8A-12 | |
| 6 | 305 ILCS 5/8A-16 | |
| 7 | 305 ILCS 5/9-1 | from Ch. 23, par. 9-1 |
| 8 | 305 ILCS 5/9-2 | from Ch. 23, par. 9-2 |
| 9 | 305 ILCS 5/9-3 | from Ch. 23, par. 9-3 |
| 10 | 305 ILCS 5/9-4 | from Ch. 23, par. 9-4 |
| 11 | 305 ILCS 5/9-5 | from Ch. 23, par. 9-5 |
| 12 | 305 ILCS 5/9-6 | was 305 ILCS 5/9-6, in part |
| 13 | 305 ILCS 5/9-6.005 new | was 305 ILCS 5/9-6, in part |
| 14 | 305 ILCS 5/9-6.0010 new | was 305 ILCS 5/9-6, in part |
| 15 | 305 ILCS 5/9-6.0015 new | was 305 ILCS 5/9-6, in part |
| 16 | 305 ILCS 5/9-6.0020 new | was 305 ILCS 5/9-6, in part |
| 17 | 305 ILCS 5/9-6.0025 new | was 305 ILCS 5/9-6, in part |
| 18 | 305 ILCS 5/9-6.0030 new | was 305 ILCS 5/9-6, in part |
| 19 | 305 ILCS 5/9-6.0035 new | was 305 ILCS 5/9-6, in part |
| 20 | 305 ILCS 5/9-6.0040 new | was 305 ILCS 5/9-6, in part |
| 21 | 305 ILCS 5/9-6.0045 new | was 305 ILCS 5/9-6, in part |
| 22 | 305 ILCS 5/9-6.0050 new | was 305 ILCS 5/9-6, in part |
| 23 | 305 ILCS 5/9-6.1 | from Ch. 23, par. 9-6.1 |
| 24 | 305 ILCS 5/9-7 | from Ch. 23, par. 9-7 |
| 25 | 305 ILCS 5/9-8 | from Ch. 23, par. 9-8 |
| 26 | 305 ILCS 5/9-9 | from Ch. 23, par. 9-9 |
| 27 | 305 ILCS 5/9-11 | from Ch. 23, par. 9-11 |
| 28 | 305 ILCS 5/9A-3 | from Ch. 23, par. 9A-3 |
| 29 | 305 ILCS 5/9A-4 | from Ch. 23, par. 9A-4 |
| 30 | 305 ILCS 5/9A-7 | was 305 ILCS 5/9A-7, in part and |
| 31 | | subsec. (b) |
| 32 | 305 ILCS 5/9A-7.5 new | was 305 ILCS 5/9A-7, subsec. (c) |
| 33 | 305 ILCS 5/9A-8 | was 305 ILCS 5/9A-8, subsecs. |
| 34 | | (a), (b), and (c) |

1 305 ILCS 5/9A-8.05 new was 305 ILCS 5/9A-8, subsecs.
2 (d) and (e)
3 305 ILCS 5/9A-8.010 new was 305 ILCS 5/9A-8, subsecs.
