

1 AN ACT in relation to persons with disabilities.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing
6 Section 57 as follows:

7 (20 ILCS 1705/57) (from Ch. 91 1/2, par. 100-57)

8 Sec. 57. In order to identify the service needs of
9 persons with autism, the Department shall study the needs of
10 the population. The Department shall submit service needs
11 reports to the General Assembly annually which shall
12 supplement the report submitted in accordance with Public Act
13 84-1291. The reports shall include an analysis of progress
14 made since the submission of that report in the areas
15 outlined in that report, with emphasis on the following
16 areas:

17 a. Early intervention services for children with autism
18 and their parents;

19 b. Enhancement of family support mechanisms to enable
20 persons with autism to remain in a family home environment.
21 The Department shall include in the report a plan to provide
22 family support mechanisms to enable persons with autism to
23 remain in a family home environment;

24 c. Services for adequate transition for people with
25 autism from public school programs to adult work and day
26 programs; and

27 d. Facilitation of placement of persons with autism in
28 the least restrictive community setting.

29 For the purpose of this service needs review, autism
30 means a severely incapacitating life-long developmental
31 disability which:

1 a. may be manifested before a person is 30 months of
2 age,

3 b. may be caused by physical disorders of the brain, and

4 c. is characterized by uneven intellectual development
5 and a combination of disturbances in the rates and sequences
6 of cognitive, affective, psychomotor, language and speech
7 development. This syndrome is further evidenced by abnormal
8 responses to sensory stimuli, problems in developing social
9 relationships, and ritualistic and compulsive behavior.

10 (Source: P.A. 85-971.)

11 Section 10. The Illinois Public Aid Code is amended by
12 changing Section 5-2 as follows:

13 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

19 1. Recipients of basic maintenance grants under Articles
20 III and IV.

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

26 (a) All persons otherwise eligible for basic
27 maintenance under Article III but who fail to qualify
28 under that Article on the basis of need and who meet
29 either of the following requirements:

30 (i) their income, as determined by the
31 Illinois Department in accordance with any federal
32 requirements, is equal to or less than 70% in fiscal

1 year 2001, equal to or less than 85% in fiscal year
2 2002, and equal to or less than 100% in fiscal year
3 2003 and thereafter of the nonfarm income official
4 poverty line, as defined by the federal Office of
5 Management and Budget and revised annually in
6 accordance with Section 673(2) of the Omnibus Budget
7 Reconciliation Act of 1981, applicable to families
8 of the same size; or

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

17 (b) All persons who would be determined eligible
18 for such basic maintenance under Article IV by
19 disregarding the maximum earned income permitted by
20 federal law.

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

23 4. Persons not eligible under any of the preceding
24 paragraphs who fall sick, are injured, or die, not having
25 sufficient money, property or other resources to meet the
26 costs of necessary medical care or funeral and burial
27 expenses.

28 5. (a) Women during pregnancy, after the fact of
29 pregnancy has been determined by medical diagnosis, and
30 during the 60-day period beginning on the last day of the
31 pregnancy, together with their infants and children born
32 after September 30, 1983, whose income and resources are
33 insufficient to meet the costs of necessary medical care
34 to the maximum extent possible under Title XIX of the

1 Federal Social Security Act.

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

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

27 6. Persons under the age of 18 who fail to qualify as
28 dependent under Article IV and who have insufficient income
29 and resources to meet the costs of necessary medical care to
30 the maximum extent permitted under Title XIX of the Federal
31 Social Security Act.

32 7. Persons who are 18 years of age or younger and would
33 qualify as disabled as defined under the Federal Supplemental
34 Security Income Program, provided medical service for such

1 persons would be eligible for Federal Financial
2 Participation, and provided the Illinois Department
3 determines that:

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

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

11 (c) the estimated amount which would be expended
12 for care outside the institution is not greater than the
13 estimated amount which would be expended in an
14 institution.

15 8. Persons who become ineligible for basic maintenance
16 assistance under Article IV of this Code in programs
17 administered by the Illinois Department due to employment
18 earnings and persons in assistance units comprised of adults
19 and children who become ineligible for basic maintenance
20 assistance under Article VI of this Code due to employment
21 earnings. The plan for coverage for this class of persons
22 shall:

23 (a) extend the medical assistance coverage for up
24 to 12 months following termination of basic maintenance
25 assistance; and

26 (b) offer persons who have initially received 6
27 months of the coverage provided in paragraph (a) above,
28 the option of receiving an additional 6 months of
29 coverage, subject to the following:

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

32 (ii) such coverage shall include all services
33 covered while the person was eligible for basic
34 maintenance assistance;

1 (iii) no premium shall be charged for such
2 coverage; and

3 (iv) such coverage shall be suspended in the
4 event of a person's failure without good cause to
5 file in a timely fashion reports required for this
6 coverage under the Social Security Act and coverage
7 shall be reinstated upon the filing of such reports
8 if the person remains otherwise eligible.

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

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

22 11. Persons with disabilities who are employed and
23 eligible for Medicaid, pursuant to Section
24 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
25 provided by the Illinois Department by rule.

26 12. Persons who are older than 18 years of age and have
27 received benefits under paragraph 7 of this Section shall
28 remain eligible for continued benefits at the same level of
29 care, provided that a physician, licensed to practice
30 medicine in all its branches, annually determines that the
31 person requires the level of care provided by a hospital,
32 skilled nursing facility, or intermediate care facility.
33 Continued benefits shall not be dependent on the person
34 meeting eligibility requirements for federal financial

1 participation.

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

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

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

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

30 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
31 91-712, eff. 7-1-00; revised 6-26-00.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.