

1 AN ACT in relation to 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 changing Sections 5-5, 5-8, and 12-13 as follows:

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

7 Sec. 5-5. Medical services. The Illinois Department, by  
8 rule, shall determine the quantity and quality of and the  
9 rate of reimbursement for the medical assistance for which  
10 payment will be authorized, and the medical services to be  
11 provided, which may include all or part of the following: (1)  
12 inpatient hospital services; (2) outpatient hospital  
13 services; (3) other laboratory and X-ray services; (4)  
14 skilled nursing home services; (5) physicians' services  
15 whether furnished in the office, the patient's home, a  
16 hospital, a skilled nursing home, or elsewhere; (6) medical  
17 care, or any other type of remedial care furnished by  
18 licensed practitioners; (6.5) behavioral health services as  
19 defined in subsection (m) of Section 5-16.3; (6.10) mental  
20 health services as defined in subsection (m) of Section  
21 5-16.3; (7) home health care services; (8) private duty  
22 nursing service; (9) clinic services; (10) dental services;  
23 (11) physical therapy and related services; (12) prescribed  
24 drugs, dentures, and prosthetic devices; and eyeglasses  
25 prescribed by a physician skilled in the diseases of the eye,  
26 or by an optometrist, whichever the person may select; (13)  
27 other diagnostic, screening, preventive, and rehabilitative  
28 services; (14) transportation and such other expenses as may  
29 be necessary; (15) medical treatment of sexual assault  
30 survivors, as defined in Section 1a of the Sexual Assault  
31 Survivors Emergency Treatment Act, for injuries sustained as

1 a result of the sexual assault, including examinations and  
2 laboratory tests to discover evidence which may be used in  
3 criminal proceedings arising from the sexual assault; (16)  
4 the diagnosis and treatment of sickle cell anemia; and (17)  
5 any other medical care, and any other type of remedial care  
6 recognized under the laws of this State, but not including  
7 abortions, or induced miscarriages or premature births,  
8 unless, in the opinion of a physician, such procedures are  
9 necessary for the preservation of the life of the woman  
10 seeking such treatment, or except an induced premature birth  
11 intended to produce a live viable child and such procedure is  
12 necessary for the health of the mother or her unborn child.  
13 The Illinois Department, by rule, shall prohibit any  
14 physician from providing medical assistance to anyone  
15 eligible therefor under this Code where such physician has  
16 been found guilty of performing an abortion procedure in a  
17 wilful and wanton manner upon a woman who was not pregnant at  
18 the time such abortion procedure was performed. The term "any  
19 other type of remedial care" shall include nursing care and  
20 nursing home service for persons who rely on treatment by  
21 spiritual means alone through prayer for healing.

22 Notwithstanding any other provision of this Section, a  
23 comprehensive tobacco use cessation program that includes  
24 purchasing prescription drugs or prescription medical devices  
25 approved by the Food and Drug administration shall be covered  
26 under the medical assistance program under this Article for  
27 persons who are otherwise eligible for assistance under this  
28 Article.

29 Notwithstanding any other provision of this Code, the  
30 Illinois Department may not require, as a condition of  
31 payment for any laboratory test authorized under this  
32 Article, that a physician's handwritten signature appear on  
33 the laboratory test order form. The Illinois Department may,  
34 however, impose other appropriate requirements regarding

1 laboratory test order documentation.

2 The Illinois Department of Public Aid shall provide the  
3 following services to persons eligible for assistance under  
4 this Article who are participating in education, training or  
5 employment programs operated by the Department of Human  
6 Services as successor to the Department of Public Aid:

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

9 (2) eyeglasses prescribed by a physician skilled in  
10 the diseases of the eye, or by an optometrist, whichever  
11 the person may select.

12 The Illinois Department, by rule, may distinguish and  
13 classify the medical services to be provided only in  
14 accordance with the classes of persons designated in Section  
15 5-2.

16 The Illinois Department shall authorize the provision of,  
17 and shall authorize payment for, screening by low-dose  
18 mammography for the presence of occult breast cancer for  
19 women 35 years of age or older who are eligible for medical  
20 assistance under this Article, as follows: a baseline  
21 mammogram for women 35 to 39 years of age and an annual  
22 mammogram for women 40 years of age or older. All screenings  
23 shall include a physical breast exam, instruction on  
24 self-examination and information regarding the frequency of  
25 self-examination and its value as a preventative tool. As  
26 used in this Section, "low-dose mammography" means the x-ray  
27 examination of the breast using equipment dedicated  
28 specifically for mammography, including the x-ray tube,  
29 filter, compression device, image receptor, and cassettes,  
30 with an average radiation exposure delivery of less than one  
31 rad mid-breast, with 2 views for each breast.

