

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 Administrative Procedure Act is
5 amended by changing Section 10-65 as follows:

6 (5 ILCS 100/10-65) (from Ch. 127, par. 1010-65)
7 Sec. 10-65. Licenses.

8 (a) When any licensing is required by law to be preceded
9 by notice and an opportunity for a hearing, the provisions of
10 this Act concerning contested cases shall apply.

11 (b) When a licensee has made timely and sufficient
12 application for the renewal of a license or a new license
13 with reference to any activity of a continuing nature, the
14 existing license shall continue in full force and effect
15 until the final agency decision on the application has been
16 made unless a later date is fixed by order of a reviewing
17 court.

18 (c) An application for the renewal of a license or a new
19 license shall include the applicant's social security number.
20 Each agency shall require the licensee to certify on the
21 application form, under penalty of perjury, that he or she is
22 not more than 30 days delinquent in complying with a child
23 support order. Every application shall state that failure to
24 so certify shall result in disciplinary action, and that
25 making a false statement may subject the licensee to contempt
26 of court. The agency shall notify each applicant or licensee
27 who acknowledges a delinquency or who, contrary to his or her
28 certification, is found to be delinquent or who after
29 receiving notice, fails to comply with a subpoena or warrant
30 relating to a paternity or a child support proceeding, that
31 the agency intends to take disciplinary action. Accordingly,

1 the agency shall provide written notice of the facts or
2 conduct upon which the agency will rely to support its
3 proposed action and the applicant or licensee shall be given
4 an opportunity for a hearing in accordance with the
5 provisions of the Act concerning contested cases. Any
6 delinquency in complying with a child support order can be
7 remedied by arranging for payment of past due and current
8 support. Any failure to comply with a subpoena or warrant
9 relating to a paternity or child support proceeding can be
10 remedied by complying with the subpoena or warrant. Upon a
11 final finding of delinquency or failure to comply with a
12 subpoena or warrant, the agency shall suspend, revoke, or
13 refuse to issue or renew the license. In cases in which the
14 Department of Human Services Public Aid has previously
15 determined that an applicant or a licensee is more than 30
16 days delinquent in the payment of child support and has
17 subsequently certified the delinquency to the licensing
18 agency, and in cases in which a court has previously
19 determined that an applicant or licensee has been in
20 violation of the Non-Support Punishment Act for more than 60
21 days, the licensing agency shall refuse to issue or renew or
22 shall revoke or suspend that person's license based solely
23 upon the certification of delinquency made by the Department
24 of Human Services Public Aid or the certification of
25 violation made by the court. Further process, hearings, or
26 redetermination of the delinquency or violation by the
27 licensing agency shall not be required. The licensing
28 agency may issue or renew a license if the licensee has
29 arranged for payment of past and current child support
30 obligations in a manner satisfactory to the Department of
31 Human Services Public Aid or the court. The licensing agency
32 may impose conditions, restrictions, or disciplinary action
33 upon that license.

34 (d) Except as provided in subsection (c), no agency

1 shall revoke, suspend, annul, withdraw, amend materially, or
2 refuse to renew any valid license without first giving
3 written notice to the licensee of the facts or conduct upon
4 which the agency will rely to support its proposed action and
5 an opportunity for a hearing in accordance with the
6 provisions of this Act concerning contested cases. At the
7 hearing, the licensee shall have the right to show compliance
8 with all lawful requirements for the retention, continuation,
9 or renewal of the license. If, however, the agency finds
10 that the public interest, safety, or welfare imperatively
11 requires emergency action, and if the agency incorporates a
12 finding to that effect in its order, summary suspension of a
13 license may be ordered pending proceedings for revocation or
14 other action. Those proceedings shall be promptly instituted
15 and determined.

16 (e) Any application for renewal of a license that
17 contains required and relevant information, data, material,
18 or circumstances that were not contained in an application
19 for the existing license shall be subject to the provisions
20 of subsection (a).

21 (Source: P.A. 90-18, eff. 7-1-99; 91-613, eff. 10-1-99.)

22 Section 10. The Freedom of Information Act is amended by
23 changing Section 7.1 as follows:

24 (5 ILCS 140/7.1) (from Ch. 116, par. 207.1)

25 Sec. 7.1. Nothing in this Act shall be construed to
26 prohibit publication and dissemination by the ~~Department--of~~
27 ~~Public--Aid--or--the~~ Department of Human Services of the names
28 and addresses of entities which have had receipt of benefits
29 or payments under the Illinois Public Aid Code suspended or
30 terminated or future receipt barred, pursuant to Section
31 11-26 of that Code.

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

1 Section 15. The Intergovernmental Cooperation Act is
2 amended by changing Section 3 as follows:

3 (5 ILCS 220/3) (from Ch. 127, par. 743)

4 Sec. 3. Intergovernmental cooperation. Any power or
5 powers, privileges, functions, or authority exercised or
6 which may be exercised by a public agency of this State may
7 be exercised, combined, transferred, and enjoyed jointly with
8 any other public agency of this State and jointly with any
9 public agency of any other state or of the United States to
10 the extent that laws of such other state or of the United
11 States do not prohibit joint exercise or enjoyment and except
12 where specifically and expressly prohibited by law. This
13 includes, but is not limited to, (i) arrangements between the
14 Illinois Student Assistance Commission and agencies in other
15 states which issue professional licenses and (ii) agreements
16 between the Illinois Department of Human Services Public Aid
17 and public agencies for the establishment and enforcement of
18 child support orders and for the exchange of information that
19 may be necessary for the enforcement of those child support
20 orders.

21 (Source: P.A. 90-18, eff. 7-1-97; 91-298, eff. 7-29-99.)

22 Section 17. The Supported Employees Act is amended by
23 changing Section 4 as follows:

24 (5 ILCS 390/4) (from Ch. 127, par. 3904)

25 Sec. 4. The Department, working with the Department
26 Departments of Human Services and Public Aid, any funder or
27 provider or both, and the Interagency Committee on
28 Handicapped Employees, shall seek the cooperation, assistance
29 and participation of all State agencies in the development
30 and implementation of a supported employment program. It
31 shall be the goal of the program to appoint a minimum of 25

1 supported employees to State agency positions prior to June
2 30, 1991.

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

4 Section 20. The Election Code is amended by changing
5 Sections 1A-15, 4-6.2, 5-16.2, and 6-50.2 as follows:

6 (10 ILCS 5/1A-15) (from Ch. 46, par. 1A-15)

7 Sec. 1A-15. On the request of the Illinois Department of
8 Human Services Public Aid, the State Board of Elections shall
9 provide the Department with tapes, discs, other electronic
10 data or compilations thereof which only provide the name,
11 address and, when available, the Social Security number of
12 registered voters for the purpose of tracing absent parents
13 and the collection of child support. Such information shall
14 be provided at reasonable cost, which shall include the cost
15 of duplication plus 15% for administration. The
16 confidentiality of all information contained on such tapes,
17 discs and other electronic data or combination thereof shall
18 be protected as provided in Section 11-9 of "The Illinois
19 Public Aid Code".

20 (Source: P.A. 85-114.)

21 (10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

22 Sec. 4-6.2. (a) The county clerk shall appoint all
23 municipal and township or road district clerks or their duly
24 authorized deputies as deputy registrars who may accept the
25 registration of all qualified residents of their respective
26 municipalities, townships and road districts. A deputy
27 registrar serving as such by virtue of his status as a
28 municipal clerk, or a duly authorized deputy of a municipal
29 clerk, of a municipality the territory of which lies in more
30 than one county may accept the registration of any qualified
31 resident of the municipality, regardless of which county the

1 resident, municipal clerk or the duly authorized deputy of
2 the municipal clerk lives in.

3 The county clerk shall appoint all precinct
4 committeepersons in the county as deputy registrars who may
5 accept the registration of any qualified resident of the
6 county, except during the 28 days preceding an election.

7 The election authority shall appoint as deputy registrars
8 a reasonable number of employees of the Secretary of State
9 located at driver's license examination stations and
10 designated to the election authority by the Secretary of
11 State who may accept the registration of any qualified
12 residents of the county at any such driver's license
13 examination stations. The appointment of employees of the
14 Secretary of State as deputy registrars shall be made in the
15 manner provided in Section 2-105 of the Illinois Vehicle
16 Code.

17 The county clerk shall appoint each of the following
18 named persons as deputy registrars upon the written request
19 of such persons:

20 1. The chief librarian, or a qualified person
21 designated by the chief librarian, of any public library
22 situated within the election jurisdiction, who may accept
23 the registrations of any qualified resident of the
24 county, at such library.

25 2. The principal, or a qualified person designated
26 by the principal, of any high school, elementary school,
27 or vocational school situated within the election
28 jurisdiction, who may accept the registrations of any
29 qualified resident of the county, at such school. The
30 county clerk shall notify every principal and
31 vice-principal of each high school, elementary school,
32 and vocational school situated within the election
33 jurisdiction of their eligibility to serve as deputy
34 registrars and offer training courses for service as

1 deputy registrars at conveniently located facilities at
2 least 4 months prior to every election.

3 3. The president, or a qualified person designated
4 by the president, of any university, college, community
5 college, academy or other institution of learning
6 situated within the election jurisdiction, who may accept
7 the registrations of any resident of the county, at such
8 university, college, community college, academy or
9 institution.

10 4. A duly elected or appointed official of a bona
11 fide labor organization, or a reasonable number of
12 qualified members designated by such official, who may
13 accept the registrations of any qualified resident of the
14 county.

15 5. A duly elected or appointed official of a
16 bonafide State civic organization, as defined and
17 determined by rule of the State Board of Elections, or
18 qualified members designated by such official, who may
19 accept the registration of any qualified resident of the
20 county. In determining the number of deputy registrars
21 that shall be appointed, the county clerk shall consider
22 the population of the jurisdiction, the size of the
23 organization, the geographic size of the jurisdiction,
24 convenience for the public, the existing number of deputy
25 registrars in the jurisdiction and their location, the
26 registration activities of the organization and the need
27 to appoint deputy registrars to assist and facilitate the
28 registration of non-English speaking individuals. In no
29 event shall a county clerk fix an arbitrary number
30 applicable to every civic organization requesting
31 appointment of its members as deputy registrars. The
32 State Board of Elections shall by rule provide for
33 certification of bonafide State civic organizations. Such
34 appointments shall be made for a period not to exceed 2

1 years, terminating on the first business day of the month
2 following the month of the general election, and shall be
3 valid for all periods of voter registration as provided
4 by this Code during the terms of such appointments.

5 6. The Secretary ~~Director~~ of the Illinois
6 Department of Human Services ~~Public-Aid~~, or a reasonable
7 number of employees designated by the Secretary ~~Director~~
8 and located at public aid offices, who may accept the
9 registration of any qualified resident of the county at
10 any such public aid office.

11 7. The Director of the Illinois Department of
12 Employment Security, or a reasonable number of employees
13 designated by the Director and located at unemployment
14 offices, who may accept the registration of any qualified
15 resident of the county at any such unemployment office.

16 8. The president of any corporation as defined by
17 the Business Corporation Act of 1983, or a reasonable
18 number of employees designated by such president, who may
19 accept the registrations of any qualified resident of the
20 county.

21 If the request to be appointed as deputy registrar is
22 denied, the county clerk shall, within 10 days after the date
23 the request is submitted, provide the affected individual or
24 organization with written notice setting forth the specific
25 reasons or criteria relied upon to deny the request to be
26 appointed as deputy registrar.

27 The county clerk may appoint as many additional deputy
28 registrars as he considers necessary. The county clerk shall
29 appoint such additional deputy registrars in such manner that
30 the convenience of the public is served, giving due
31 consideration to both population concentration and area.
32 Some of the additional deputy registrars shall be selected so
33 that there are an equal number from each of the 2 major
34 political parties in the election jurisdiction. The county

1 clerk, in appointing an additional deputy registrar, shall
 2 make the appointment from a list of applicants submitted by
 3 the Chairman of the County Central Committee of the
 4 applicant's political party. A Chairman of a County Central
 5 Committee shall submit a list of applicants to the county
 6 clerk by November 30 of each year. The county clerk may
 7 require a Chairman of a County Central Committee to furnish a
 8 supplemental list of applicants.

9 Deputy registrars may accept registrations at any time
 10 other than the 28 day period preceding an election. All
 11 persons appointed as deputy registrars shall be registered
 12 voters within the county and shall take and subscribe to the
 13 following oath or affirmation:

14 "I do solemnly swear (or affirm, as the case may be) that
 15 I will support the Constitution of the United States, and the
 16 Constitution of the State of Illinois, and that I will
 17 faithfully discharge the duties of the office of deputy
 18 registrar to the best of my ability and that I will register
 19 no person nor cause the registration of any person except
 20 upon his personal application before me.

21
 22 (Signature Deputy Registrar)"

23 This oath shall be administered by the county clerk, or
 24 by one of his deputies, or by any person qualified to take
 25 acknowledgement of deeds and shall immediately thereafter be
 26 filed with the county clerk.

27 Appointments of deputy registrars under this Section,
 28 except precinct committeemen, shall be for 2-year terms,
 29 commencing on December 1 following the general election of
 30 each even-numbered year; except that the terms of the initial
 31 appointments shall be until December 1st following the next
 32 general election. Appointments of precinct committeemen shall
 33 be for 2-year terms commencing on the date of the county
 34 convention following the general primary at which they were

1 elected. The county clerk shall issue a certificate of
2 appointment to each deputy registrar, and shall maintain in
3 his office for public inspection a list of the names of all
4 appointees.

5 (b) The county clerk shall be responsible for training
6 all deputy registrars appointed pursuant to subsection (a),
7 at times and locations reasonably convenient for both the
8 county clerk and such appointees. The county clerk shall be
9 responsible for certifying and supervising all deputy
10 registrars appointed pursuant to subsection (a). Deputy
11 registrars appointed under subsection (a) shall be subject to
12 removal for cause.

13 (c) Completed registration materials under the control
14 of deputy registrars, appointed pursuant to subsection (a),
15 shall be returned to the proper election authority within 7
16 days, except that completed registration materials received
17 by the deputy registrars during the period between the 35th
18 and 29th day preceding an election shall be returned by the
19 deputy registrars to the proper election authority within 48
20 hours after receipt thereof. The completed registration
21 materials received by the deputy registrars on the 29th day
22 preceding an election shall be returned by the deputy
23 registrars within 24 hours after receipt thereof. Unused
24 materials shall be returned by deputy registrars appointed
25 pursuant to paragraph 4 of subsection (a), not later than the
26 next working day following the close of registration.

27 (d) The county clerk shall not be required to provide
28 additional forms to any deputy registrar having more than 200
29 registration forms unaccounted for during the preceding 12
30 month period.

31 (e) No deputy registrar shall engage in any
32 electioneering or the promotion of any cause during the
33 performance of his or her duties.