4 (f), (g), and (h)
5 305 ILCS 5/9A-8.1
6 305 ILCS 5/9A-9 from Ch. 23, par. 9A-9
7 305 ILCS 5/9A-10 from Ch. 23, par. 9A-10
8 305 ILCS 5/9A-11 from Ch. 23, par. 9A-11
9 305 ILCS 5/9A-11.5
10 305 ILCS 5/9A-14
11 305 ILCS 5/10-1 from Ch. 23, par. 10-1
12 305 ILCS 5/10-3 from Ch. 23, par. 10-3
13 305 ILCS 5/10-3.1 was 305 ILCS 5/10-3.1, in part
14 305 ILCS 5/10-3.1a new was 305 ILCS 5/10-3.1, in part
15 305 ILCS 5/10-3.1b new was 305 ILCS 5/10-3.1, in part
16 305 ILCS 5/10-3.1c new was 305 ILCS 5/10-3.1, in part
17 305 ILCS 5/10-3.1d new was 305 ILCS 5/10-3.1, in part
18 305 ILCS 5/10-3.1e new was 305 ILCS 5/10-3.1, in part
19 305 ILCS 5/10-3.2 from Ch. 23, par. 10-3.2
20 305 ILCS 5/10-3.3
21 305 ILCS 5/10-3.4
22 305 ILCS 5/10-4 from Ch. 23, par. 10-4
23 305 ILCS 5/10-5 from Ch. 23, par. 10-5
24 305 ILCS 5/10-6 from Ch. 23, par. 10-6
25 305 ILCS 5/10-7 from Ch. 23, par. 10-7
26 305 ILCS 5/10-8 from Ch. 23, par. 10-8
27 305 ILCS 5/10-8.1
28 305 ILCS 5/10-9 from Ch. 23, par. 10-9
29 305 ILCS 5/10-10 was 3-5 ILCS 5/10-10, in part
30 305 ILCS 5/10-10.05 new was 305 ILCS 5/10-10, in part
31 305 ILCS 5/10-10.010 new was 305 ILCS 5/10-10, in part
32 305 ILCS 5/10-10.015 new was 305 ILCS 5/10-10, in part
33 305 ILCS 5/10-10.020 new was 305 ILCS 5/10-10, in part
34 305 ILCS 5/10-10.025 new was 305 ILCS 5/10-10, in part

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| 1 | 305 ILCS 5/10-10.030 new | was 305 ILCS 5/10-10, in part |
| 2 | 305 ILCS 5/10-10.035 new | was 305 ILCS 5/10-10, in part |
| 3 | 305 ILCS 5/10-10.040 new | was 305 ILCS 5/10-10, in part |
| 4 | 305 ILCS 5/10-10.045 new | was 305 ILCS 5/10-10, in part |
| 5 | 305 ILCS 5/10-10.050 new | was 305 ILCS 5/10-10, in part |
| 6 | 305 ILCS 5/10-10.055 new | was 305 ILCS 5/10-10, in part |
| 7 | 305 ILCS 5/10-10.060 new | was 305 ILCS 5/10-10, in part |
| 8 | 305 ILCS 5/10-10.065 new | was 305 ILCS 5/10-10, in part |
| 9 | 305 ILCS 5/10-10.070 new | was 305 ILCS 5/10-10, in part |
| 10 | 305 ILCS 5/10-10.075 new | was 305 ILCS 5/10-10, in part |
| 11 | 305 ILCS 5/10-10.080 new | was 305 ILCS 5/10-10, in part |
| 12 | 305 ILCS 5/10-10.1 | from Ch. 23, par. 10-10.1 |
| 13 | 305 ILCS 5/10-10.2 | from Ch. 23, par. 10-10.2 |
| 14 | 305 ILCS 5/10-10.3 | from Ch. 23, par. 10-10.3 |
| 15 | 305 ILCS 5/10-10.4 | |
