

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 Section 5-2 as follows:

6 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

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

12 1. Recipients of basic maintenance grants under Articles
13 III and IV.

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

19 (a) All persons otherwise eligible for basic
20 maintenance under Article III but who fail to qualify
21 under that Article on the basis of need and who meet
22 either of the following requirements:

23 (i) their income, as determined by the
24 Illinois Department in accordance with any federal
25 requirements, is equal to or less than 70% in fiscal
26 year 2001, equal to or less than 85% in fiscal year
27 2002, and equal to or less than 100% in fiscal year
28 2003 and thereafter of the nonfarm income official
29 poverty line, as defined by the federal Office of
30 Management and Budget and revised annually in
31 accordance with Section 673(2) of the Omnibus Budget

1 Reconciliation Act of 1981, applicable to families
2 of the same size; or

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

11 (b) All persons who would be determined eligible
12 for such basic maintenance under Article IV by
13 disregarding the maximum earned income permitted by
14 federal law.

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

17 4. Persons not eligible under any of the preceding
18 paragraphs who fall sick, are injured, or die, not having
19 sufficient money, property or other resources to meet the
20 costs of necessary medical care or funeral and burial
21 expenses.

22 5. (a) Women during pregnancy, after the fact of
23 pregnancy has been determined by medical diagnosis, and
24 during the 60-day period beginning on the last day of the
25 pregnancy, together with their infants and children born
26 after September 30, 1983, whose income and resources are
27 insufficient to meet the costs of necessary medical care
28 to the maximum extent possible under Title XIX of the
29 Federal Social Security Act.

30 (b) The Illinois Department and the Governor shall
31 provide a plan for coverage of the persons eligible under
32 paragraph 5(a) by April 1, 1990. Such plan shall provide
33 ambulatory prenatal care to pregnant women during a
34 presumptive eligibility period and establish an income

1 eligibility standard that is equal to 133% of the nonfarm
2 income official poverty line, as defined by the federal
3 Office of Management and Budget and revised annually in
4 accordance with Section 673(2) of the Omnibus Budget
5 Reconciliation Act of 1981, applicable to families of the
6 same size, provided that costs incurred for medical care
7 are not taken into account in determining such income
8 eligibility.

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

21 6. Persons under the age of 18 who fail to qualify as
22 dependent under Article IV and who have insufficient income
23 and resources to meet the costs of necessary medical care to
24 the maximum extent permitted under Title XIX of the Federal
25 Social Security Act.

26 7. Persons who are 18 years of age or younger and would
27 qualify as disabled as defined under the Federal Supplemental
28 Security Income Program, provided medical service for such
29 persons would be eligible for Federal Financial
30 Participation, and provided the Illinois Department
31 determines that:

32 (a) the person requires a level of care provided by
33 a hospital, skilled nursing facility, or intermediate
34 care facility, as determined by a physician licensed to

1 practice medicine in all its branches;

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

5 (c) the estimated amount which would be expended
6 for care outside the institution is not greater than the
7 estimated amount which would be expended in an
8 institution.

9 8. Persons who become ineligible for basic maintenance
10 assistance under Article IV of this Code in programs
11 administered by the Illinois Department due to employment
12 earnings and persons in assistance units comprised of adults
13 and children who become ineligible for basic maintenance
14 assistance under Article VI of this Code due to employment
15 earnings. The plan for coverage for this class of persons
16 shall:

17 (a) extend the medical assistance coverage for up
18 to 12 months following termination of basic maintenance
19 assistance; and

20 (b) offer persons who have initially received 6
21 months of the coverage provided in paragraph (a) above,
22 the option of receiving an additional 6 months of
23 coverage, subject to the following:

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

26 (ii) such coverage shall include all services
27 covered while the person was eligible for basic
28 maintenance assistance;

29 (iii) no premium shall be charged for such
30 coverage; and

31 (iv) such coverage shall be suspended in the
32 event of a person's failure without good cause to
33 file in a timely fashion reports required for this
34 coverage under the Social Security Act and coverage

1 shall be reinstated upon the filing of such reports
2 if the person remains otherwise eligible.

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

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

16 11. Persons with disabilities who are employed and
17 eligible for Medicaid, pursuant to Section
18 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
19 provided by the Illinois Department by rule.

20 12. Persons who are covered by or eligible for Medicare
21 and whose annual household income is \$40,000 or less, for
22 coverage under this Article for prescribed drugs only.

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

26 The eligibility of any such person for medical assistance
27 under this Article is not affected by the payment of any
28 grant under the Senior Citizens and Disabled Persons Property
29 Tax Relief and Pharmaceutical Assistance Act or any
30 distributions or items of income described under subparagraph
31 (X) of paragraph (2) of subsection (a) of Section 203 of the
32 Illinois Income Tax Act. The Department shall by rule
33 establish the amounts of assets to be disregarded in
34 determining eligibility for medical assistance, which shall

1 at a minimum equal the amounts to be disregarded under the
2 Federal Supplemental Security Income Program. The amount of
3 assets of a single person to be disregarded shall not be less
4 than \$2,000, and the amount of assets of a married couple to
5 be disregarded shall not be less than \$3,000.

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

10 The eligibility of any person for medical assistance
11 under this Article shall not be affected by the receipt by
12 the person of donations or benefits from fundraisers held for
13 the person in cases of serious illness, as long as neither
14 the person nor members of the person's family have actual
15 control over the donations or benefits or the disbursement of
16 the donations or benefits.

17 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
18 91-712, eff. 7-1-00; revised 6-26-00.)