34 (f) The county clerk shall not be criminally or civilly

1 liable for the acts or omissions of any deputy registrar.
2 Such deputy registrars shall not be deemed to be employees of
3 the county clerk.

4 (Source: P.A. 89-653, eff. 8-14-96.)

5 (10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

6 Sec. 5-16.2. (a) The county clerk shall appoint all
7 municipal and township clerks or their duly authorized
8 deputies as deputy registrars who may accept the registration
9 of all qualified residents of their respective counties. A
10 deputy registrar serving as such by virtue of his status as a
11 municipal clerk, or a duly authorized deputy of a municipal
12 clerk, of a municipality the territory of which lies in more
13 than one county may accept the registration of any qualified
14 resident of any county in which the municipality is located,
15 regardless of which county the resident, municipal clerk or
16 the duly authorized deputy of the municipal clerk lives in.

17 The county clerk shall appoint all precinct
18 committeepersons in the county as deputy registrars who may
19 accept the registration of any qualified resident of the
20 county, except during the 28 days preceding an election.

21 The election authority shall appoint as deputy registrars
22 a reasonable number of employees of the Secretary of State
23 located at driver's license examination stations and
24 designated to the election authority by the Secretary of
25 State who may accept the registration of any qualified
26 residents of the county at any such driver's license
27 examination stations. The appointment of employees of the
28 Secretary of State as deputy registrars shall be made in the
29 manner provided in Section 2-105 of the Illinois Vehicle
30 Code.

31 The county clerk shall appoint each of the following
32 named persons as deputy registrars upon the written request
33 of such persons:

1 1. The chief librarian, or a qualified person
2 designated by the chief librarian, of any public library
3 situated within the election jurisdiction, who may accept
4 the registrations of any qualified resident of the
5 county, at such library.

6 2. The principal, or a qualified person designated
7 by the principal, of any high school, elementary school,
8 or vocational school situated within the election
9 jurisdiction, who may accept the registrations of any
10 resident of the county, at such school. The county clerk
11 shall notify every principal and vice-principal of each
12 high school, elementary school, and vocational school
13 situated within the election jurisdiction of their
14 eligibility to serve as deputy registrars and offer
15 training courses for service as deputy registrars at
16 conveniently located facilities at least 4 months prior
17 to every election.

18 3. The president, or a qualified person designated
19 by the president, of any university, college, community
20 college, academy or other institution of learning
21 situated within the election jurisdiction, who may accept
22 the registrations of any resident of the county, at such
23 university, college, community college, academy or
24 institution.

25 4. A duly elected or appointed official of a bona
26 fide labor organization, or a reasonable number of
27 qualified members designated by such official, who may
28 accept the registrations of any qualified resident of the
29 county.

30 5. A duly elected or appointed official of a bona
31 fide State civic organization, as defined and determined
32 by rule of the State Board of Elections, or qualified
33 members designated by such official, who may accept the
34 registration of any qualified resident of the county. In

1 determining the number of deputy registrars that shall be
2 appointed, the county clerk shall consider the population
3 of the jurisdiction, the size of the organization, the
4 geographic size of the jurisdiction, convenience for the
5 public, the existing number of deputy registrars in the
6 jurisdiction and their location, the registration
7 activities of the organization and the need to appoint
8 deputy registrars to assist and facilitate the
9 registration of non-English speaking individuals. In no
10 event shall a county clerk fix an arbitrary number
11 applicable to every civic organization requesting
12 appointment of its members as deputy registrars. The
13 State Board of Elections shall by rule provide for
14 certification of bona fide State civic organizations.
15 Such appointments shall be made for a period not to
16 exceed 2 years, terminating on the first business day of
17 the month following the month of the general election,
18 and shall be valid for all periods of voter registration
19 as provided by this Code during the terms of such
20 appointments.

21 6. The Secretary ~~Director~~ of the Illinois
22 Department of Human Services ~~Public Aid~~, or a reasonable
23 number of employees designated by the Secretary ~~Director~~
24 and located at public aid offices, who may accept the
25 registration of any qualified resident of the county at
26 any such public aid office.

27 7. The Director of the Illinois Department of
28 Employment Security, or a reasonable number of employees
29 designated by the Director and located at unemployment
30 offices, who may accept the registration of any qualified
31 resident of the county at any such unemployment office.

32 8. The president of any corporation as defined by
33 the Business Corporation Act of 1983, or a reasonable
34 number of employees designated by such president, who may

1 accept the registrations of any qualified resident of the
2 county.

3 If the request to be appointed as deputy registrar is
4 denied, the county clerk shall, within 10 days after the date
5 the request is submitted, provide the affected individual or
6 organization with written notice setting forth the specific
7 reasons or criteria relied upon to deny the request to be
8 appointed as deputy registrar.

9 The county clerk may appoint as many additional deputy
10 registrars as he considers necessary. The county clerk shall
11 appoint such additional deputy registrars in such manner that
12 the convenience of the public is served, giving due
13 consideration to both population concentration and area.
14 Some of the additional deputy registrars shall be selected so
15 that there are an equal number from each of the 2 major
16 political parties in the election jurisdiction. The county
17 clerk, in appointing an additional deputy registrar, shall
18 make the appointment from a list of applicants submitted by
19 the Chairman of the County Central Committee of the
20 applicant's political party. A Chairman of a County Central
21 Committee shall submit a list of applicants to the county
22 clerk by November 30 of each year. The county clerk may
23 require a Chairman of a County Central Committee to furnish a
24 supplemental list of applicants.

25 Deputy registrars may accept registrations at any time
26 other than the 28 day period preceding an election. All
27 persons appointed as deputy registrars shall be registered
28 voters within the county and shall take and subscribe to the
29 following oath or affirmation:

30 "I do solemnly swear (or affirm, as the case may be) that
31 I will support the Constitution of the United States, and the
32 Constitution of the State of Illinois, and that I will
33 faithfully discharge the duties of the office of deputy
34 registrar to the best of my ability and that I will register

1 no person nor cause the registration of any person except
2 upon his personal application before me.

3

4 (Signature of Deputy Registrar)"

5 This oath shall be administered by the county clerk, or
6 by one of his deputies, or by any person qualified to take
7 acknowledgement of deeds and shall immediately thereafter be
8 filed with the county clerk.

9 Appointments of deputy registrars under this Section,
10 except precinct committeemen, shall be for 2-year terms,
11 commencing on December 1 following the general election of
12 each even-numbered year, except that the terms of the initial
13 appointments shall be until December 1st following the next
14 general election. Appointments of precinct committeemen
15 shall be for 2-year terms commencing on the date of the
16 county convention following the general primary at which they
17 were elected. The county clerk shall issue a certificate of
18 appointment to each deputy registrar, and shall maintain in
19 his office for public inspection a list of the names of all
20 appointees.

21 (b) The county clerk shall be responsible for training
22 all deputy registrars appointed pursuant to subsection (a),
23 at times and locations reasonably convenient for both the
24 county clerk and such appointees. The county clerk shall be
25 responsible for certifying and supervising all deputy
26 registrars appointed pursuant to subsection (a). Deputy
27 registrars appointed under subsection (a) shall be subject to
28 removal for cause.

29 (c) Completed registration materials under the control
30 of deputy registrars, appointed pursuant to subsection (a),
31 shall be returned to the proper election authority within 7
32 days, except that completed registration materials received
33 by the deputy registrars during the period between the 35th
34 and 29th day preceding an election shall be returned by the

1 deputy registrars to the proper election authority within 48
2 hours after receipt thereof. The completed registration
3 materials received by the deputy registrars on the 29th day
4 preceding an election shall be returned by the deputy
5 registrars within 24 hours after receipt thereof. Unused
6 materials shall be returned by deputy registrars appointed
7 pursuant to paragraph 4 of subsection (a), not later than the
8 next working day following the close of registration.

9 (d) The county clerk shall not be required to provide
10 additional forms to any deputy registrar having more than 200
11 registration forms unaccounted for during the preceding 12
12 month period.

13 (e) No deputy registrar shall engage in any
14 electioneering or the promotion of any cause during the
15 performance of his or her duties.

16 (f) The county clerk shall not be criminally or civilly
17 liable for the acts or omissions of any deputy registrar.
18 Such deputy registers shall not be deemed to be employees of
19 the county clerk.

20 (Source: P.A. 89-653, eff. 8-14-96.)

21 (10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

22 Sec. 6-50.2. (a) The board of election commissioners
23 shall appoint all precinct committee persons in the election
24 jurisdiction as deputy registrars who may accept the
25 registration of any qualified resident of the election
26 jurisdiction, except during the 28 days preceding an
27 election.

28 The election authority shall appoint as deputy registrars
29 a reasonable number of employees of the Secretary of State
30 located at driver's license examination stations and
31 designated to the election authority by the Secretary of
32 State who may accept the registration of any qualified
33 residents of the county at any such driver's license

1 examination stations. The appointment of employees of the
2 Secretary of State as deputy registrars shall be made in the
3 manner provided in Section 2-105 of the Illinois Vehicle
4 Code.

5 The board of election commissioners shall appoint each of
6 the following named persons as deputy registrars upon the
7 written request of such persons:

8 1. The chief librarian, or a qualified person
9 designated by the chief librarian, of any public library
10 situated within the election jurisdiction, who may accept
11 the registrations of any qualified resident of the
12 election jurisdiction, at such library.

13 2. The principal, or a qualified person designated
14 by the principal, of any high school, elementary school,
15 or vocational school situated within the election
16 jurisdiction, who may accept the registrations of any
17 resident of the election jurisdiction, at such school.
18 The board of election commissioners shall notify every
19 principal and vice-principal of each high school,
20 elementary school, and vocational school situated in the
21 election jurisdiction of their eligibility to serve as
22 deputy registrars and offer training courses for service
23 as deputy registrars at conveniently located facilities
24 at least 4 months prior to every election.

25 3. The president, or a qualified person designated
26 by the president, of any university, college, community
27 college, academy or other institution of learning
28 situated within the election jurisdiction, who may accept
29 the registrations of any resident of the election
30 jurisdiction, at such university, college, community
31 college, academy or institution.

32 4. A duly elected or appointed official of a bona
33 fide labor organization, or a reasonable number of
34 qualified members designated by such official, who may

1 accept the registrations of any qualified resident of the
2 election jurisdiction.

3 5. A duly elected or appointed official of a bona
4 fide State civic organization, as defined and determined
5 by rule of the State Board of Elections, or qualified
6 members designated by such official, who may accept the
7 registration of any qualified resident of the election
8 jurisdiction. In determining the number of deputy
9 registrars that shall be appointed, the board of election
10 commissioners shall consider the population of the
11 jurisdiction, the size of the organization, the
12 geographic size of the jurisdiction, convenience for the
13 public, the existing number of deputy registrars in the
14 jurisdiction and their location, the registration
15 activities of the organization and the need to appoint
16 deputy registrars to assist and facilitate the
17 registration of non-English speaking individuals. In no
18 event shall a board of election commissioners fix an
19 arbitrary number applicable to every civic organization
20 requesting appointment of its members as deputy
21 registrars. The State Board of Elections shall by rule
22 provide for certification of bona fide State civic
23 organizations. Such appointments shall be made for a
24 period not to exceed 2 years, terminating on the first
25 business day of the month following the month of the
26 general election, and shall be valid for all periods of
27 voter registration as provided by this Code during the
28 terms of such appointments.

29 6. The Secretary ~~Director~~---of---the---Illinois
30 Department of Human Services ~~Public-Aid~~, or a reasonable
31 number of employees designated by the Secretary ~~Director~~
32 and located at public aid offices, who may accept the
33 registration of any qualified resident of the election
34 jurisdiction at any such public aid office.

1 7. The Director of the Illinois Department of
2 Employment Security, or a reasonable number of employees
3 designated by the Director and located at unemployment
4 offices, who may accept the registration of any qualified
5 resident of the election jurisdiction at any such
6 unemployment office. If the request to be appointed as
7 deputy registrar is denied, the board of election
8 commissioners shall, within 10 days after the date the
9 request is submitted, provide the affected individual or
10 organization with written notice setting forth the
11 specific reasons or criteria relied upon to deny the
12 request to be appointed as deputy registrar.

13 8. The president of any corporation, as defined by
14 the Business Corporation Act of 1983, or a reasonable
15 number of employees designated by such president, who may
16 accept the registrations of any qualified resident of the
17 election jurisdiction.

18 The board of election commissioners may appoint as many
19 additional deputy registrars as it considers necessary. The
20 board of election commissioners shall appoint such additional
21 deputy registrars in such manner that the convenience of the
22 public is served, giving due consideration to both population
23 concentration and area. Some of the additional deputy
24 registrars shall be selected so that there are an equal
25 number from each of the 2 major political parties in the
26 election jurisdiction. The board of election commissioners,
27 in appointing an additional deputy registrar, shall make the
28 appointment from a list of applicants submitted by the
29 Chairman of the County Central Committee of the applicant's
30 political party. A Chairman of a County Central Committee
31 shall submit a list of applicants to the board by November 30
32 of each year. The board may require a Chairman of a County
33 Central Committee to furnish a supplemental list of
34 applicants.

1 Deputy registrars may accept registrations at any time
 2 other than the 28 day period preceding an election. All
 3 persons appointed as deputy registrars shall be registered
 4 voters within the election jurisdiction and shall take and
 5 subscribe to the following oath or affirmation:

6 "I do solemnly swear (or affirm, as the case may be) that
 7 I will support the Constitution of the United States, and the
 8 Constitution of the State of Illinois, and that I will
 9 faithfully discharge the duties of the office of registration
 10 officer to the best of my ability and that I will register no
 11 person nor cause the registration of any person except upon
 12 his personal application before me.

13
 14 (Signature of Registration Officer)"

15 This oath shall be administered and certified to by one
 16 of the commissioners or by the executive director or by some
 17 person designated by the board of election commissioners, and
 18 shall immediately thereafter be filed with the board of
 19 election commissioners. The members of the board of election
 20 commissioners and all persons authorized by them under the
 21 provisions of this Article to take registrations, after
 22 themselves taking and subscribing to the above oath, are
 23 authorized to take or administer such oaths and execute such
 24 affidavits as are required by this Article.

25 Appointments of deputy registrars under this Section,
 26 except precinct committeemen, shall be for 2-year terms,
 27 commencing on December 1 following the general election of
 28 each even-numbered year, except that the terms of the initial
 29 appointments shall be until December 1st following the next
 30 general election. Appointments of precinct committeemen shall
 31 be for 2-year terms commencing on the date of the county
 32 convention following the general primary at which they were
 33 elected. The county clerk shall issue a certificate of
 34 appointment to each deputy registrar, and shall maintain in

1 his office for public inspection a list of the names of all
2 appointees.