| 16 | 305 ILCS 5/10-10.5 | |
| 17 | 305 ILCS 5/10-11 | from Ch. 23, par. 10-11 |
| 18 | 305 ILCS 5/10-11.1 | from Ch. 23, par. 10-11.1 |
| 19 | 305 ILCS 5/10-11.2 | |
| 20 | 305 ILCS 5/10-12 | from Ch. 23, par. 10-12 |
| 21 | 305 ILCS 5/10-12.1 | |
| 22 | 305 ILCS 5/10-13 | from Ch. 23, par. 10-13 |
| 23 | 305 ILCS 5/10-13.1 | from Ch. 23, par. 10-13.1 |
| 24 | 305 ILCS 5/10-13.2 | from Ch. 23, par. 10-13.2 |
| 25 | 305 ILCS 5/10-13.3 | from Ch. 23, par. 10-13.3 |
| 26 | 305 ILCS 5/10-13.4 | from Ch. 23, par. 10-13.4 |
| 27 | 305 ILCS 5/10-13.5 | from Ch. 23, par. 10-13.5 |
| 28 | 305 ILCS 5/10-13.6 | from Ch. 23, par. 10-13.6 |
| 29 | 305 ILCS 5/10-13.7 | from Ch. 23, par. 10-13.7 |
| 30 | 305 ILCS 5/10-13.8 | from Ch. 23, par. 10-13.8 |
| 31 | 305 ILCS 5/10-13.9 | from Ch. 23, par. 10-13.9 |
| 32 | 305 ILCS 5/10-13.10 | from Ch. 23, par. 10-13.10 |
| 33 | 305 ILCS 5/10-14 | from Ch. 23, par. 10-14 |
| 34 | 305 ILCS 5/10-14.1 | |

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| 1 | 305 ILCS 5/10-15 | from Ch. 23, par. 10-15 |
| 2 | 305 ILCS 5/10-16 | from Ch. 23, par. 10-16 |
| 3 | 305 ILCS 5/10-16.4 | |
| 4 | 305 ILCS 5/10-16.6 | |
| 5 | 305 ILCS 5/10-17.1 | from Ch. 23, par. 10-17.1 |
| 6 | 305 ILCS 5/10-17.2 | from Ch. 23, par. 10-17.2 |
| 7 | 305 ILCS 5/10-17.3 | from Ch. 23, par. 10-17.3 |
| 8 | 305 ILCS 5/10-17.4 | from Ch. 23, par. 10-17.4 |
| 9 | 305 ILCS 5/10-17.5 | from Ch. 23, par. 10-17.5 |
| 10 | 305 ILCS 5/10-17.6 | from Ch. 23, par. 10-17.6 |
| 11 | 305 ILCS 5/10-17.7 | |
| 12 | 305 ILCS 5/10-17.8 | |
| 13 | 305 ILCS 5/10-17.9 | |
| 14 | 305 ILCS 5/10-17.11 | |
| 15 | 305 ILCS 5/10-18 | from Ch. 23, par. 10-18 |
| 16 | 305 ILCS 5/10-19 | from Ch. 23, par. 10-19 |
| 17 | 305 ILCS 5/10-20 | from Ch. 23, par. 10-20 |
| 18 | 305 ILCS 5/10-21 | from Ch. 23, par. 10-21 |
| 19 | 305 ILCS 5/10-23 | |
| 20 | 305 ILCS 5/10-24.5 | |
| 21 | 305 ILCS 5/10-24.45 | |
| 22 | 305 ILCS 5/10-25 | |
| 23 | 305 ILCS 5/10-25.5 | |
| 24 | 305 ILCS 5/10-26 | |
| 25 | 305 ILCS 5/10-26.2 | |
| 26 | 305 ILCS 5/10-26.5 | |
| 27 | 305 ILCS 5/10-27 | |
| 28 | 305 ILCS 5/11-2 | from Ch. 23, par. 11-2 |
| 29 | 305 ILCS 5/11-2.1 | from Ch. 23, par. 11-2.1 |
| 30 | 305 ILCS 5/11-3 | from Ch. 23, par. 11-3 |
| 31 | 305 ILCS 5/11-3.2 | from Ch. 23, par. 11-3.2 |