32 Any medical or health care provider shall immediately  
33 recommend, to any pregnant woman who is being provided  
34 prenatal services and is suspected of drug abuse or is

1 addicted as defined in the Alcoholism and Other Drug Abuse  
2 and Dependency Act, referral to a local substance abuse  
3 treatment provider licensed by the Department of Human  
4 Services or to a licensed hospital which provides substance  
5 abuse treatment services. The Department of Public Aid shall  
6 assure coverage for the cost of treatment of the drug abuse  
7 or addiction for pregnant recipients in accordance with the  
8 Illinois Medicaid Program in conjunction with the Department  
9 of Human Services.

10 All medical providers providing medical assistance to  
11 pregnant women under this Code shall receive information from  
12 the Department on the availability of services under the Drug  
13 Free Families with a Future or any comparable program  
14 providing case management services for addicted women,  
15 including information on appropriate referrals for other  
16 social services that may be needed by addicted women in  
17 addition to treatment for addiction.

18 The Illinois Department, in cooperation with the  
19 Departments of Human Services (as successor to the Department  
20 of Alcoholism and Substance Abuse) and Public Health, through  
21 a public awareness campaign, may provide information  
22 concerning treatment for alcoholism and drug abuse and  
23 addiction, prenatal health care, and other pertinent programs  
24 directed at reducing the number of drug-affected infants born  
25 to recipients of medical assistance.

26 Neither the Illinois Department of Public Aid nor the  
27 Department of Human Services shall sanction the recipient  
28 solely on the basis of her substance abuse.

29 The Illinois Department shall establish such regulations  
30 governing the dispensing of health services under this  
31 Article as it shall deem appropriate. In formulating these  
32 regulations the Illinois Department shall consult with and  
33 give substantial weight to the recommendations offered by the  
34 Citizens Assembly/Council on Public Aid. The Department

1 should seek the advice of formal professional advisory  
2 committees appointed by the Director of the Illinois  
3 Department for the purpose of providing regular advice on  
4 policy and administrative matters, information dissemination  
5 and educational activities for medical and health care  
6 providers, and consistency in procedures to the Illinois  
7 Department.

8 The Illinois Department may develop and contract with  
9 Partnerships of medical providers to arrange medical services  
10 for persons eligible under Section 5-2 of this Code.  
11 Implementation of this Section may be by demonstration  
12 projects in certain geographic areas. The Partnership shall  
13 be represented by a sponsor organization. The Department, by  
14 rule, shall develop qualifications for sponsors of  
15 Partnerships. Nothing in this Section shall be construed to  
16 require that the sponsor organization be a medical  
17 organization.

18 The sponsor must negotiate formal written contracts with  
19 medical providers for physician services, inpatient and  
20 outpatient hospital care, home health services, treatment for  
21 alcoholism and substance abuse, and other services determined  
22 necessary by the Illinois Department by rule for delivery by  
23 Partnerships. Physician services must include prenatal and  
24 obstetrical care. The Illinois Department shall reimburse  
25 medical services delivered by Partnership providers to  
26 clients in target areas according to provisions of this  
27 Article and the Illinois Health Finance Reform Act, except  
28 that:

29 (1) Physicians participating in a Partnership and  
30 providing certain services, which shall be determined by  
31 the Illinois Department, to persons in areas covered by  
32 the Partnership may receive an additional surcharge for  
33 such services.

34 (2) The Department may elect to consider and

1 negotiate financial incentives to encourage the  
2 development of Partnerships and the efficient delivery of  
3 medical care.

4 (3) Persons receiving medical services through  
5 Partnerships may receive medical and case management  
6 services above the level usually offered through the  
7 medical assistance program.

8 Medical providers shall be required to meet certain  
9 qualifications to participate in Partnerships to ensure the  
10 delivery of high quality medical services. These  
11 qualifications shall be determined by rule of the Illinois  
12 Department and may be higher than qualifications for  
13 participation in the medical assistance program. Partnership  
14 sponsors may prescribe reasonable additional qualifications  
15 for participation by medical providers, only with the prior  
16 written approval of the Illinois Department.

17 Nothing in this Section shall limit the free choice of  
18 practitioners, hospitals, and other providers of medical  
19 services by clients. In order to ensure patient freedom of  
20 choice, the Illinois Department shall immediately promulgate  
21 all rules and take all other necessary actions so that  
22 provided services may be accessed from therapeutically  
23 certified optometrists to the full extent of the Illinois  
24 Optometric Practice Act of 1987 without discriminating  
25 between service providers.