3 (b) The board of election commissioners shall be
4 responsible for training all deputy registrars appointed
5 pursuant to subsection (a), at times and locations reasonably
6 convenient for both the board of election commissioners and
7 such appointees. The board of election commissioners shall
8 be responsible for certifying and supervising all deputy
9 registrars appointed pursuant to subsection (a). Deputy
10 registrars appointed under subsection (a) shall be subject to
11 removal for cause.

12 (c) Completed registration materials under the control
13 of deputy registrars appointed pursuant to subsection (a)
14 shall be returned to the proper election authority within 7
15 days, except that completed registration materials received
16 by the deputy registrars during the period between the 35th
17 and 29th day preceding an election shall be returned by the
18 deputy registrars to the proper election authority within 48
19 hours after receipt thereof. The completed registration
20 materials received by the deputy registrars on the 29th day
21 preceding an election shall be returned by the deputy
22 registrars within 24 hours after receipt thereof. Unused
23 materials shall be returned by deputy registrars appointed
24 pursuant to paragraph 4 of subsection (a), not later than the
25 next working day following the close of registration.

26 (d) The board of election commissioners shall not be
27 required to provide additional forms to any deputy registrar
28 having more than 200 registration forms unaccounted for
29 during the preceding 12 month period.

30 (e) No deputy registrar shall engage in any
31 electioneering or the promotion of any cause during the
32 performance of his or her duties.

33 (f) The board of election commissioners shall not be
34 criminally or civilly liable for the acts or omissions of any

1 deputy registrar. Such deputy registrars shall not be deemed
2 to be employees of the board of election commissioners.
3 (Source: P.A. 89-653, eff. 8-14-96.)

4 Section 25. The State Comptroller Act is amended by
5 changing Section 10.05a as follows:

6 (15 ILCS 405/10.05a) (from Ch. 15, par. 210.05a)
7 Sec. 10.05a. Deductions from Warrants and Payments for
8 Satisfaction of Past Due Child Support. At the direction of
9 the Department of Human Services Public Aid, the Comptroller
10 shall deduct from a warrant or other payment described in
11 Section 10.05 of this Act, in accordance with the procedures
12 provided therein, and pay over to the Department or the State
13 Disbursement Unit established under Section 10-26 of the
14 Illinois Public Aid Code, at the direction of the Department,
15 that amount certified as necessary to satisfy, in whole or in
16 part, past due support owed by a person on account of support
17 action being taken by the Department under Article X of the
18 Illinois Public Aid Code, whether or not such support is owed
19 to the State. Such deduction shall have priority over any
20 garnishment except that for payment of state or federal
21 taxes. In the case of joint payees, the Comptroller shall
22 deduct and pay over to the Department or the State
23 Disbursement Unit, as directed by the Department, the entire
24 amount certified. The Comptroller shall provide the
25 Department with the address to which the warrant or other
26 payment was to be mailed and the social security number of
27 each person from whom a deduction is made pursuant to this
28 Section.

29 (Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)

30 Section 30. The Civil Administrative Code of Illinois is
31 amended by changing Sections 5-15 and 5-20 as follows:

1 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

2 Sec. 5-15. Departments of State government. The
3 Departments of State government are created as follows:

4 The Department on Aging.

5 The Department of Agriculture.

6 The Department of Central Management Services.

7 The Department of Children and Family Services.

8 The Department of Commerce and Community Affairs.

9 The Department of Corrections.

10 The Department of Employment Security.

11 The Department of Financial Institutions.

12 The Department of Human Rights.

13 The Department of Human Services.

14 The Department of Insurance.

15 The Department of Labor.

16 The Department of the Lottery.

17 The Department of Natural Resources.

18 The Department of Nuclear Safety.

19 The Department of Professional Regulation.

20 ~~The Department of Public Aid.~~

21 The Department of Public Health.

22 The Department of Revenue.

23 The Department of State Police.

24 The Department of Transportation.

25 The Department of Veterans' Affairs.

26 (Source: P.A. 91-239, eff. 1-1-00.)

27 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

28 Sec. 5-20. Heads of departments. Each department shall
29 have an officer as its head who shall be known as director or
30 secretary and who shall, subject to the provisions of the
31 Civil Administrative Code of Illinois, execute the powers and
32 discharge the duties vested by law in his or her respective
33 department.

1 The following officers are hereby created:

2 Director of Aging, for the Department on Aging.

3 Director of Agriculture, for the Department of
4 Agriculture.

5 Director of Central Management Services, for the
6 Department of Central Management Services.

7 Director of Children and Family Services, for the
8 Department of Children and Family Services.

9 Director of Commerce and Community Affairs, for the
10 Department of Commerce and Community Affairs.

11 Director of Corrections, for the Department of
12 Corrections.

13 Director of Employment Security, for the Department of
14 Employment Security.

15 Director of Financial Institutions, for the Department of
16 Financial Institutions.

17 Director of Human Rights, for the Department of Human
18 Rights.

19 Secretary of Human Services, for the Department of Human
20 Services.

21 Director of Insurance, for the Department of Insurance.

22 Director of Labor, for the Department of Labor.

23 Director of the Lottery, for the Department of the
24 Lottery.

25 Director of Natural Resources, for the Department of
26 Natural Resources.

27 Director of Nuclear Safety, for the Department of Nuclear
28 Safety.

29 Director of Professional Regulation, for the Department
30 of Professional Regulation.

31 ~~Director of Public Aid, for the Department of Public Aid.~~
32 Director of Public Health, for the Department of Public
33 Health.

34 Director of Revenue, for the Department of Revenue.

1 Director of State Police, for the Department of State
2 Police.

3 Secretary of Transportation, for the Department of
4 Transportation.

5 Director of Veterans' Affairs, for the Department of
6 Veterans' Affairs.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 (20 ILCS 5/5-165 rep.)

9 (20 ILCS 5/5-230 rep.)

10 (20 ILCS 5/5-395 rep.)

11 Section 32. The Civil Administrative Code of Illinois is
12 amended by repealing Sections 5-165, 5-230, and 5-395.

13 Section 35. The Illinois Welfare and Rehabilitation
14 Services Planning Act is amended by changing Section 4 as
15 follows:

16 (20 ILCS 10/4) (from Ch. 127, par. 954)

17 Sec. 4. (a) Plans required by Section 3 shall be
18 prepared by and submitted on behalf of the following State
19 agencies, and may be prepared and submitted by another State
20 Agency designated by the Governor:

- 21 (1) the Department of Children and Family Services;
- 22 (2) (blank); ~~the Department of Public Aid;~~
- 23 (3) the Department of Corrections;
- 24 (4) the Department of Human Services;
- 25 (5) (blank);
- 26 (6) the Department of Aging;
- 27 (7) the Department of Public Health;
- 28 (8) the Department of Employment Security.

29 (b) The plans required by Section 3 of this Act shall be
30 co-ordinated with the plan adopted by the Department of Human
31 Services under Sections 48 through 52 of the Mental Health

1 and Developmental Disabilities Administrative Act and any
 2 plan adopted, re-adopted or amended by the Department of
 3 Human Services under those Sections shall be coordinated with
 4 plans required under Section 3 of this Act.

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

6 Section 40. The Illinois Act on the Aging is amended by
 7 changing Sections 4, 4.02, 4.02b, 4.06, and 8.01 as follows:

8 (20 ILCS 105/4) (from Ch. 23, par. 6104)

9 Sec. 4. There is created the Department on Aging. The
 10 Director of the Department on Aging, in conjunction with the
 11 Secretary ~~Director~~ of the Department of Human Services Public
 12 Aid shall prepare and implement a plan to transfer all
 13 personnel, materials, books, records, appropriations and
 14 equipment related to "Services to Older People" in the
 15 Department of Human Services Public~~--Aid~~ as described in
 16 Article VIII of, "The Illinois Public Aid Code", to the
 17 Department on Aging by the effective date of this Act. The
 18 Department on Aging shall administer programs related to
 19 "Services to Older People", described in Article VIII of,
 20 "The Illinois Public Aid Code", on the effective date of this
 21 Act.

22 Upon the effective date of this Act, the Department on
 23 Aging shall be the single State agency for receiving and
 24 disbursing federal funds made available under the "Older
 25 Americans Act".

26 (Source: P.A. 78-242.)

27 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

28 Sec. 4.02. The Department shall establish a program of
 29 services to prevent unnecessary institutionalization of
 30 persons age 60 and older in need of long term care or who are
 31 established as persons who suffer from Alzheimer's disease or

1 a related disorder under the Alzheimer's Disease Assistance
2 Act, thereby enabling them to remain in their own homes or in
3 other living arrangements. Such preventive services, which
4 may be coordinated with other programs for the aged and
5 monitored by area agencies on aging in cooperation with the
6 Department, may include, but are not limited to, any or all
7 of the following:

- 8 (a) home health services;
- 9 (b) home nursing services;
- 10 (c) homemaker services;
- 11 (d) chore and housekeeping services;
- 12 (e) day care services;
- 13 (f) home-delivered meals;
- 14 (g) education in self-care;
- 15 (h) personal care services;
- 16 (i) adult day health services;
- 17 (j) habilitation services;
- 18 (k) respite care;
- 19 (l) other nonmedical social services that may
20 enable the person to become self-supporting; or
- 21 (m) clearinghouse for information provided by
22 senior citizen home owners who want to rent rooms to or
23 share living space with other senior citizens.

24 The Department shall establish eligibility standards for
25 such services taking into consideration the unique economic
26 and social needs of the target population for whom they are
27 to be provided. Such eligibility standards shall be based on
28 the recipient's ability to pay for services; provided,
29 however, that in determining the amount and nature of
30 services for which a person may qualify, consideration shall
31 not be given to the value of cash, property or other assets
32 held in the name of the person's spouse pursuant to a written
33 agreement dividing marital property into equal but separate
34 shares or pursuant to a transfer of the person's interest in

1 a home to his spouse, provided that the spouse's share of the
2 marital property is not made available to the person seeking
3 such services. The Department shall, in conjunction with the
4 Department of Human Services Public-Aid, seek appropriate
5 amendments under Sections 1915 and 1924 of the Social
6 Security Act. The purpose of the amendments shall be to
7 extend eligibility for home and community based services
8 under Sections 1915 and 1924 of the Social Security Act to
9 persons who transfer to or for the benefit of a spouse those
10 amounts of income and resources allowed under Section 1924 of
11 the Social Security Act. Subject to the approval of such
12 amendments, the Department shall extend the provisions of
13 Section 5-4 of the Illinois Public Aid Code to persons who,
14 but for the provision of home or community-based services,
15 would require the level of care provided in an institution,
16 as is provided for in federal law. Those persons no longer
17 found to be eligible for receiving noninstitutional services
18 due to changes in the eligibility criteria shall be given 60
19 days notice prior to actual termination. Those persons
20 receiving notice of termination may contact the Department
21 and request the determination be appealed at any time during
22 the 60 day notice period. With the exception of the
23 lengthened notice and time frame for the appeal request, the
24 appeal process shall follow the normal procedure. In
25 addition, each person affected regardless of the
26 circumstances for discontinued eligibility shall be given
27 notice and the opportunity to purchase the necessary services
28 through the Community Care Program. If the individual does
29 not elect to purchase services, the Department shall advise
30 the individual of alternative services. The target population
31 identified for the purposes of this Section are persons age
32 60 and older with an identified service need. Priority shall
33 be given to those who are at imminent risk of
34 institutionalization. The services shall be provided to

1 eligible persons age 60 and older to the extent that the cost
2 of the services together with the other personal maintenance
3 expenses of the persons are reasonably related to the
4 standards established for care in a group facility
5 appropriate to the person's condition. These
6 non-institutional services, pilot projects or experimental
7 facilities may be provided as part of or in addition to those
8 authorized by federal law or those funded and administered by
9 the Department of Human Services. The Departments of Human
10 Services, ~~Public--Aid~~, Public Health, Veterans' Affairs, and
11 Commerce and Community Affairs and other appropriate agencies
12 of State, federal and local governments shall cooperate with
13 the Department on Aging in the establishment and development
14 of the non-institutional services. The Department shall
15 require an annual audit from all chore/housekeeping and
16 homemaker vendors contracting with the Department under this
17 Section. The annual audit shall assure that each audited
18 vendor's procedures are in compliance with Department's
19 financial reporting guidelines requiring a 27% administrative
20 cost split and a 73% employee wages and benefits cost split.
21 The audit is a public record under the Freedom of Information
22 Act. The Department shall execute, relative to the nursing
23 home prescreening project, written inter-agency agreements
24 with the Department of Human Services ~~and-the-Department-of~~
25 ~~Public-Aid~~, to effect the following: (1) intake procedures
26 and common eligibility criteria for those persons who are
27 receiving non-institutional services; and (2) the
28 establishment and development of non-institutional services
29 in areas of the State where they are not currently available
30 or are undeveloped. On and after July 1, 1996, all nursing
31 home prescreenings for individuals 60 years of age or older
32 shall be conducted by the Department.

33 The Department is authorized to establish a system of
34 recipient copayment for services provided under this Section,

1 such copayment to be based upon the recipient's ability to
2 pay but in no case to exceed the actual cost of the services
3 provided. Additionally, any portion of a person's income
4 which is equal to or less than the federal poverty standard
5 shall not be considered by the Department in determining the
6 copayment. The level of such copayment shall be adjusted
7 whenever necessary to reflect any change in the officially
8 designated federal poverty standard.

9 The Department, or the Department's authorized
10 representative, shall recover the amount of moneys expended
11 for services provided to or in behalf of a person under this
12 Section by a claim against the person's estate or against the
13 estate of the person's surviving spouse, but no recovery may
14 be had until after the death of the surviving spouse, if any,
15 and then only at such time when there is no surviving child
16 who is under age 21, blind, or permanently and totally
17 disabled. This paragraph, however, shall not bar recovery,
18 at the death of the person, of moneys for services provided
19 to the person or in behalf of the person under this Section
20 to which the person was not entitled; provided that such
21 recovery shall not be enforced against any real estate while
22 it is occupied as a homestead by the surviving spouse or
23 other dependent, if no claims by other creditors have been
24 filed against the estate, or, if such claims have been filed,
25 they remain dormant for failure of prosecution or failure of
26 the claimant to compel administration of the estate for the
27 purpose of payment. This paragraph shall not bar recovery
28 from the estate of a spouse, under Sections 1915 and 1924 of
29 the Social Security Act and Section 5-4 of the Illinois
30 Public Aid Code, who precedes a person receiving services
31 under this Section in death. All moneys for services paid to
32 or in behalf of the person under this Section shall be
33 claimed for recovery from the deceased spouse's estate.
34 "Homestead", as used in this paragraph, means the dwelling

1 house and contiguous real estate occupied by a surviving
2 spouse or relative, as defined by the rules and regulations
3 of the Illinois Department of Human Services Public Aid,
4 regardless of the value of the property.