| 32 | 305 ILCS 5/11-3.3 | from Ch. 23, par. 11-3.3 |
| 33 | 305 ILCS 5/11-4 | from Ch. 23, par. 11-4 |
| 34 | 305 ILCS 5/11-5 | from Ch. 23, par. 11-5 |

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| 1 | 305 ILCS 5/11-6 | from Ch. 23, par. 11-6 |
| 2 | 305 ILCS 5/11-6.1 | from Ch. 23, par. 11-6.1 |
| 3 | 305 ILCS 5/11-6.2 | |
| 4 | 305 ILCS 5/11-7 | from Ch. 23, par. 11-7 |
| 5 | 305 ILCS 5/11-8 | from Ch. 23, par. 11-8 |
| 6 | 305 ILCS 5/11-8.1 | from Ch. 23, par. 11-8.1 |
| 7 | 305 ILCS 5/11-8.2 | from Ch. 23, par. 11-8.2 |
| 8 | 305 ILCS 5/11-8.3 | from Ch. 23, par. 11-8.3 |
| 9 | 305 ILCS 5/11-8.4 | from Ch. 23, par. 11-8.4 |
| 10 | 305 ILCS 5/11-8.7 | from Ch. 23, par. 11-8.7 |
| 11 | 305 ILCS 5/11-9 | from Ch. 23, par. 11-9 |
| 12 | 305 ILCS 5/11-12 | from Ch. 23, par. 11-12 |
| 13 | 305 ILCS 5/11-13 | from Ch. 23, par. 11-13 |
| 14 | 305 ILCS 5/11-14.5 | |
| 15 | 305 ILCS 5/11-15 | from Ch. 23, par. 11-15 |
| 16 | 305 ILCS 5/11-16 | from Ch. 23, par. 11-16 |
| 17 | 305 ILCS 5/11-17 | from Ch. 23, par. 11-17 |
| 18 | 305 ILCS 5/11-19 | from Ch. 23, par. 11-19 |
| 19 | 305 ILCS 5/11-20 | from Ch. 23, par. 11-20 |
| 20 | 305 ILCS 5/11-20.1 | from Ch. 23, par. 11-20.1 |
| 21 | 305 ILCS 5/11-22 | was 305 ILCS 5/11-22, in part |
| 22 | 305 ILCS 5/11-22.5 new | was 305 ILCS 5/11-22, in part |
| 23 | 305 ILCS 5/11-22.10 new | was 305 ILCS 5/11-22, in part |
| 24 | 305 ILCS 5/11-22.15 new | was 305 ILCS 5/11-22, in part |
| 25 | 305 ILCS 5/11-22.20 new | was 305 ILCS 5/11-22, in part |
| 26 | 305 ILCS 5/11-22a | from Ch. 23, par. 11-22a |
| 27 | 305 ILCS 5/11-22b | was 305 ILCS 5/11-22b, subsec. (a) |
| 28 | 305 ILCS 5/11-22b.5 new | was 305 ILCS 5/11-22b, subsec. (b) |
| 29 | 305 ILCS 5/11-22b.10 new | was 305 ILCS 5/11-22b, subdvs. |
| 30 | | (c)(1) and (c)(2) |
| 31 | 305 ILCS 5/11-22b.15 new | was 305 ILCS 5/11-22b, subdvs. |
| 32 | | (c)(3) and(c)(4) and subsec. (i) |
| 33 | 305 ILCS 5/11-22b.20 new | was 305 ILCS 5/11-22b, subsec. (d) |
| 34 | 305 ILCS 5/11-22b.25 new | was 305 ILCS 5/11-22b, subsecs. |

1 (e), (f), and (g)
2 305 ILCS 5/11-22b.30 new was 305 ILCS 5/11-22b, subsec. (h)
3 305 ILCS 5/11-22c from Ch. 23, par. 11-22c
4 305 ILCS 5/11-26 was 305 ILCS 5/11-26, subsecs. (a) and (h)
5 305 ILCS 5/11-26.05 new was 305 ILCS 5/11-26, subsecs.