26 The Department shall apply for a waiver from the United  
27 States Health Care Financing Administration to allow for the  
28 implementation of Partnerships under this Section.

29 The Illinois Department shall require health care  
30 providers to maintain records that document the medical care  
31 and services provided to recipients of Medical Assistance  
32 under this Article. The Illinois Department shall require  
33 health care providers to make available, when authorized by  
34 the patient, in writing, the medical records in a timely

1 fashion to other health care providers who are treating or  
2 serving persons eligible for Medical Assistance under this  
3 Article. All dispensers of medical services shall be  
4 required to maintain and retain business and professional  
5 records sufficient to fully and accurately document the  
6 nature, scope, details and receipt of the health care  
7 provided to persons eligible for medical assistance under  
8 this Code, in accordance with regulations promulgated by the  
9 Illinois Department. The rules and regulations shall require  
10 that proof of the receipt of prescription drugs, dentures,  
11 prosthetic devices and eyeglasses by eligible persons under  
12 this Section accompany each claim for reimbursement submitted  
13 by the dispenser of such medical services. No such claims for  
14 reimbursement shall be approved for payment by the Illinois  
15 Department without such proof of receipt, unless the Illinois  
16 Department shall have put into effect and shall be operating  
17 a system of post-payment audit and review which shall, on a  
18 sampling basis, be deemed adequate by the Illinois Department  
19 to assure that such drugs, dentures, prosthetic devices and  
20 eyeglasses for which payment is being made are actually being  
21 received by eligible recipients. Within 90 days after the  
22 effective date of this amendatory Act of 1984, the Illinois  
23 Department shall establish a current list of acquisition  
24 costs for all prosthetic devices and any other items  
25 recognized as medical equipment and supplies reimbursable  
26 under this Article and shall update such list on a quarterly  
27 basis, except that the acquisition costs of all prescription  
28 drugs shall be updated no less frequently than every 30 days  
29 as required by Section 5-5.12.

30 The rules and regulations of the Illinois Department  
31 shall require that a written statement including the required  
32 opinion of a physician shall accompany any claim for  
33 reimbursement for abortions, or induced miscarriages or  
34 premature births. This statement shall indicate what

1 procedures were used in providing such medical services.

2 The Illinois Department shall require that all dispensers  
3 of medical services, other than an individual practitioner or  
4 group of practitioners, desiring to participate in the  
5 Medical Assistance program established under this Article to  
6 disclose all financial, beneficial, ownership, equity, surety  
7 or other interests in any and all firms, corporations,  
8 partnerships, associations, business enterprises, joint  
9 ventures, agencies, institutions or other legal entities  
10 providing any form of health care services in this State  
11 under this Article.

12 The Illinois Department may require that all dispensers  
13 of medical services desiring to participate in the medical  
14 assistance program established under this Article disclose,  
15 under such terms and conditions as the Illinois Department  
16 may by rule establish, all inquiries from clients and  
17 attorneys regarding medical bills paid by the Illinois  
18 Department, which inquiries could indicate potential  
19 existence of claims or liens for the Illinois Department.

20 The Illinois Department shall establish policies,  
21 procedures, standards and criteria by rule for the  
22 acquisition, repair and replacement of orthotic and  
23 prosthetic devices and durable medical equipment. Such rules  
24 shall provide, but not be limited to, the following services:  
25 (1) immediate repair or replacement of such devices by  
26 recipients without medical authorization; and (2) rental,  
27 lease, purchase or lease-purchase of durable medical  
28 equipment in a cost-effective manner, taking into  
29 consideration the recipient's medical prognosis, the extent  
30 of the recipient's needs, and the requirements and costs for  
31 maintaining such equipment. Such rules shall enable a  
32 recipient to temporarily acquire and use alternative or  
33 substitute devices or equipment pending repairs or  
34 replacements of any device or equipment previously authorized



1 for such recipient by the Department. Rules under clause (2)  
2 above shall not provide for purchase or lease-purchase of  
3 durable medical equipment or supplies used for the purpose of  
4 oxygen delivery and respiratory care.

5 The Department shall execute, relative to the nursing  
6 home prescreening project, written inter-agency agreements  
7 with the Department of Human Services and the Department on  
8 Aging, to effect the following: (i) intake procedures and  
9 common eligibility criteria for those persons who are  
10 receiving non-institutional services; and (ii) the  
11 establishment and development of non-institutional services  
12 in areas of the State where they are not currently available  
13 or are undeveloped.