5 The Department shall develop procedures to enhance
6 availability of services on evenings, weekends, and on an
7 emergency basis to meet the respite needs of caregivers.
8 Procedures shall be developed to permit the utilization of
9 services in successive blocks of 24 hours up to the monthly
10 maximum established by the Department. Workers providing
11 these services shall be appropriately trained.

12 Beginning on the effective date of this Amending Act of
13 1991, no person may perform chore/housekeeping and homemaker
14 services under a program authorized by this Section unless
15 that person has been issued a certificate of pre-service to
16 do so by his or her employing agency. Information gathered
17 to effect such certification shall include (i) the person's
18 name, (ii) the date the person was hired by his or her
19 current employer, and (iii) the training, including dates and
20 levels. Persons engaged in the program authorized by this
21 Section before the effective date of this amending Act of
22 1991 shall be issued a certificate of all pre- and in-service
23 training from his or her employer upon submitting the
24 necessary information. The employing agency shall be
25 required to retain records of all staff pre- and in-service
26 training, and shall provide such records to the Department
27 upon request and upon termination of the employer's contract
28 with the Department. In addition, the employing agency is
29 responsible for the issuance of certifications of in-service
30 training completed to their employees.

31 The Department is required to develop a system to ensure
32 that persons working as homemakers and chore housekeepers
33 receive increases in their wages when the federal minimum
34 wage is increased by requiring vendors to certify that they

1 are meeting the federal minimum wage statute for homemakers
2 and chore housekeepers. An employer that cannot ensure that
3 the minimum wage increase is being given to homemakers and
4 chore housekeepers shall be denied any increase in
5 reimbursement costs.

6 The Department on Aging and the Department of Human
7 Services shall cooperate in the development and submission of
8 an annual report on programs and services provided under this
9 Section. Such joint report shall be filed with the Governor
10 and the General Assembly on or before September 30 each year.

11 The requirement for reporting to the General Assembly
12 shall be satisfied by filing copies of the report with the
13 Speaker, the Minority Leader and the Clerk of the House of
14 Representatives and the President, the Minority Leader and
15 the Secretary of the Senate and the Legislative Research
16 Unit, as required by Section 3.1 of the General Assembly
17 Organization Act and filing such additional copies with the
18 State Government Report Distribution Center for the General
19 Assembly as is required under paragraph (t) of Section 7 of
20 the State Library Act.

21 Those persons previously found eligible for receiving
22 non-institutional services whose services were discontinued
23 under the Emergency Budget Act of Fiscal Year 1992, and who
24 do not meet the eligibility standards in effect on or after
25 July 1, 1992, shall remain ineligible on and after July 1,
26 1992. Those persons previously not required to cost-share
27 and who were required to cost-share effective March 1, 1992,
28 shall continue to meet cost-share requirements on and after
29 July 1, 1992. Beginning July 1, 1992, all clients will be
30 required to meet eligibility, cost-share, and other
31 requirements and will have services discontinued or altered
32 when they fail to meet these requirements.

33 (Source: P.A. 91-303, eff. 1-1-00; 91-798, eff. 7-9-00.)

1 (20 ILCS 105/4.02b) (from Ch. 23, par. 6104.02b)

2 Sec. 4.02b. Community based residential facilities. The
3 Department may develop criteria for no more than 3 projects
4 to participate in a supported congregate living arrangement
5 demonstration. No other projects may be added to the
6 demonstration unless one of the projects previously approved
7 by the Department and the Illinois Department of Public
8 Health withdraws or is terminated from the demonstration.
9 Each project may serve a maximum of 60 clients, except that
10 one project may be increased to serve a maximum of 175
11 clients upon approval by the Department and the Illinois
12 Department of Public Health. The demonstration may include
13 the use of community-based, multi-day residential facilities.
14 Clients may be served long-term or short-term as a means of
15 relieving family caregivers. Management of these projects
16 may offer or contract for such services to preclude the need
17 for nursing home care; however, projects shall not provide
18 sheltered care, or other nursing home care as defined in the
19 Nursing Home Care Act, unless a wavier is obtained pursuant
20 to Section 3-102.2 of that Act.

21 Supported congregate living arrangements must apply to
22 the Department for participation in the demonstration
23 project. The Department shall develop, in consultation with
24 the Illinois Department of Public Health, criteria for
25 participation in the project. A project shall have one year
26 from the date of approval to become operational. One project
27 must involve the conversion of an existing licensed long-term
28 care facility or portion thereof. If no existing facility
29 applies within one year after the Department begins to accept
30 applications for the pilot project, the Department may select
31 an alternate project that does not involve the conversion of
32 an existing facility. During the period of operation of the
33 demonstration project, the existing licensed beds shall
34 remain licensed as long-term care beds. At the conclusion of

1 the demonstration project, the beds may revert to long-term
 2 care or the facility may choose to seek appropriate approval
 3 to continue to operate as an assisted living facility or a
 4 similar program as established by law. Upon approval of an
 5 application, the Department and the applicant shall submit a
 6 joint waiver request to the Department of Public Health
 7 pursuant to Section 3-102.2 of the Nursing Home Care Act. If
 8 the Department does not act upon an application within 60
 9 days, the applicant may file a written waiver request on its
 10 own behalf.

11 The Department shall promulgate rules and provide
 12 oversight for the project. The Department of Human Services
 13 Public--Aid and the Department of Public Health may offer
 14 advice and assistance as needed.

15 The project may be funded through the Department's
 16 community care program appropriations that may include
 17 medicaid waiver funds available through the Department of
 18 Human Services Public-Aid.

19 The Department shall report annually to the General
 20 Assembly by January 1 upon its activities under this Section.

21 The demonstration project shall terminate when an
 22 assisted living or similar client focused residential program
 23 is established by law or on June 30, 2001, whichever is
 24 earlier.

25 (Source: P.A. 89-530, eff. 7-19-96.)

26 (20 ILCS 105/4.06)

27 Sec. 4.06. Minority Senior Citizen Program. The
 28 Department shall develop a program to identify the special
 29 needs and problems of minority senior citizens and evaluate
 30 the adequacy and accessibility of existing programs and
 31 information for minority senior citizens. The Department
 32 shall coordinate services for minority senior citizens
 33 through the Department of Public Health, ~~the Department of~~

1 ~~Public-Aid~~, and the Department of Human Services.

2 The Department shall develop procedures to enhance and
3 identify availability of services and shall promulgate
4 administrative rules to establish the responsibilities of the
5 Department.

6 The Department on Aging, the Department of Public Health,
7 ~~the-Department-of-Public-Aid~~, and the Department of Human
8 Services shall cooperate in the development and submission of
9 an annual report on programs and services provided under this
10 Section. The joint report shall be filed with the Governor
11 and the General Assembly on or before September 30 of each
12 year.

13 (Source: P.A. 88-254; 89-507, eff. 7-1-97.)

14 (20 ILCS 105/8.01) (from Ch. 23, par. 6108.01)

15 Sec. 8.01. Coordinating Committee; members. The
16 Coordinating Committee of State Agencies Serving Older
17 Persons shall consist of the Director of the Department on
18 Aging or his or her designee as Chairman, the State
19 Superintendent of Education or his or her designee, the
20 Secretary of Human Services or his or her designee, the
21 Secretary of Transportation or his or her designee, and the
22 Directors, or the designee or designees of any or all of the
23 Directors, of the following Departments or agencies: Labor;
24 Veterans' Affairs; Public Health; ~~Public--Aid~~; Children and
25 Family Services; Commerce and Community Affairs; Insurance;
26 Revenue; Illinois Housing Development Authority; and
27 Comprehensive State Health Planning.

28 (Source: P.A. 90-609, eff. 6-30-98; 91-61, eff. 6-30-99.)

29 Section 45. The Alcoholism and Other Drug Abuse and
30 Dependency Act is amended by changing Sections 5-10, 10-45,
31 and 35-5 as follows:

1 (20 ILCS 301/5-10)

2 Sec. 5-10. Functions of the Department.

3 (a) In addition to the powers, duties and functions
4 vested in the Department by this Act, or by other laws of
5 this State, the Department shall carry out the following
6 activities:

7 (1) Design, coordinate and fund a comprehensive and
8 coordinated community-based and culturally and
9 gender-appropriate array of services throughout the State
10 for the prevention, intervention, treatment and
11 rehabilitation of alcohol and other drug abuse and
12 dependency that is accessible and addresses the needs of
13 at-risk or addicted individuals and their families.

14 (2) Act as the exclusive State agency to accept,
15 receive and expend, pursuant to appropriation, any public
16 or private monies, grants or services, including those
17 received from the federal government or from other State
18 agencies, for the purpose of providing an array of
19 services for the prevention, intervention, treatment and
20 rehabilitation of alcoholism or other drug abuse or
21 dependency. Monies received by the Department shall be
22 deposited into appropriate funds as may be created by
23 State law or administrative action.

24 (3) Coordinate a statewide strategy among State
25 agencies for the prevention, intervention, treatment and
26 rehabilitation of alcohol and other drug abuse and
27 dependency. This strategy shall include the development
28 of an annual comprehensive State plan for the provision
29 of an array of services for education, prevention,
30 intervention, treatment, relapse prevention and other
31 services and activities to alleviate alcoholism and other
32 drug abuse and dependency. The plan shall be based on
33 local community-based needs and upon data including, but
34 not limited to, that which defines the prevalence of and

1 costs associated with the abuse of and dependency upon
2 alcohol and other drugs. This comprehensive State plan
3 shall include identification of problems, needs,
4 priorities, services and other pertinent information,
5 including the needs of minorities and other specific
6 populations in the State, and shall describe how the
7 identified problems and needs will be addressed. For
8 purposes of this paragraph, the term "minorities and
9 other specific populations" may include, but shall not be
10 limited to, groups such as women, children, intravenous
11 drug users, persons with AIDS or who are HIV infected,
12 African-Americans, Puerto Ricans, Hispanics, Asian
13 Americans, the elderly, persons in the criminal justice
14 system, persons who are clients of services provided by
15 other State agencies, persons with disabilities and such
16 other specific populations as the Department may from
17 time to time identify. In developing the plan, the
18 Department shall seek input from providers, parent
19 groups, associations and interested citizens.

20 Beginning with State fiscal year 1996, the annual
21 comprehensive State plan developed under this Section
22 shall include an explanation of the rationale to be used
23 in ensuring that funding shall be based upon local
24 community needs, including, but not limited to, the
25 incidence and prevalence of, and costs associated with,
26 the abuse of and dependency upon alcohol and other drugs,
27 as well as upon demonstrated program performance.

28 The annual comprehensive State plan developed under
29 this Section shall contain a report detailing the
30 activities of and progress made by the programs for the
31 care and treatment of addicted pregnant women, addicted
32 mothers and their children established under subsection
33 (j) of Section 35-5 of this Act.

34 Each State agency which provides or funds alcohol or

1 drug prevention, intervention and treatment services
2 shall annually prepare an agency plan for providing such
3 services, and these shall be used by the Department in
4 preparing the annual comprehensive statewide plan. Each
5 agency's annual plan for alcohol and drug abuse services
6 shall contain a report on the activities and progress of
7 such services in the prior year. The Department may
8 provide technical assistance to other State agencies, as
9 required, in the development of their agency plans.

10 (4) Lead, foster and develop cooperation,
11 coordination and agreements among federal and State
12 governmental agencies and local providers that provide
13 assistance, services, funding or other functions,
14 peripheral or direct, in the prevention, intervention,
15 treatment or rehabilitation of alcoholism and other drug
16 abuse and dependency. This shall include, but shall not
17 be limited to, the following:

18 (A) Cooperate with and assist the Department
19 of Corrections and the Department on Aging in
20 establishing and conducting programs relating to
21 alcoholism and other drug abuse and dependency among
22 those populations which they respectively serve.

23 (B) Cooperate with and assist the Illinois
24 Department of Public Health in the establishment,
25 funding and support of programs and services for the
26 promotion of maternal and child health and the
27 prevention and treatment of infectious diseases,
28 including but not limited to HIV infection,
29 especially with respect to those persons who may
30 abuse drugs by intravenous injection, or may have
31 been sexual partners of drug abusers, or may have
32 abused substances so that their immune systems are
33 impaired, causing them to be at high risk.

34 (C) Supply to the Department of Public Health

1 and prenatal care providers a list of all alcohol
2 and other drug abuse service providers for addicted
3 pregnant women in this State.

4 (D) Assist in the placement of child abuse or
5 neglect perpetrators (identified by the Illinois
6 Department of Children and Family Services) who have
7 been determined to be in need of alcohol or other
8 drug abuse services pursuant to Section 8.2 of the
9 Abused and Neglected Child Reporting Act.

10 (E) Cooperate with and assist the Illinois
11 Department of Children and Family Services in
12 carrying out its mandates to:

13 (i) identify alcohol and other drug abuse
14 issues among its clients and their families;
15 and

16 (ii) develop programs and services to
17 deal with such problems.

18 These programs and services may include, but shall
19 not be limited to, programs to prevent the abuse of
20 alcohol or other drugs by DCFS clients and their
21 families, rehabilitation services, identifying child
22 care needs within the array of alcohol and other
23 drug abuse services, and assistance with other
24 issues as required.

25 (F) Cooperate with and assist the Illinois
26 Criminal Justice Information Authority with respect
27 to statistical and other information concerning drug
28 abuse incidence and prevalence.

29 (G) Cooperate with and assist the State
30 Superintendent of Education, boards of education,
31 schools, police departments, the Illinois Department
32 of State Police, courts and other public and private
33 agencies and individuals in establishing prevention
34 programs statewide and preparing curriculum

1 materials for use at all levels of education. An
2 agreement shall be entered into with the State
3 Superintendent of Education to assist in the
4 establishment of such programs.

5 (H) Develop and provide ~~Coöperate--with-and~~
6 ~~assist-the-Illinois-Department-of-Public-Aid-in--the~~
7 ~~development--and--provision--of~~ services offered to
8 recipients of public assistance for the treatment
9 and prevention of alcoholism and other drug abuse
10 and dependency.

11 (I) Provide training recommendations to other
12 State agencies funding alcohol or other drug abuse
13 prevention, intervention, treatment or
14 rehabilitation services.

15 (5) From monies appropriated to the Department from
16 the Drunk and Drugged Driving Prevention Fund, make
17 grants to reimburse DUI evaluation and remedial education
18 programs licensed by the Department for the costs of
19 providing indigent persons with free or reduced-cost
20 services relating to a charge of driving under the
21 influence of alcohol or other drugs.

22 (6) Promulgate regulations to provide appropriate
23 standards for publicly and privately funded programs as
24 well as for levels of payment to government funded
25 programs which provide an array of services for
26 prevention, intervention, treatment and rehabilitation
27 for alcoholism and other drug abuse or dependency.