6 (b) and (c)
7 305 ILCS 5/11-26.010 new was 305 ILCS 5/11-26, subsec. (d)
8 305 ILCS 5/11-26.015 new was 305 ILCS 5/11-26, subsec. (e)
9 305 ILCS 5/11-26.020 new was 305 ILCS 5/11-26, subsec. (f)
10 305 ILCS 5/11-26.025 new was 305 ILCS 5/11-26, subsec. (g)
11 305 ILCS 5/11-26.030 new was 305 ILCS 5/11-26, subsec. (i)
12 305 ILCS 5/11-26.1 from Ch. 23, par. 11-26.1
13 305 ILCS 5/11-27 from Ch. 23, par. 11-27
14 305 ILCS 5/11-28 from Ch. 23, par. 11-28
15 305 ILCS 5/11-29 from Ch. 23, par. 11-29
16 305 ILCS 5/11-31
17 305 ILCS 5/12-2 from Ch. 23, par. 12-2
18 305 ILCS 5/12-3 from Ch. 23, par. 12-3
19 305 ILCS 5/12-4 from Ch. 23, par. 12-4
20 305 ILCS 5/12-4.1 from Ch. 23, par. 12-4.1
21 305 ILCS 5/12-4.3 from Ch. 23, par. 12-4.3
22 305 ILCS 5/12-4.4 from Ch. 23, par. 12-4.4
23 305 ILCS 5/12-4.5 from Ch. 23, par. 12-4.5
24 305 ILCS 5/12-4.6 from Ch. 23, par. 12-4.6
25 305 ILCS 5/12-4.7 from Ch. 23, par. 12-4.7
26 305 ILCS 5/12-4.7b
27 305 ILCS 5/12-4.7c
28 305 ILCS 5/12-4.7d
29 305 ILCS 5/12-4.8 from Ch. 23, par. 12-4.8
30 305 ILCS 5/12-4.8a
31 305 ILCS 5/12-4.9 from Ch. 23, par. 12-4.9
32 305 ILCS 5/12-4.10 from Ch. 23, par. 12-4.10
33 305 ILCS 5/12-4.11 from Ch. 23, par. 12-4.11
34 305 ILCS 5/12-4.12 from Ch. 23, par. 12-4.12

1 305 ILCS 5/12-4.14 from Ch. 23, par. 12-4.14
2 305 ILCS 5/12-4.16 from Ch. 23, par. 12-4.16
3 305 ILCS 5/12-4.17 from Ch. 23, par. 12-4.17
4 305 ILCS 5/12-4.18 from Ch. 23, par. 12-4.18
5 305 ILCS 5/12-4.19 from Ch. 23, par. 12-4.19
6 305 ILCS 5/12-4.20 from Ch. 23, par. 12-4.20
7 305 ILCS 5/12-4.20a from Ch. 23, par. 12-4.20a
8 305 ILCS 5/12-4.20c from Ch. 23, par. 12-4.20c
9 305 ILCS 5/12-4.20d from Ch. 23, par. 12-4.20d
10 305 ILCS 5/12-4.21 from Ch. 23, par. 12-4.21
11 305 ILCS 5/12-4.22 from Ch. 23, par. 12-4.22
12 305 ILCS 5/12-4.23 from Ch. 23, par. 12-4.23
13 305 ILCS 5/12-4.24 from Ch. 23, par. 12-4.24
14 305 ILCS 5/12-4.24a from Ch. 23, par. 12-4.24a
15 305 ILCS 5/12-4.25 was 305 ILCS 5/12-4.25, subsecs.
16 (A), (A-5), and (B)
17 305 ILCS 5/12-4.25.5 new was 305 ILCS 5/12-4.25, subsec. (C)
18 305 ILCS 5/12-4.25.10 new was 305 ILCS 5/12-4.25, subsec. (D)
19 305 ILCS 5/12-4.25.15 new was 305 ILCS 5/12-4.25, subsec. (E)
20 305 ILCS 5/12-4.25.20 new was 305 ILCS 5/12-4.25, subsecs.
21 (F) and (F-5)
22 305 ILCS 5/12-4.25.25 new was 305 ILCS 5/12-4.25, subsec. (G)
23 305 ILCS 5/12-4.25.30 new was 20 ILCS 2205/2205-10 and 305
24 ILCS 5/12-4.25, subsec. (H)
25 305 ILCS 5/12-4.25.35 new was 305 ILCS 5/12-4.25, subsec. (I)
26 305 ILCS 5/12-4.25a from Ch. 23, par. 12-4.25a
27 305 ILCS 5/12-4.25b from Ch. 23, par. 12-4.25b
28 305 ILCS 5/12-4.25c from Ch. 23, par. 12-4.25c
29 305 ILCS 5/12-4.26 from Ch. 23, par. 12-4.26
30 305 ILCS 5/12-4.27 from Ch. 23, par. 12-4.27
31 305 ILCS 5/12-4.29 from Ch. 23, par. 12-4.29
32 305 ILCS 5/12-4.30 from Ch. 23, par. 12-4.30
33 305 ILCS 5/12-4.33 was 305 ILCS 5/12-4.33, subsecs.