14 The Illinois Department shall develop and operate, in  
15 cooperation with other State Departments and agencies and in  
16 compliance with applicable federal laws and regulations,  
17 appropriate and effective systems of health care evaluation  
18 and programs for monitoring of utilization of health care  
19 services and facilities, as it affects persons eligible for  
20 medical assistance under this Code. The Illinois Department  
21 shall report regularly the results of the operation of such  
22 systems and programs to the Citizens Assembly/Council on  
23 Public Aid to enable the Committee to ensure, from time to  
24 time, that these programs are effective and meaningful.

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

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

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

32 (c) current rate structures and proposed changes in  
33 those rate structures for the various medical vendors;  
34 and

1 (d) efforts at utilization review and control by  
2 the Illinois Department.

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

17 (Source: P.A. 90-7, eff. 6-10-97; 90-14, eff. 7-1-97; 91-344,  
18 eff. 1-1-00; 91-462, eff. 8-6-99; 91-666, eff. 12-22-99;  
19 revised 1-6-00.)

20 (305 ILCS 5/5-8) (from Ch. 23, par. 5-8)

21 Sec. 5-8. Practitioners. In supplying medical assistance,  
22 the Illinois Department may provide for the legally  
23 authorized services of (i) persons licensed under the Medical  
24 Practice Act of 1987, as amended, except as hereafter in this  
25 Section stated, whether under a general or limited license,  
26 (ii) and--of persons licensed or registered under other laws  
27 of this State to provide dental, medical, pharmaceutical,  
28 optometric, podiatric, or nursing services, or other remedial  
29 care recognized under State law, and (iii) persons licensed  
30 under other laws of this State as a clinical psychologist,  
31 clinical social worker, or clinical professional counselor.  
32 In authorizing reimbursement for behavioral health services  
33 and mental health services, the Illinois Department may

1 provide for the legally authorized services of persons  
2 licensed under the Medical Practice Act of 1987. The  
3 Department may not provide for legally authorized services of  
4 any physician who has been convicted of having performed an  
5 abortion procedure in a wilful and wanton manner on a woman  
6 who was not pregnant at the time such abortion procedure was  
7 performed. The utilization of the services of persons  
8 engaged in the treatment or care of the sick, which persons  
9 are not required to be licensed or registered under the laws  
10 of this State, is not prohibited by this Section.  
11 (Source: P.A. 85-1209.)

12 (305 ILCS 5/12-13) (from Ch. 23, par. 12-13)  
13 Sec. 12-13. Rules and regulations. The Department shall  
14 make all rules and regulations and take such action as may be  
15 necessary or desirable for carrying out the provisions of  
16 this Code, to the end that its spirit and purpose may be  
17 achieved and the public aid programs administered efficiently  
18 throughout the State. However, the rules and regulations  
19 shall not provide that payment for services rendered to a  
20 specific recipient by (i) a person licensed under the Medical  
21 Practice Act of 1987, whether under a general or limited  
22 license, (ii) ~~or~~ a person licensed or registered under other  
23 laws of this State to provide dental, optometric, or  
24 pediatric care, or (iii) a licensed clinical psychologist,  
25 licensed clinical social worker, or licensed clinical  
26 professional counselor may be authorized only when services  
27 are recommended for that recipient by a person licensed to  
28 practice medicine in all its branches.

29 Whenever a rule of the Department requires that an  
30 applicant or recipient verify information submitted to the  
31 Department, the rule, in order to make the public fully aware  
32 of what information is required for verification, shall  
33 specify the acceptable means of verification or shall list

1 examples of acceptable means of verification.

2 The provisions of the Illinois Administrative Procedure  
3 Act are hereby expressly adopted and incorporated herein, and  
4 shall apply to all administrative rules and procedures of the  
5 Illinois Department under this Act, except that Section 5-35  
6 of the Illinois Administrative Procedure Act relating to  
7 procedures for rule-making does not apply to the adoption of  
8 any rule required by federal law in connection with which the  
9 Illinois Department is precluded by law from exercising any  
10 discretion, and the requirements of the Administrative  
11 Procedure Act with respect to contested cases are not  
12 applicable to (1) hearings involving eligibility of  
13 applicants or recipients of public aid, (2) support hearings  
14 involving responsible relatives, or (3) personnel hearings  
15 involving matters arising under Section 12-18.1.

16 (Source: P.A. 88-45.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.