28 (7) In consultation with local service providers,
29 specify a uniform statistical methodology for use by
30 agencies, organizations, individuals and the Department
31 for collection and dissemination of statistical
32 information regarding services related to alcoholism and
33 other drug use and abuse. This shall include prevention
34 services delivered, the number of persons treated,

1 frequency of admission and readmission, and duration of
2 treatment.

3 (8) Receive data and assistance from federal, State
4 and local governmental agencies, and obtain copies of
5 identification and arrest data from all federal, State
6 and local law enforcement agencies for use in carrying
7 out the purposes and functions of the Department.

8 (9) Designate and license providers to conduct
9 screening, assessment, referral and tracking of clients
10 identified by the criminal justice system as having
11 indications of alcoholism or other drug abuse or
12 dependency and being eligible to make an election for
13 treatment under Section 40-5 of this Act, and assist in
14 the placement of individuals who are under court order to
15 participate in treatment.

16 (10) Designate medical examination and other
17 programs for determining alcoholism and other drug abuse
18 and dependency.

19 (11) Encourage service providers who receive
20 financial assistance in any form from the State to assess
21 and collect fees for services rendered.

22 (12) Make grants with funds appropriated from the
23 Drug Treatment Fund in accordance with Section 7 of the
24 Controlled Substance and Cannabis Nuisance Act, or in
25 accordance with subsections (h) and (i) of Section 411.2
26 of the Illinois Controlled Substances Act.

27 (13) Encourage all health and disability insurance
28 programs to include alcoholism and other drug abuse and
29 dependency as a covered illness.

30 (14) Make such agreements, grants-in-aid and
31 purchase-care arrangements with any other department,
32 authority or commission of this State, or any other state
33 or the federal government or with any public or private
34 agency, including the disbursement of funds and

1 furnishing of staff, to effectuate the purposes of this
2 Act.

3 (15) Conduct a public information campaign to
4 inform the State's Hispanic residents regarding the
5 prevention and treatment of alcoholism.

6 (b) In addition to the powers, duties and functions
7 vested in it by this Act, or by other laws of this State, the
8 Department may undertake, but shall not be limited to, the
9 following activities:

10 (1) Require all programs funded by the Department
11 to include an education component to inform participants
12 regarding the causes and means of transmission and
13 methods of reducing the risk of acquiring or transmitting
14 HIV infection, and to include funding for such education
15 component in its support of the program.

16 (2) Review all State agency applications for
17 federal funds which include provisions relating to the
18 prevention, early intervention and treatment of
19 alcoholism and other drug abuse and dependency in order
20 to ensure consistency with the comprehensive statewide
21 plan developed pursuant to this Act.

22 (3) Prepare, publish, evaluate, disseminate and
23 serve as a central repository for educational materials
24 dealing with the nature and effects of alcoholism and
25 other drug abuse and dependency. Such materials may deal
26 with the educational needs of the citizens of Illinois,
27 and may include at least pamphlets which describe the
28 causes and effects of fetal alcohol syndrome, which the
29 Department may distribute free of charge to each county
30 clerk in sufficient quantities that the county clerk may
31 provide a pamphlet to the recipients of all marriage
32 licenses issued in the county.

33 (4) Develop and coordinate, with regional and local
34 agencies, education and training programs for persons

1 engaged in providing the array of services for persons
2 having alcoholism or other drug abuse and dependency
3 problems, which programs may include specific HIV
4 education and training for program personnel.

5 (5) Cooperate with and assist in the development of
6 education, prevention and treatment programs for
7 employees of State and local governments and businesses
8 in the State.

9 (6) Utilize the support and assistance of
10 interested persons in the community, including recovering
11 addicts and alcoholics, to assist individuals and
12 communities in understanding the dynamics of addiction,
13 and to encourage individuals with alcohol or other drug
14 abuse or dependency problems to voluntarily undergo
15 treatment.

16 (7) Promote, conduct, assist or sponsor basic
17 clinical, epidemiological and statistical research into
18 alcoholism and other drug abuse and dependency, and
19 research into the prevention of those problems either
20 solely or in conjunction with any public or private
21 agency.

22 (8) Cooperate with public and private agencies,
23 organizations and individuals in the development of
24 programs, and to provide technical assistance and
25 consultation services for this purpose.

26 (9) Publish or provide for the publishing of a
27 manual to assist medical and social service providers in
28 identifying alcoholism and other drug abuse and
29 dependency and coordinating the multidisciplinary
30 delivery of services to addicted pregnant women, addicted
31 mothers and their children. The manual may be used only
32 to provide information and may not be used by the
33 Department to establish practice standards. The
34 Department may not require recipients to use specific

1 providers nor may they require providers to refer
2 recipients to specific providers. The manual may include,
3 but need not be limited to, the following:

4 (A) Information concerning risk assessments of
5 women seeking prenatal, natal, and postnatal medical
6 care.

7 (B) Information concerning risk assessments of
8 infants who may be substance-affected.

9 (C) Protocols that have been adopted by the
10 Illinois Department of Children and Family Services
11 for the reporting and investigation of allegations
12 of child abuse or neglect under the Abused and
13 Neglected Child Reporting Act.

14 (D) Summary of procedures utilized in juvenile
15 court in cases of children alleged or found to be
16 abused or neglected as a result of being born to
17 addicted women.

18 (E) Information concerning referral of
19 addicted pregnant women, addicted mothers and their
20 children by medical, social service, and substance
21 abuse treatment providers, by the Departments of
22 Children and Family Services, Public-Aid, Public
23 Health, and Human Services.

24 (F) Effects of substance abuse on infants and
25 guidelines on the symptoms, care, and comfort of
26 drug-withdrawing infants.

27 (G) Responsibilities of the Illinois
28 Department of Public Health to maintain statistics
29 on the number of children in Illinois addicted at
30 birth.

31 (10) To the extent permitted by federal law or
32 regulation, establish and maintain a clearinghouse and
33 central repository for the development and maintenance of
34 a centralized data collection and dissemination system

1 and a management information system for all alcoholism
2 and other drug abuse prevention, early intervention and
3 treatment services.

4 (11) Fund, promote or assist programs, services,
5 demonstrations or research dealing with addictive or
6 habituating behaviors detrimental to the health of
7 Illinois citizens.

8 (12) With monies appropriated from the Group Home
9 Loan Revolving Fund, make loans, directly or through
10 subcontract, to assist in underwriting the costs of
11 housing in which individuals recovering from alcohol or
12 other drug abuse or dependency may reside in groups of
13 not less than 6 persons, pursuant to Section 50-40 of
14 this Act.

15 (13) Promulgate such regulations as may be
16 necessary for the administration of grants or to
17 otherwise carry out the purposes and enforce the
18 provisions of this Act.

19 (14) Fund programs to help parents be effective in
20 preventing substance abuse by building an awareness of
21 drugs and alcohol and the family's role in preventing
22 abuse through adjusting expectations, developing new
23 skills, and setting positive family goals. The programs
24 shall include, but not be limited to, the following
25 subjects: healthy family communication; establishing
26 rules and limits; how to reduce family conflict; how to
27 build self-esteem, competency, and responsibility in
28 children; how to improve motivation and achievement;
29 effective discipline; problem solving techniques; and how
30 to talk about drugs and alcohol. The programs shall be
31 open to all parents.

32 (Source: P.A. 88-80; incorporates 88-171; 88-670, eff.
33 12-2-94; 89-363, eff. 1-1-96; 89-507, eff. 7-1-97.)

1 (20 ILCS 301/10-45)

2 Sec. 10-45. Membership. The Board shall consist of 15
3 ~~16~~ members:

- 4 (a) The Director of Aging.
- 5 (b) The State Superintendent of Education.
- 6 (c) The Director of Corrections.
- 7 (d) The Director of State Police.
- 8 (e) The Director of Professional Regulation.
- 9 (f) (Blank).
- 10 (g) The Director of Children and Family Services.
- 11 (h) (Blank).
- 12 (i) ~~(Blank). The Director of Public Aid.~~
- 13 (j) The Director of Public Health.
- 14 (k) The Secretary of State.
- 15 (l) The Secretary of Transportation.
- 16 (m) The Director of Insurance.
- 17 (n) The Director of the Administrative Office of
- 18 the Illinois Courts.
- 19 (o) The Chairman of the Board of Higher Education.
- 20 (p) The Director of Revenue.
- 21 (q) The Executive Director of the Criminal Justice
- 22 Information Authority.
- 23 (r) A chairman who shall be appointed by the
- 24 Governor for a term of 3 years.

25 Each member may designate a representative to serve in his or
26 her place by written notice to the Department.

27 (Source: P.A. 88-80; 89-507, eff. 7-1-97; revised 2-23-00.)

28 (20 ILCS 301/35-5)

29 Sec. 35-5. Services for pregnant women and mothers.

- 30 (a) In order to promote a comprehensive, statewide and
- 31 multidisciplinary approach to serving addicted pregnant women
- 32 and mothers, including those who are minors, and their
- 33 children who are affected by alcoholism and other drug abuse

1 or dependency, the Department shall have responsibility for
2 an ongoing exchange of referral information, as set forth in
3 subsections (b) and (c) of this Section, among the following:

4 (1) those who provide medical and social services
5 to pregnant women, mothers and their children, whether or
6 not there exists evidence of alcoholism or other drug
7 abuse or dependency. These include providers in the
8 Healthy Moms/Healthy Kids program, the Drug Free Families
9 With a Future program, the Parents Too Soon program, and
10 any other State-funded medical or social service programs
11 which provide services to pregnant women.

12 (2) providers of treatment services to women
13 affected by alcoholism or other drug abuse or dependency.

14 (b) The Department may, in conjunction with the
15 Departments of Children and Family Services and, Public
16 Health ~~and--Public--Aid~~, develop and maintain an updated and
17 comprehensive list of medical and social service providers by
18 geographic region. The Department may periodically send this
19 comprehensive list of medical and social service providers to
20 all providers of treatment for alcoholism and other drug
21 abuse and dependency, identified under subsection (f) of this
22 Section, so that appropriate referrals can be made. The
23 Department shall obtain the specific consent of each provider
24 of services before publishing, distributing, verbally making
25 information available for purposes of referral, or otherwise
26 publicizing the availability of services from a provider. The
27 Department may make information concerning availability of
28 services available to recipients, but may not require
29 recipients to specific sources of care.

30 (c) The Department may, on an ongoing basis, keep all
31 medical and social service providers identified under
32 subsection (b) of this Section informed about any relevant
33 changes in any laws relating to alcoholism and other drug
34 abuse and dependency, about services that are available from

1 any State agencies for addicted pregnant women and addicted
2 mothers and their children, and about any other developments
3 that the Department finds to be informative.

4 (d) All providers of treatment for alcoholism and other
5 drug abuse and dependency may receive information from the
6 Department on the availability of services under the Drug
7 Free Families with a Future or any comparable program
8 providing case management services for alcoholic or addicted
9 women, including information on appropriate referrals for
10 other services that may be needed in addition to treatment.

11 (e) The Department may implement the policies and
12 programs set forth in this Section with the advice of the
13 Committee on Women's Alcohol and Substance Abuse Treatment
14 created under Section 10-20 of this Act.

15 (f) The Department shall develop and maintain an updated
16 and comprehensive directory of service providers that provide
17 treatment services to pregnant women, mothers, and their
18 children in this State. The Department shall disseminate an
19 updated directory as often as is necessary to the list of
20 medical and social service providers compiled under
21 subsection (b) of this Section. The Department shall obtain
22 the specific consent of each provider of services before
23 publishing, distributing, verbally making information
24 available for purposes of referral or otherwise using or
25 publicizing the availability of services from a provider. The
26 Department may make information concerning availability of
27 services available to recipients, but may not require
28 recipients to use specific sources of care.

29 (g) As a condition of any State grant or contract, the
30 Department shall require that any treatment program for
31 addicted women provide services, either by its own staff or
32 by agreement with other agencies or individuals, which
33 include but need not be limited to the following:

34 (1) coordination with the Healthy Moms/Healthy Kids

1 program, the Drug Free Families with a Future program, or
2 any comparable program providing case management services
3 to assure ongoing monitoring and coordination of services
4 after the addicted woman has returned home.

5 (2) coordination with medical services for
6 individual medical care of addicted pregnant women,
7 including prenatal care under the supervision of a
8 physician.

9 (3) coordination with child care services under any
10 State plan developed pursuant to subsection (e) of
11 Section 10-25 of this Act.

12 (h) As a condition of any State grant or contract, the
13 Department shall require that any nonresidential program
14 receiving any funding for treatment services accept women who
15 are pregnant, provided that such services are clinically
16 appropriate. Failure to comply with this subsection shall
17 result in termination of the grant or contract and loss of
18 State funding.

19 (i)(1) From funds appropriated expressly for the
20 purposes of this Section, the Department shall create or
21 contract with licensed, certified agencies to develop a
22 program for the care and treatment of addicted pregnant
23 women, addicted mothers and their children. The program
24 shall be in Cook County in an area of high density population
25 having a disproportionate number of addicted women and a high
26 infant mortality rate.

27 (2) From funds appropriated expressly for the purposes
28 of this Section, the Department shall create or contract with
29 licensed, certified agencies to develop a program for the
30 care and treatment of low income pregnant women. The program
31 shall be located anywhere in the State outside of Cook County
32 in an area of high density population having a
33 disproportionate number of low income pregnant women.

34 (3) In implementing the programs established under this

1 subsection, the Department shall contract with existing
2 residencies or recovery homes in areas having a
3 disproportionate number of women who abuse alcohol or other
4 drugs and need residential treatment and counseling. Priority
5 shall be given to addicted and abusing women who:

- 6 (A) are pregnant,
- 7 (B) have minor children,
- 8 (C) are both pregnant and have minor children, or
- 9 (D) are referred by medical personnel because they
10 either have given birth to a baby addicted to a
11 controlled substance, or will give birth to a baby
12 addicted to a controlled substance.

13 (4) The services provided by the programs shall include
14 but not be limited to:

- 15 (A) individual medical care, including prenatal
16 care, under the supervision of a physician.
- 17 (B) temporary, residential shelter for pregnant
18 women, mothers and children when necessary.
- 19 (C) a range of educational or counseling services.
- 20 (D) comprehensive and coordinated social services,
21 including substance abuse therapy groups for the
22 treatment of alcoholism and other drug abuse and
23 dependency; family therapy groups; programs to develop
24 positive self-awareness; parent-child therapy; and
25 residential support groups.

26 (5) No services that require a license shall be provided
27 until and unless the recovery home or other residence obtains
28 and maintains the requisite license.

29 (Source: P.A. 88-80.)