34 (a), (b), and (c)

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| 1 | 305 ILCS 5/12-4.33a new | was 305 ILCS 5/12-4.33, subsec. (d) |
| 2 | 305 ILCS 5/12-4.33b new | was 305 ILCS 5/12-4.33, subsec. (e) |
| 3 | 305 ILCS 5/12-4.33c new | was 305 ILCS 5/12-4.33, subsec. (f) |
| 4 | 305 ILCS 5/12-4.34 | |
| 5 | 305 ILCS 5/12-4.35 | |
| 6 | 305 ILCS 5/12-4.103 | |
| 7 | 305 ILCS 5/12-5 | was 305 ILCS 12-5, in part |
| 8 | 305 ILCS 5/12-5.5 new | was 305 ILCS 5/12-5, in part |
| 9 | 305 ILCS 5/12-5.10 new | was 305 ILCS 5/12-5, in part |
| 10 | 305 ILCS 5/12-5.15 new | was 305 ILCS 5/12-5, in part |
| 11 | 305 ILCS 5/12-5.20 new | was 305 ILCS 5/12-5, in part |
| 12 | 305 ILCS 5/12-5.25 new | was 305 ILCS 5/12-5, in part |
| 13 | 305 ILCS 5/12-5.30 new | was 305 ILCS 5/12-5, in part |
| 14 | 305 ILCS 5/12-5.35 new | was 305 ILCS 5/12-5, in part |
| 15 | 305 ILCS 5/12-8 | from Ch. 23, par. 12-8 |
| 16 | 305 ILCS 5/12-8.1 | |
| 17 | 305 ILCS 5/12-9 | from Ch. 23, par. 12-9 |
| 18 | 305 ILCS 5/12-9.1 | |
| 19 | 305 ILCS 5/12-10 | from Ch. 23, par. 12-10 |
| 20 | 305 ILCS 5/12-10.1 | from Ch. 23, par. 12-10.1 |
| 21 | 305 ILCS 5/12-10.2 | from Ch. 23, par. 12-10.2 |
| 22 | 305 ILCS 5/12-10.2a | |
| 23 | 305 ILCS 5/12-10.3 | from Ch. 23, par. 12-10.3 |
| 24 | 305 ILCS 5/12-10.5 | |
| 25 | 305 ILCS 5/12-10.6 | |
| 26 | 305 ILCS 5/12-12 | from Ch. 23, par. 12-12 |
| 27 | 305 ILCS 5/12-12.1 | |
| 28 | 305 ILCS 5/12-13 | from Ch. 23, par. 12-13 |
| 29 | 305 ILCS 5/12-13.05 | |
| 30 | 305 ILCS 5/12-13.2 | |
| 31 | 305 ILCS 5/12-19 | from Ch. 23, par. 12-19 |
| 32 | 305 ILCS 5/12-19.1 | from Ch. 23, par. 12-19.1 |
| 33 | 305 ILCS 5/12-19.3 | from Ch. 23, par. 12-19.3 |
| 34 | 305 ILCS 5/12-19.5 | from Ch. 23, par. 12-19.5 |

1 305 ILCS 5/12-21 from Ch. 23, par. 12-21
2 305 ILCS 5/12-21.6 from Ch. 23, par. 12-21.6
3 305 ILCS 5/12-21.7 from Ch. 23, par. 12-21.7
4 305 ILCS 5/12-21.8 from Ch. 23, par. 12-21.8
5 305 ILCS 5/12-21.10 from Ch. 23, par. 12-21.10
6 305 ILCS 5/12-21.11 from Ch. 23, par. 12-21.11
7 305 ILCS 5/12-21.12 from Ch. 23, par. 12-21.12
