



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3430

Introduced 2/8/2024, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-4.59 new

Amends the Administration Article of the Illinois Public Aid Code. Requires the Department of Healthcare and Family Services to develop, post, and maintain on its official website a comprehensive informational guide that explains the Medicaid 5-year look-back period as it applies to eligibility for long-term care coverage under the medical assistance program. Provides that the informational guide must be posted within 6 months after the effective date of the amendatory Act. Provides that the contents of the informational guide must include a detailed explanation of the 5-year look-back period, including its purpose and relevance to eligibility for medical assistance; clear information on how the 5-year look-back period affects eligibility criteria, including income and asset requirements; step-by-step guidance on how the 5-year look-back period is calculated, including the start date and end date considerations; explanation of the consequences and implications of transfers or gifts made during the 5-year look-back period; information on exceptions and exemptions to the 5-year look-back period, clarifying circumstances where certain transfers or assets may not be subject to scrutiny; guidance on the documentation individuals may need to provide or maintain to demonstrate compliance with the 5-year look-back period; tips and considerations for individuals and families on how to plan for eligibility for medical assistance, taking into account the 5-year look-back period; information on the process for appeals and dispute resolution related to decisions made based on the 5-year look-back period; and other matters. Provides that to ensure user-friendly navigation and visibility, the Department shall post on the main page of its official website detailed information on how users can easily access the comprehensive guide on the website and a hyperlink that directs users to the comprehensive guide. Requires the Department to develop and implement strategies and initiatives to promote awareness and utilization of the guide, including outreach efforts through community organizations, healthcare providers, and other relevant channels.

LRB103 37615 KTG 67741 b

A BILL FOR

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 12-4.59 as follows:

6 (305 ILCS 5/12-4.59 new)

7 Sec. 12-4.59. Informational guide on Medicaid 5-year
8 look-back period.

9 (a) Informational guide. Within 6 months after the
10 effective date of this amendatory Act of the 103rd General
11 Assembly, the Department of Healthcare and Family Services
12 shall develop, post, and maintain on its official website a
13 comprehensive informational guide that explains the Medicaid
14 5-year look-back period as it applies to eligibility for
15 long-term care coverage under the medical assistance program
16 established under Article V of this Code. The contents of the
17 informational guide must include the following:

18 (1) Overview of the Medicaid 5-year look-back period:
19 A detailed explanation of the 5-year look-back period,
20 including its purpose and relevance to eligibility for
21 medical assistance.

22 (2) Eligibility criteria affected by the Medicaid
23 5-year look-back period: Clear information on how the

1 5-year look-back period affects eligibility criteria,
2 including income and asset requirements.

3 (3) Calculation of the Medicaid 5-year look-back
4 period: Step-by-step guidance on how the 5-year look-back
5 period is calculated, including the start date and end
6 date considerations.

7 (4) Examples and scenarios: Real-life examples and
8 scenarios illustrating how the 5-year look-back period
9 applies in different situations, providing practical
10 insights for the public. The guide must include a
11 calculator that allows a user to enter the transfer dates
12 and monetary value of any assets the user transferred
13 during the 5-year look back period in order to estimate
14 the earliest date upon which the user may qualify for
15 medical assistance for long-term care services.

16 (5) Transfers or gifts during the Medicaid 5-year
17 look-back period: Explanation of the consequences and
18 implications of transfers or gifts made during the 5-year
19 look-back period, emphasizing the impact on eligibility
20 and potential penalties.

21 (6) Exceptions and exemptions: Information on
22 exceptions and exemptions to the 5-year look-back period,
23 clarifying circumstances where certain transfers or assets
24 may not be subject to scrutiny.

25 (7) Documentation requirements: Guidance on the
26 documentation individuals may need to provide or maintain

1 to demonstrate compliance with the 5-year look-back
2 period.

3 (8) Planning for eligibility: Tips and considerations
4 for individuals and families on how to plan for
5 eligibility for medical assistance under Article V of this
6 Code, taking into account the 5-year look-back period.

7 (9) Appeals and dispute resolution: Information on the
8 process for appeals and dispute resolution related to
9 decisions made based on the 5-year look-back period.

10 (10) Contact information and resources: Clear and
11 accessible contact information for the Department of
12 Healthcare and Family Services, as well as a listing of
13 additional resources or agencies that individuals can
14 reach out to for assistance or further clarification.

15 (11) Frequently asked questions: A "Frequently Asked
16 Questions" section that lists common questions and
17 concerns related to the 5-year look-back period and
18 provides a quick reference for users.

19 (b) Accessibility of the guide. To ensure user-friendly
20 navigation and visibility, the Department of Healthcare and
21 Family Services shall post on the main page of its official
22 website detailed information on how users can easily access
23 the comprehensive guide on the website and a hyperlink that
24 directs users to the comprehensive guide.

25 (c) Public outreach. The Department of Healthcare and
26 Family Services shall develop and implement strategies and

1 initiatives to promote awareness and utilization of the guide,
2 including outreach efforts through community organizations,
3 healthcare providers, and other relevant channels.

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