30 Section 50. The Personnel Code is amended by changing
31 Sections 8a, 8b.1, and 10 as follows:

32 (20 ILCS 415/8a) (from Ch. 127, par. 63b108a)

1 Sec. 8a. Jurisdiction A - Classification and pay. For
2 positions in the State service subject to the jurisdiction of
3 the Department of Central Management Services with respect to
4 the classification and pay:

5 (1) For the preparation, maintenance, and revision by
6 the Director, subject to approval by the Commission, of a
7 position classification plan for all positions subject to
8 this Act, based upon similarity of duties performed,
9 responsibilities assigned, and conditions of employment so
10 that the same schedule of pay may be equitably applied to all
11 positions in the same class. However, the pay of an employee
12 whose position is reduced in rank or grade by reallocation
13 because of a loss of duties or responsibilities after his
14 appointment to such position shall not be required to be
15 lowered for a period of one year after the reallocation of
16 his position. Conditions of employment shall not be used as a
17 factor in the classification of any position heretofore paid
18 under the provisions of Section 1.22 of "An Act to
19 standardize position titles and salary rates", approved June
20 30, 1943, as amended. Unless the Commission disapproves such
21 classification plan within 60 days, or any revision thereof
22 within 30 days, the Director shall allocate every such
23 position to one of the classes in the plan. Any employee
24 affected by the allocation of a position to a class shall,
25 after filing with the Director of Central Management Services
26 a written request for reconsideration thereof in such manner
27 and form as the Director may prescribe, be given a reasonable
28 opportunity to be heard by the Director. If the employee does
29 not accept the allocation of the position, he shall then have
30 the right of appeal to the Civil Service Commission.

31 (2) For a pay plan to be prepared by the Director for
32 all employees subject to this Act after consultation with
33 operating agency heads and the Director of the Bureau of the
34 Budget. Such pay plan may include provisions for uniformity

1 of starting pay, an increment plan, area differentials, a
 2 delay not to exceed one year prior to the reduction of the
 3 pay of employees whose positions are reduced in rank or grade
 4 by reallocation because of a loss of duties or
 5 responsibilities after their appointments to such positions,
 6 prevailing rates of wages in those classifications in which
 7 employers are now paying or may hereafter pay such rates of
 8 wage and other provisions. Such pay plan shall become
 9 effective only after it has been approved by the Governor.
 10 Amendments to the pay plan shall be made in the same manner.
 11 Such pay plan shall provide that each employee shall be paid
 12 at one of the rates set forth in the pay plan for the class
 13 of position in which he is employed, subject to delay in the
 14 reduction of pay of employees whose positions are reduced in
 15 rank or grade by allocation as above set forth in this
 16 Section. Such pay plan shall provide for a fair and
 17 reasonable compensation for services rendered.

18 ~~This section is inapplicable to the position of Assistant~~
 19 ~~Director of Public Aid in the Department of Public Aid. The~~
 20 ~~salary for this position shall be as established in "The~~
 21 ~~Civil Administrative Code of Illinois", approved March 7,~~
 22 ~~1917, as amended.~~

23 (Source: P.A. 82-789.)

24 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

25 Sec. 8b.1. For open competitive examinations to test the
 26 relative fitness of applicants for the respective positions.

27 Tests shall be designed to eliminate those who are not
 28 qualified for entrance into or promotion within the service,
 29 and to discover the relative fitness of those who are
 30 qualified. The Director may use any one of or any combination
 31 of the following examination methods which in his judgment
 32 best serves this end: investigation of education;
 33 investigation of experience; test of cultural knowledge; test

1 of capacity; test of knowledge; test of manual skill; test of
2 linguistic ability; test of character; test of physical
3 fitness; test of psychological fitness. No person with a
4 record of misdemeanor convictions except those under Sections
5 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2,
6 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
7 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and
8 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code
9 of 1961 or arrested for any cause but not convicted thereon
10 shall be disqualified from taking such examinations or
11 subsequent appointment, unless the person is attempting to
12 qualify for a position which would give him the powers of a
13 peace officer, in which case the person's conviction or
14 arrest record may be considered as a factor in determining
15 the person's fitness for the position. ~~The--eligibility~~
16 ~~conditions--specified--for--the--position--of--Assistant--Director~~
17 ~~of--Public--Aid--in--the--Department--of--Public--Aid--in--Section~~
18 ~~5-230--of--the--Departments--of--State--Government--Law--(20-ILCS~~
19 ~~5/5-230)--shall--be--applied--to--that--position--in--addition--to~~
20 ~~other---standards,--tests--or--criteria--established--by--the~~
21 ~~Director.~~ All examinations shall be announced publicly at
22 least 2 weeks in advance of the date of the examinations and
23 may be advertised through the press, radio and other media.
24 The Director may, however, in his discretion, continue to
25 receive applications and examine candidates long enough to
26 assure a sufficient number of eligibles to meet the needs of
27 the service and may add the names of successful candidates to
28 existing eligible lists in accordance with their respective
29 ratings.

30 The Director may, in his discretion, accept the results
31 of competitive examinations conducted by any merit system
32 established by federal law or by the law of any State, and
33 may compile eligible lists therefrom or may add the names of
34 successful candidates in examinations conducted by those

1 merit systems to existing eligible lists in accordance with
2 their respective ratings. No person who is a non-resident of
3 the State of Illinois may be appointed from those eligible
4 lists, however, unless the requirement that applicants be
5 residents of the State of Illinois is waived by the Director
6 of Central Management Services and unless there are less than
7 3 Illinois residents available for appointment from the
8 appropriate eligible list. The results of the examinations
9 conducted by other merit systems may not be used unless they
10 are comparable in difficulty and comprehensiveness to
11 examinations conducted by the Department of Central
12 Management Services for similar positions. Special linguistic
13 options may also be established where deemed appropriate.

14 (Source: P.A. 91-239, eff. 1-1-00.)

15 (20 ILCS 415/10) (from Ch. 127, par. 63b110)

16 Sec. 10. Duties and powers of the Commission. The Civil
17 Service Commission shall have duties and powers as follows:

18 (1) Upon written recommendations by the Director of the
19 Department of Central Management Services to exempt from
20 jurisdiction B of this Act positions which, in the judgment
21 of the Commission, involve either principal administrative
22 responsibility for the determination of policy or principal
23 administrative responsibility for the way in which policies
24 are carried out. ~~This--authority--may--not--be--exercised,~~
25 ~~however,--with--respect--to--the--position--of--Assistant--Director~~
26 ~~of--Public--Aid--in--the--Department--of--Public--Aid.~~

27 (2) To require such special reports from the Director as
28 it may consider desirable.

29 (3) To disapprove original rules or any part thereof
30 within 90 days and any amendment thereof within 30 days after
31 the submission of such rules to the Civil Service Commission
32 by the Director, and to disapprove any amendments thereto in
33 the same manner.

1 (4) To approve or disapprove within 60 days from date of
2 submission the position classification plan submitted by the
3 Director as provided in the rules, and any revisions thereof
4 within 30 days from the date of submission.

5 (5) To hear appeals of employees who do not accept the
6 allocation of their positions under the position
7 classification plan.

8 (6) To hear and determine written charges filed seeking
9 the discharge, demotion of employees and suspension totaling
10 more than thirty days in any 12-month period, as provided in
11 Section 11 hereof, and appeals from transfers from one
12 geographical area in the State to another, and in connection
13 therewith to administer oaths, subpoena witnesses, and compel
14 the production of books and papers.

15 (7) The fees of subpoenaed witnesses under this Act for
16 attendance and travel shall be the same as fees of witnesses
17 before the circuit courts of the State, such fees to be paid
18 when the witness is excused from further attendance.
19 Whenever a subpoena is issued the Commission may require that
20 the cost of service and the fee of the witness shall be borne
21 by the party at whose insistence the witness is summoned.
22 The Commission has the power, at its discretion, to require a
23 deposit from such party to cover the cost of service and
24 witness fees and the payment of the legal witness fee and
25 mileage to the witness served with the subpoena. A subpoena
26 issued under this Act shall be served in the same manner as a
27 subpoena issued out of a court.

28 Upon the failure or refusal to obey a subpoena, a
29 petition shall be prepared by the party serving the subpoena
30 for enforcement in the circuit court of the county in which
31 the person to whom the subpoena was directed either resides
32 or has his or her principal place of business.

33 Not less than five days before the petition is filed in
34 the appropriate court, it shall be served on the person along

1 with a notice of the time and place the petition is to be
2 presented.

3 Following a hearing on the petition, the circuit court
4 shall have jurisdiction to enforce subpoenas issued pursuant
5 to this Section.

6 On motion and for good cause shown the Commission may
7 quash or modify any subpoena.

8 (8) To make an annual report regarding the work of the
9 Commission to the Governor, such report to be a public
10 report.

11 (9) If any violation of this Act is found, the
12 Commission shall direct compliance in writing.

13 (10) To appoint a full-time executive secretary and such
14 other employees, experts, and special assistants as may be
15 necessary to carry out the powers and duties of the
16 Commission under this Act and employees, experts, and special
17 assistants so appointed by the Commission shall be subject to
18 the provisions of jurisdictions A, B and C of this Act. These
19 powers and duties supersede any contrary provisions herein
20 contained.

21 (11) To make rules to carry out and implement their
22 powers and duties under this Act, with authority to amend
23 such rules from time to time.

24 (12) To hear or conduct investigations as it deems
25 necessary of appeals of layoff filed by employees appointed
26 under Jurisdiction B after examination provided that such
27 appeals are filed within 15 calendar days following the
28 effective date of such layoff and are made on the basis that
29 the provisions of the Personnel Code or of the Rules of the
30 Department of Central Management Services relating to layoff
31 have been violated or have not been complied with.

32 All hearings shall be public. A decision shall be
33 rendered within 60 days after receipt of the transcript of
34 the proceedings. The Commission shall order the

1 reinstatement of the employee if it is proven that the
2 provisions of the Personnel Code or of the Rules of the
3 Department of Central Management Services relating to layoff
4 have been violated or have not been complied with. In
5 connection therewith the Commission may administer oaths,
6 subpoena witnesses, and compel the production of books and
7 papers.

8 (13) Whenever the Civil Service Commission is authorized
9 or required by law to consider some aspect of criminal
10 history record information for the purpose of carrying out
11 its statutory powers and responsibilities, then, upon request
12 and payment of fees in conformance with the requirements of
13 Section 2605-400 of the Department of State Police Law (20
14 ILCS 2605/2605-400), the Department of State Police is
15 authorized to furnish, pursuant to positive identification,
16 such information contained in State files as is necessary to
17 fulfill the request.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 Section 55. The Children and Family Services Act is
20 amended by changing Section 9.1 as follows:

21 (20 ILCS 505/9.1) (from Ch. 23, par. 5009.1)

22 Sec. 9.1. The parents or guardians of the estates of
23 children accepted for care and training under the Juvenile
24 Court Act or the Juvenile Court Act of 1987, or through a
25 voluntary placement agreement with the parents or guardians
26 shall be liable for the payment to the Department, or to a
27 licensed or approved child care facility designated by the
28 Department of sums representing charges for the care and
29 training of those children at a rate to be determined by the
30 Department. The Department shall establish a standard by
31 which shall be measured the ability of parents or guardians
32 to pay for the care and training of their children, and shall

1 implement the standard by rules governing its application.
2 The standard and the rules shall take into account ability to
3 pay as measured by annual income and family size. Medical or
4 other treatment provided on behalf of the family may also be
5 taken into account in determining ability to pay if the
6 Department concludes that such treatment is appropriate.

7 In addition, the Department may provide by rule for
8 referral of Title IV-E foster care maintenance cases to the
9 Department of Human Services Public Aid for child support
10 services under Title IV-D of the Social Security Act. The
11 Department shall consider "good cause" as defined in
12 regulations promulgated under Title IV-A of the Social
13 Security Act, among other criteria, when determining whether
14 to refer a case and, upon referral, the parent or guardian of
15 the estate of a child who is receiving Title IV-E foster care
16 maintenance payments shall be deemed to have made an
17 assignment to the Department of any and all rights, title and
18 interest in any support obligation on behalf of a child. The
19 rights to support assigned to the Department shall constitute
20 an obligation owed the State by the person who is responsible
21 for providing the support, and shall be collectible under all
22 applicable processes.

23 The acceptance of children for services or care shall not
24 be limited or conditioned in any manner on the financial
25 status or ability of parents or guardians to make such
26 payments.

27 (Source: P.A. 85-1209; 86-1311.)

28 Section 60. The Department of Employment Security Law of
29 the Civil Administrative Code of Illinois is amended by
30 changing Section 1005-130 as follows:

31 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

32 Sec. 1005-130. Exchange of information for child support

1 enforcement.

2 (a) The Department has the power to exchange with the
3 Illinois Department of Human Services Public-Aid information
4 that may be necessary for the enforcement of child support
5 orders entered pursuant to the Illinois Public Aid Code, the
6 Illinois Marriage and Dissolution of Marriage Act, the
7 Non-Support of Spouse and Children Act, the Non-Support
8 Punishment Act, the Revised Uniform Reciprocal Enforcement of
9 Support Act, the Uniform Interstate Family Support Act, or
10 the Illinois Parentage Act of 1984.

11 (b) Notwithstanding any provisions in the Civil
12 Administrative Code of Illinois to the contrary, the
13 Department of Employment Security shall not be liable to any
14 person for any disclosure of information to the Illinois
15 Department of Human Services Public-Aid under subsection (a)
16 or for any other action taken in good faith to comply with
17 the requirements of subsection (a).

18 (Source: P.A. 90-18, eff. 7-1-97; 91-239, eff. 1-1-00;
19 91-613, eff. 10-1-99; revised 8-5-99.)

20 Section 65. The New Hire Reporting Act is amended by
21 changing Section 35 as follows:

22 (20 ILCS 1020/35)

23 Sec. 35. Department of Human Services Public-Aid duties.
24 The Department of Human Services Public-Aid shall establish a
25 community advisory committee for oversight of the
26 implementation process, toll-free telephone lines for
27 employers with child support questions, an expedited hearing
28 process for non-custodial parents who contest an employer's
29 execution of an order for withholding and brochures and
30 public service announcements that inform the general public
31 about the New Hire Directory and how to utilize it, within
32 the federal and State confidentiality laws, in pursuit of

1 child support.

2 (Source: P.A. 90-425, eff. 8-15-97.)

3 Section 70. The Department of Human Services Act is
4 amended by changing Sections 80-10, 80-15, 80-20, 80-25,
5 80-30, and 80-35 as follows:

6 (20 ILCS 1305/80-10)

7 Sec. 80-10. Discontinued departments and offices;
8 successor agency.

9 (a) The Department of Alcoholism and Substance Abuse,
10 the Department of Mental Health and Developmental
11 Disabilities, and the Department of Rehabilitation Services
12 are abolished on July 1, 1997.

13 (b) The terms of the persons then serving as the
14 directors and assistant directors of the Department of
15 Alcoholism and Substance Abuse, the Department of Mental
16 Health and Developmental Disabilities, and the Department of
17 Rehabilitation Services shall end on July 1, 1997, and those
18 offices are abolished on that date.