8 305 ILCS 5/12-21.14 from Ch. 23, par. 12-21.14
9 305 ILCS 5/12-21.16 from Ch. 23, par. 12-21.16
10 305 ILCS 5/12-21.17 from Ch. 23, par. 12-21.17
11 305 ILCS 5/12-21.18 from Ch. 23, par. 12-21.18
12 305 ILCS 5/14-1 from Ch. 23, par. 14-1
13 305 ILCS 5/14-2 from Ch. 23, par. 14-2
14 305 ILCS 5/14-3 from Ch. 23, par. 14-3
15 305 ILCS 5/14-4 from Ch. 23, par. 14-4
16 305 ILCS 5/14-5 from Ch. 23, par. 14-5
17 305 ILCS 5/14-6 from Ch. 23, par. 14-6
18 305 ILCS 5/14-7 from Ch. 23, par. 14-7
19 305 ILCS 5/14-8 was 305 ILCS 5/14-8, subsecs.
20 (a) and (b)
21 305 ILCS 5/14-8.5 new was 305 ILCS 5/14-8, subsec. (b-5)
22 305 ILCS 5/14-8.10 new was 305 ILCS 5/14-8, subsec. (c)
23 305 ILCS 5/14-8.15 new was 305 ILCS 5/14-8, subsec. (d)
24 305 ILCS 5/14-8.20 new was 305 ILCS 5/14-8, subsec. (e)
25 305 ILCS 5/14-8.25 new was 305 ILCS 5/14-8, subsec. (f)
26 305 ILCS 5/14-8.30 new was 305 ILCS 5/14-8, subsec. (f-5)
27 305 ILCS 5/14-8.35 new was 305 ILCS 5/14-8, subsec. (g)
28 305 ILCS 5/14-8.40 new was 305 ILCS 5/14-8, subsec. (h)
29 305 ILCS 5/14-8.45 new was 305 ILCS 5/14-8, subsec. (i)
30 305 ILCS 5/14-9 from Ch. 23, par. 14-9
31 305 ILCS 5/14-10 from Ch. 23, par. 14-10
32 305 ILCS 5/15-2 from Ch. 23, par. 15-2
33 305 ILCS 5/15-3 from Ch. 23, par. 15-3
34 305 ILCS 5/15-4 from Ch. 23, par. 15-4

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| 1 | 305 ILCS 5/15-5 | from Ch. 23, par. 15-5 |
| 2 | 305 ILCS 5/15-6 | from Ch. 23, par. 15-6 |
| 3 | 305 ILCS 5/15-7 | from Ch. 23, par. 15-7 |
| 4 | 305 ILCS 5/15-8 | from Ch. 23, par. 15-8 |
| 5 | 5 ILCS 100/5-160 | |
| 6 | 5 ILCS 140/7.1 | from Ch. 116, par. 207.1 |
| 7 | 30 ILCS 105/13.2 | from Ch. 127, par. 149.2 |
| 8 | 110 ILCS 805/2-16.03 | from Ch. 122, par. 102-16.2 |
| 9 | 215 ILCS 5/409 | from Ch. 73, par. 1021 |
| 10 | 215 ILCS 106/25 | |
| 11 | 215 ILCS 125/2-1 | from Ch. 111 1/2, par. 1403 |
| 12 | 215 ILCS 125/4-17 | |
| 13 | 215 ILCS 165/2 | from Ch. 32, par. 596 |
| 14 | 750 ILCS 5/505.1 | from Ch. 40, par. 505.1 |
| 15 | 750 ILCS 16/60 | |
| 16 | 750 ILCS 25/6 | from Ch. 40, par. 2706 |
| 17 | 750 ILCS 45/15.1 | from Ch. 40, par. 2515.1 |