19 (b-5) The Department of Public Aid is abolished. The
20 terms of the persons serving as the director and assistant
21 directors of the Department of Public Aid are abolished.

22 (c) For the purposes of the Successor Agency Act, the
23 Department of Human Services is declared to be the successor
24 agency of the Department of Public Aid, the Department of
25 Alcoholism and Substance Abuse, the Department of Mental
26 Health and Developmental Disabilities, and the Department of
27 Rehabilitation Services.

28 (d) For the purposes of the Successor Agency Act, the
29 Department of Human Services is declared to be the successor
30 agency of the Department of ~~Public Aid, the Department of~~
31 Public Health, and the Department of Children and Family
32 Services, but only with respect to the functions of those

1 Departments that are transferred to the Department of Human
2 Services under this Act.

3 (Source: P.A. 89-507, eff. 7-3-96.)

4 (20 ILCS 1305/80-15)

5 Sec. 80-15. Transfer of powers.

6 (a) Except as otherwise provided in this Act, all of the
7 rights, powers, duties, and functions vested by law in the
8 Department of Alcoholism and Substance Abuse, the Department
9 of Mental Health and Developmental Disabilities, and the
10 Department of Rehabilitation Services or in any office,
11 council, committee, division, or bureau thereof are
12 transferred to the Department of Human Services on July 1,
13 1997.

14 (b) The rights, powers, duties, and functions vested in
15 the Department of Public Aid (or in any office, council,
16 committee, division, or bureau thereof) under ~~Articles III,~~
17 ~~IV, VI, IX, and IXA of the Illinois Public Aid Code,~~ with
18 ~~certain exceptions specified in that Code,~~ are transferred to
19 the Department of Human Services on ~~July 1, 1997.~~

20 ~~In addition, the Department of Human Services may also~~
21 ~~exercise the rights, powers, duties, and functions vested in~~
22 ~~the Department of Public Aid under Articles I, II, VIII A, XI,~~
23 ~~XII, and XIII of the Illinois Public Aid Code to the extent~~
24 ~~that they relate to the Department of Human Services' rights,~~
25 ~~powers, duties, and functions under Articles III, IV, VI, IX,~~
26 ~~and IXA of the Illinois Public Aid Code, subject to certain~~
27 ~~exceptions specified in that Code.~~

28 (c) Certain rights, powers, duties, and functions vested
29 in the Department of Public Health are transferred to the
30 Department of Human Services on July 1, 1997, as provided in
31 Article 90 of this Act.

32 (d) Certain rights, powers, duties, and functions vested
33 in the Department of Children and Family Services are

1 transferred to the Department of Human Services on July 1,
2 1997, as provided in Article 90 of this Act.
3 (Source: P.A. 89-507, eff. 7-3-96.)

4 (20 ILCS 1305/80-20)

5 Sec. 80-20. Transfer of personnel.

6 (a) Personnel employed by the Department of Alcoholism
7 and Substance Abuse, the Department of Mental Health and
8 Developmental Disabilities, or the Department of
9 Rehabilitation Services on June 30, 1997 are transferred to
10 the Department of Human Services on July 1, 1997.

11 (a-5) Personnel employed by the Department of Public Aid
12 are transferred to the Department of Human Services.

13 (b) Except as provided in subsection (c), personnel
14 employed by any other predecessor agency on June 30, 1997 to
15 perform duties pertaining to one or more functions
16 transferred to the Department of Human Services under this
17 Act are transferred to the Department of Human Services on
18 July 1, 1997.

19 (c) In the case of a person employed by a predecessor
20 agency (other than the predecessor agencies governed by
21 subsection (a) of this Section) to perform both duties
22 pertaining to a function transferred to the Department of
23 Human Services under this Act and duties pertaining to a
24 function retained by the predecessor agency, the Secretary,
25 in consultation with the director of the predecessor agency,
26 shall determine whether to transfer the employee to the
27 Department of Human Services; until this determination has
28 been made, the transfer shall not take effect.

29 (d) The rights of State employees, the State, and its
30 agencies under the Personnel Code and applicable collective
31 bargaining agreements and retirement plans are not affected
32 by this Act.

33 (Source: P.A. 89-507, eff. 7-3-96.)

1 (20 ILCS 1305/80-25)

2 Sec. 80-25. Transfer of property.

3 (a) Except as provided in subsection (b), all books,
4 records, documents, property (real and personal), unexpended
5 appropriations, and pending business pertaining to the
6 rights, powers, duties, and functions transferred to the
7 Department of Human Services under this Act shall be
8 transferred and delivered to the Department of Human Services
9 effective July 1, 1997.

10 (a-5) All books, records, documents, property (real and
11 personal), unexpended appropriations, and pending business
12 pertaining to the rights, powers, duties, and functions of
13 the Department of Public Aid under this Act shall be
14 transferred and delivered to the Department of Human
15 Services.

16 (b) In the case of books, records, or documents that
17 pertain both to a function transferred to the Department of
18 Human Services under this Act and to a function retained by a
19 predecessor agency, the Secretary, in consultation with the
20 director of the predecessor agency, shall determine whether
21 the books, records, or documents shall be transferred,
22 copied, or left with the predecessor agency; until this
23 determination has been made, the transfer shall not take
24 effect.

25 In the case of property or an unexpended appropriation
26 that pertains both to a function transferred to the
27 Department of Human Services under this Act and to a function
28 retained by a predecessor agency, the Secretary, in
29 consultation with the director of the predecessor agency,
30 shall determine whether the property or unexpended
31 appropriation shall be transferred, divided, or left with the
32 predecessor agency; until this determination has been made
33 (and, in the case of an unexpended appropriation, notice of
34 the determination has been filed with the State Comptroller),

1 the transfer shall not take effect.

2 (Source: P.A. 89-507, eff. 7-3-96.)

3 (20 ILCS 1305/80-30)

4 Sec. 80-30. Rules and standards.

5 (a) The rules and standards of the Department's
6 predecessor agencies that are in effect on June 30, 1997 and
7 pertain to the rights, powers, duties, and functions
8 transferred to the Department under this Act shall become the
9 rules and standards of the Department of Human Services on
10 July 1, 1997 and shall continue in effect until amended or
11 repealed by the Department.

12 (a-5) The rules and standards of the Department of
13 Public Aid shall become rules and standards of the Department
14 of Human Services and shall continue in effect until amended
15 or repealed by the Department of Human Services. Any rules of
16 the Department of Public Aid that have been proposed but have
17 not taken effect or been finally adopted shall become
18 proposed rules of the Department of Human Services and any
19 rulemaking procedures that have already been completed by the
20 Department of Public Aid for those proposed rules need not be
21 repeated.

22 (b) Any rules pertaining to the rights, powers, duties,
23 and functions transferred to the Department under this Act
24 that have been proposed by a predecessor agency but have not
25 taken effect or been finally adopted by June 30, 1997 shall
26 become proposed rules of the Department of Human Services on
27 July 1, 1997, and any rulemaking procedures that have already
28 been completed by the predecessor agency for those proposed
29 rules need not be repeated.

30 (c) As soon as practical after July 1, 1997, the
31 Department of Human Services shall revise and clarify the
32 rules transferred to it under this Act to reflect the
33 reorganization of rights, powers, duties, and functions

1 effected by this Act using the procedures for recodification
2 of rules available under the Illinois Administrative
3 Procedure Act, except that existing title, part, and section
4 numbering for the affected rules may be retained. The
5 Department may propose and adopt under the Illinois
6 Administrative Procedure Act such other rules as may be
7 necessary to consolidate and clarify the rules of the
8 agencies reorganized by this Act.

9 (Source: P.A. 89-507, eff. 7-3-96.)

10 (20 ILCS 1305/80-35)

11 Sec. 80-35. Savings provisions.

12 (a) The rights, powers, duties, and functions
13 transferred to the Department of Human Services by this Act
14 shall be vested in and exercised by the Department subject to
15 the provisions of this Act. An act done by the Department or
16 an officer, employee, or agent of the Department in the
17 exercise of the transferred rights, powers, duties, or
18 functions shall have the same legal effect as if done by the
19 predecessor agency or an officer, employee, or agent of the
20 predecessor agency.

21 (b) The transfer of rights, powers, duties, and
22 functions to the Department of Human Services under this Act
23 does not invalidate any previous action taken by or in
24 respect to any of its predecessor agencies or their officers,
25 employees, or agents. References to those predecessor
26 agencies or their officers, employees or agents in any
27 document, contract, agreement, or law shall, in appropriate
28 contexts, be deemed to refer to the Department or its
29 officers, employees, or agents.

30 (c) The transfer of rights, powers, duties, and
31 functions to the Department of Human Services under this Act
32 does not affect any person's rights, obligations, or duties,
33 including any civil or criminal penalties applicable thereto,

1 arising out of those transferred rights, powers, duties, and
2 functions.

3 (d) With respect to matters that pertain to a right,
4 power, duty, or function transferred to the Department of
5 Human Services under this Act:

6 (1) Beginning July 1, 1997, a report or notice that
7 was previously required to be made or given by any person
8 to a predecessor agency or any of its officers,
9 employees, or agents shall be made or given in the same
10 manner to the Department or its appropriate officer,
11 employee, or agent.

12 (2) Beginning July 1, 1997, a document that was
13 previously required to be furnished or served by any
14 person to or upon a predecessor agency or any of its
15 officers, employees, or agents shall be furnished or
16 served in the same manner to or upon the Department or
17 its appropriate officer, employee, or agent.

18 (3) A document that was previously required to be
19 furnished or served by any person to or upon the
20 Department of Public Aid or any of its officers,
21 employees, or agents shall be furnished or served in the
22 same manner to or upon the Department of Human Services
23 or its appropriate officer, employee, or agent.

24 (e) This Act does not affect any act done, ratified, or
25 cancelled, any right occurring or established, or any action
26 or proceeding had or commenced in an administrative, civil,
27 or criminal cause before July 1, 1997. Any such action or
28 proceeding that pertains to a right, power, duty, or function
29 transferred to the Department of Human Services under this
30 Act and that is pending on that date may be prosecuted,
31 defended, or continued by the Department of Human Services.

32 (f) With regard to the Department of Public Aid, this
33 Act does not affect any act done, ratified, or cancelled, any
34 right occurring or established, or any action or proceeding

1 had or commenced in an administrative, civil, or criminal
2 cause. Any such action or proceeding that pertains to a
3 right, power, duty, or function transferred from the
4 Department of Public Aid to the Department of Human Services
5 under this Act and that is pending on the effective date of
6 this amendatory Act of the 92nd General Assembly may be
7 prosecuted, defended, or continued by the Department of Human
8 Services.

9 (Source: P.A. 89-507, eff. 7-3-96.)

10 (20 ILCS 1305/80-5 rep.)

11 Section 72. The Department of Human Services Act is
12 amended by repealing Section 80-5.

13 Section 75. The Illinois Lottery Law is amended by
14 changing Section 13 as follows:

15 (20 ILCS 1605/13) (from Ch. 120, par. 1163)

16 Sec. 13. No prize, nor any portion of a prize, nor any
17 right of any person to a prize awarded shall be assignable.
18 Any prize, or portion thereof remaining unpaid at the death
19 of a prize winner, may be paid to the estate of such deceased
20 prize winner, or to the trustee under a revocable living
21 trust established by the deceased prize winner as settlor,
22 provided that a copy of such a trust has been filed with the
23 Department along with a notarized letter of direction from
24 the settlor and no written notice of revocation has been
25 received by the Department prior to the settlor's death.
26 Following such a settlor's death and prior to any payment to
27 such a successor trustee, the Director shall obtain from the
28 trustee and each trust beneficiary a written agreement to
29 indemnify and hold the Department harmless with respect to
30 any claims that may be asserted against the Department
31 arising from payment to or through the trust.

1 Notwithstanding any other provision of this Section, any
2 person pursuant to an appropriate judicial order may be paid
3 the prize to which a winner is entitled, and all or part of
4 any prize otherwise payable by State warrant under this
5 Section shall be withheld upon certification to the State
6 Comptroller from the Illinois Department of Human Services
7 ~~Public-Aid~~ as provided in Section 10-17.5 of The Illinois
8 Public Aid Code. The Director shall be discharged of all
9 further liability upon payment of a prize pursuant to this
10 Section.

11 (Source: P.A. 85-1224.)

12 Section 80. The Mental Health and Developmental
13 Disabilities Administrative Act is amended by changing
14 Sections 15.2, 15.3, 18, 18.2, 18.3, and 50a as follows:

15 (20 ILCS 1705/15.2) (from Ch. 91 1/2, par. 100-15.2)

16 Sec. 15.2. Quality Assurance for Adult Developmental
17 Training Services. Whenever the ~~Department-of-Public-Aid--or~~
18 the Department of Human Services pays the cost, directly or
19 indirectly, in whole or part, for adult developmental
20 training day services for persons with developmental
21 disabilities, the provider of such services shall meet
22 minimum standards established by the Department. Such
23 minimum standards shall become effective July 1, 1986.
24 Interim program guidelines, established by the Department,
25 shall be utilized for programs operational prior to July 1,
26 1985.

27 The Department shall annually certify that adult
28 developmental training day services providers meet minimum
29 standards. The Department may determine that providers
30 accredited under nationally recognized accreditation programs
31 are deemed to have met the standards established by the
32 Department under this Section. The Department shall, at

1 least quarterly, review the services being provided to assure
2 compliance with the standards. The Department may suspend,
3 refuse to renew or deny certification to any provider who
4 fails to meet any or all such standards, as provided by rule.

5 For purposes of this Section, "adult developmental
6 training day service" means services designed to help persons
7 with developmental disabilities to develop functional skills
8 for living in such areas as motoric development, dressing and
9 grooming, toileting, eating, language, reading and writing,
10 quantitative skills development, independent living and
11 reduction of maladaptive behavior. Such programs may include
12 services designed to improve an individual's ability to
13 engage in productive work as defined for work activity
14 centers in the federal Fair Labor Standards Act, as amended.

15 For purposes of this Section, "providers of adult
16 developmental training day services" means any person, agency
17 or organization that provides such services for persons with
18 developmental disabilities as defined by the Mental Health
19 and Developmental Disabilities Code.

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

21 (20 ILCS 1705/15.3) (from Ch. 91 1/2, par. 100-15.3)

22 Sec. 15.3. Quality assurance for community mental health
23 services. Whenever the Department--of--Public--Aid--or--the
24 Department of Human Services pays the cost, directly or
25 indirectly, in whole or part, for community mental health
26 services and programs provided under the Medicaid Clinic
27 Option authorized by Title XIX of the Social Security Act,
28 the provider of such services shall meet minimum standards
29 established by the Department.

30 The Department shall annually certify that providers of
31 community mental health services under the Medicaid Clinic
32 Option meet minimum standards. The Department may suspend,
33 refuse to renew or deny certification to any provider who

1 fails to meet any or all such standards, as provided by rule.

2 For purposes of this Section, "community mental health
3 services and programs" means services designed to help
4 persons with mental illness develop skills for living,
5 including but not limited to the following:

- 6 (1) Mental health assessment;
- 7 (2) Psychological evaluation;
- 8 (3) Interdisciplinary treatment planning;
- 9 (4) Medication monitoring and training;
- 10 (5) Individual therapy;
- 11 (6) Group therapy;
- 12 (7) Family therapy;
- 13 (8) Crisis intervention;
- 14 (9) Case management;
- 15 (10) Intensive stabilization; and
- 16 (11) Extended treatment and rehabilitation.

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

18 (20 ILCS 1705/18) (from Ch. 91 1/2, par. 100-18)

19 Sec. 18. To receive, hold, distribute and use for
20 indicated purposes and the benefit of recipients, monies and
21 materials made available by the federal government or other
22 agency. The Department specifically may claim federal
23 reimbursement through the Illinois Department of Public Aid
24 under the "Medicaid Waiver" provisions of Section 1915(c) of
25 the Social Security Act, as amended, for providing community
26 services to recipients of medical assistance under Article V
27 of the Illinois Public Aid Code. The Department shall
28 maintain a separate line item in its budget, entitled
29 "Developmental Disability Community Initiative", to account
30 for the expenditure of such monies.

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

32 (20 ILCS 1705/18.2) (from Ch. 91 1/2, par. 100-18.2)

1 Sec. 18.2. Integrated system for services for
2 developmentally disabled. The Department shall develop an
3 effective, integrated system for delivering State-funded and
4 State-operated services to persons with developmental
5 disabilities. No later than June 30, 1993, the Department
6 shall enter into one or more co-operative arrangements with
7 the ~~Department---of---Public---Aid,~~ the Department of
8 Rehabilitation Services, the Department of Public Health, and
9 any other appropriate entities for administration or
10 supervision by the Department of Mental Health and
11 Developmental Disabilities of all State programs for services
12 to persons in community care facilities for persons with
13 developmental disabilities, including but not limited to
14 intermediate care facilities, that are supported by State
15 funds or by funding under Title XIX of the federal Social
16 Security Act. The Department of Human Services shall succeed
17 to the responsibilities of the Department of Mental Health
18 and Developmental Disabilities and the Department of
19 Rehabilitation Services under any such cooperative
20 arrangement in existence on July 1, 1997.
21 (Source: P.A. 89-507, eff. 7-1-97.)

22 (20 ILCS 1705/18.3)

23 Sec. 18.3. Integrated system for services for the
24 mentally ill. The Department shall develop an effective,
25 integrated system for delivering State-funded and
26 State-operated services to persons with mental illness. No
27 later than June 30, 1994, the Department shall enter into one
28 or more cooperative arrangements with the ~~Department-of~~
29 ~~Public-Aid,~~ the Department of Rehabilitation Services, the
30 Department of Public Health, and any other appropriate
31 entities for administration or supervision by the Department
32 of Mental Health and Developmental Disabilities of all State
33 programs for services to persons in community care facilities

1 for persons with mental illness, including but not limited to
2 intermediate care facilities, that are supported by State
3 funds or by funding under Title XIX of the federal Social
4 Security Act. The Department shall form a medical advisory
5 panel, appointed by the Secretary, comprised of 5 physicians
6 licensed to practice medicine in all its branches with a
7 special emphasis in treating mental illness, to provide
8 advice on care rendered to patients in any integrated
9 delivery system. The Department of Human Services shall
10 succeed to the responsibilities of the Department of Mental
11 Health and Developmental Disabilities and the Department of
12 Rehabilitation Services under any such cooperative
13 arrangement in existence on July 1, 1997.

14 (Source: P.A. 88-388; 89-507, eff. 7-1-97.)

15 (20 ILCS 1705/50a) (from Ch. 91 1/2, par. 100-50a)

16 Sec. 50a. OBRA plan. On or before February 1 of each year
17 the Department shall submit, in cooperation with the
18 ~~Department of Public Aid and the~~ Department of Public Health,
19 to the Governor and the General Assembly a comprehensive
20 status report on compliance with all mandatory provisions of
21 the federal Omnibus Budget Reconciliation Act of 1987. To
22 the extent that the Department is mandated to provide
23 hearings under the federal Omnibus Budget Reconciliation Act
24 of 1987, the Secretary's decision shall constitute a final
25 administrative decision under the Administrative Review Law.

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

27 Section 85. The Department of Professional Regulation
28 Law of the Civil Administrative Code of Illinois is amended
29 by changing Sections 2105-15 and 2105-155 as follows:

30 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

31 Sec. 2105-15. General powers and duties.

1 (a) The Department has, subject to the provisions of the
2 Civil Administrative Code of Illinois, the following powers
3 and duties:

4 (1) To authorize examinations in English to
5 ascertain the qualifications and fitness of applicants to
6 exercise the profession, trade, or occupation for which
7 the examination is held.

8 (2) To prescribe rules and regulations for a fair
9 and wholly impartial method of examination of candidates
10 to exercise the respective professions, trades, or
11 occupations.

12 (3) To pass upon the qualifications of applicants
13 for licenses, certificates, and authorities, whether by
14 examination, by reciprocity, or by endorsement.

15 (4) To prescribe rules and regulations defining,
16 for the respective professions, trades, and occupations,
17 what shall constitute a school, college, or university,
18 or department of a university, or other institution,
19 reputable and in good standing, and to determine the
20 reputability and good standing of a school, college, or
21 university, or department of a university, or other
22 institution, reputable and in good standing, by reference
23 to a compliance with those rules and regulations;
24 provided, that no school, college, or university, or
25 department of a university, or other institution that
26 refuses admittance to applicants solely on account of
27 race, color, creed, sex, or national origin shall be
28 considered reputable and in good standing.

29 (5) To conduct hearings on proceedings to revoke,
30 suspend, refuse to renew, place on probationary status,
31 or take other disciplinary action as authorized in any
32 licensing Act administered by the Department with regard
33 to licenses, certificates, or authorities of persons
34 exercising the respective professions, trades, or

1 occupations and to revoke, suspend, refuse to renew,
2 place on probationary status, or take other disciplinary
3 action as authorized in any licensing Act administered by
4 the Department with regard to those licenses,
5 certificates, or authorities. The Department shall issue
6 a monthly disciplinary report. The Department shall deny
7 any license or renewal authorized by the Civil
8 Administrative Code of Illinois to any person who has
9 defaulted on an educational loan or scholarship provided
10 by or guaranteed by the Illinois Student Assistance
11 Commission or any governmental agency of this State;
12 however, the Department may issue a license or renewal if
13 the aforementioned persons have established a
14 satisfactory repayment record as determined by the
15 Illinois Student Assistance Commission or other
16 appropriate governmental agency of this State.
17 Additionally, beginning June 1, 1996, any license issued
18 by the Department may be suspended or revoked if the
19 Department, after the opportunity for a hearing under the
20 appropriate licensing Act, finds that the licensee has
21 failed to make satisfactory repayment to the Illinois
22 Student Assistance Commission for a delinquent or
23 defaulted loan. For the purposes of this Section,
24 "satisfactory repayment record" shall be defined by rule.
25 The Department shall refuse to issue or renew a license
26 to, or shall suspend or revoke a license of, any person
27 who, after receiving notice, fails to comply with a
28 subpoena or warrant relating to a paternity or child
29 support proceeding. However, the Department may issue a
30 license or renewal upon compliance with the subpoena or
31 warrant.

32 The Department, without further process or hearings,
33 shall revoke, suspend, or deny any license or renewal
34 authorized by the Civil Administrative Code of Illinois

1 to a person who is certified by the Illinois Department
2 of Human Services Public Aid as being more than 30 days
3 delinquent in complying with a child support order or who
4 is certified by a court as being in violation of the
5 Non-Support of Punishment Act for more than 60 days. The
6 Department may, however, issue a license or renewal if
7 the person has established a satisfactory repayment
8 record as determined by the Illinois Department of Human
9 Services Public Aid or if the person is determined by the
10 court to be in compliance with the Non-Support Punishment
11 Act. The Department may implement this paragraph as
12 added by Public Act 89-6 through the use of emergency
13 rules in accordance with Section 5-45 of the Illinois
14 Administrative Procedure Act. For purposes of the
15 Illinois Administrative Procedure Act, the adoption of
16 rules to implement this paragraph shall be considered an
17 emergency and necessary for the public interest, safety,
18 and welfare.

19 (6) To transfer jurisdiction of any realty under
20 the control of the Department to any other department of
21 the State Government or to acquire or accept federal
22 lands when the transfer, acquisition, or acceptance is
23 advantageous to the State and is approved in writing by
24 the Governor.

25 (7) To formulate rules and regulations necessary
26 for the enforcement of any Act administered by the
27 Department.

28 (8) To exchange with the Illinois Department of
29 Human Services Public Aid information that may be
30 necessary for the enforcement of child support orders
31 entered pursuant to the Illinois Public Aid Code, the
32 Illinois Marriage and Dissolution of Marriage Act, the
33 Non-Support of Spouse and Children Act, the Non-Support
34 Punishment Act, the Revised Uniform Reciprocal

1 Enforcement of Support Act, the Uniform Interstate Family
2 Support Act, or the Illinois Parentage Act of 1984.
3 Notwithstanding any provisions in this Code to the
4 contrary, the Department of Professional Regulation shall
5 not be liable under any federal or State law to any
6 person for any disclosure of information to the Illinois
7 Department of Human Services Public--Aid under this
8 paragraph (8) or for any other action taken in good faith
9 to comply with the requirements of this paragraph (8).

10 (9) To perform other duties prescribed by law.

11 (b) The Department may, when a fee is payable to the
12 Department for a wall certificate of registration provided by
13 the Department of Central Management Services, require that
14 portion of the payment for printing and distribution costs be
15 made directly or through the Department to the Department of
16 Central Management Services for deposit into the Paper and
17 Printing Revolving Fund. The remainder shall be deposited
18 into the General Revenue Fund.

19 (c) For the purpose of securing and preparing evidence,
20 and for the purchase of controlled substances, professional
21 services, and equipment necessary for enforcement activities,
22 recoupment of investigative costs, and other activities
23 directed at suppressing the misuse and abuse of controlled
24 substances, including those activities set forth in Sections
25 504 and 508 of the Illinois Controlled Substances Act, the
26 Director and agents appointed and authorized by the Director
27 may expend sums from the Professional Regulation Evidence
28 Fund that the Director deems necessary from the amounts
29 appropriated for that purpose. Those sums may be advanced to
30 the agent when the Director deems that procedure to be in the
31 public interest. Sums for the purchase of controlled
32 substances, professional services, and equipment necessary
33 for enforcement activities and other activities as set forth
34 in this Section shall be advanced to the agent who is to make

1 the purchase from the Professional Regulation Evidence Fund
2 on vouchers signed by the Director. The Director and those
3 agents are authorized to maintain one or more commercial
4 checking accounts with any State banking corporation or
5 corporations organized under or subject to the Illinois
6 Banking Act for the deposit and withdrawal of moneys to be
7 used for the purposes set forth in this Section; provided,
8 that no check may be written nor any withdrawal made from any
9 such account except upon the written signatures of 2 persons
10 designated by the Director to write those checks and make
11 those withdrawals. Vouchers for those expenditures must be
12 signed by the Director. All such expenditures shall be
13 audited by the Director, and the audit shall be submitted to
14 the Department of Central Management Services for approval.

15 (d) Whenever the Department is authorized or required by
16 law to consider some aspect of criminal history record
17 information for the purpose of carrying out its statutory
18 powers and responsibilities, then, upon request and payment
19 of fees in conformance with the requirements of Section
20 2605-400 of the Department of State Police Law (20 ILCS
21 2605/2605-400), the Department of State Police is authorized
22 to furnish, pursuant to positive identification, the
23 information contained in State files that is necessary to
24 fulfill the request.

25 (e) The provisions of this Section do not apply to
26 private business and vocational schools as defined by Section
27 1 of the Private Business and Vocational Schools Act.

28 (f) Beginning July 1, 1995, this Section does not apply
29 to those professions, trades, and occupations licensed under
30 the Real Estate License Act of 2000, nor does it apply to any
31 permits, certificates, or other authorizations to do business
32 provided for in the Land Sales Registration Act of 1989 or
33 the Illinois Real Estate Time-Share Act.

34 (Source: P.A. 90-18, eff. 7-1-97; 91-239, eff. 1-1-00;

1 91-245, eff. 12-31-99; 91-613, eff. 10-1-99; revised
2 9-29-99.)

3 (20 ILCS 2105/2105-155) (was 20 ILCS 2105/60n)
4 Sec. 2105-155. Suspension or termination of medical
5 services provider under the Public Aid Code. When the
6 Department receives notice from the Department of Human
7 Services Public-Aid, as required by Section 2205-10 of the
8 Department-of Public Aid Law (20 ILCS 2205/2205-10), that the
9 authorization to provide medical services under Article V of
10 the Illinois Public Aid Code has been suspended or terminated
11 with respect to any person, firm, corporation, association,
12 agency, institution, or other legal entity licensed under any
13 Act administered by the Department of Professional
14 Regulation, the Department of Professional Regulation shall
15 determine whether there are reasonable grounds to investigate
16 the circumstances that resulted in the suspension or
17 termination. If reasonable grounds are found, the Department
18 of Professional Regulation shall conduct an investigation and
19 take the disciplinary action against the licensee that the
20 Department determines to be required under the appropriate
21 licensing Act.

22 (Source: P.A. 91-239, eff. 1-1-00.)

23 Section 90. The Department of Public Aid Law of the
24 Civil Administrative Code of Illinois is amended by changing
25 the heading of Article 2205 and Sections 2205-1, 2205-5, and
26 2205-10 as follows:

27 (20 ILCS 2205/Art. 2205 heading)

28 ARTICLE 2205. DEPARTMENT-OF PUBLIC AID

29 (20 ILCS 2205/2205-1)

30 Sec. 2205-1. Article short title. This Article 2205 of

1 the Civil Administrative Code of Illinois may be cited as the
2 Department-of Public Aid Law.

3 (Source: P.A. 91-239, eff. 1-1-00.)

4 (20 ILCS 2205/2205-5) (was 20 ILCS 2205/48a)

5 Sec. 2205-5. Public Aid Code. The Department of Human
6 Services Public-Aid shall administer the Illinois Public Aid
7 Code as provided in that Code.

8 (Source: P.A. 91-239, eff. 1-1-00.)

9 (20 ILCS 2205/2205-10) (was 20 ILCS 2205/48b)

10 Sec. 2205-10. Suspension or termination of authorization
11 to provide medical services. Whenever the Department of Human
12 Services Public-Aid suspends or terminates the authorization
13 of any person, firm, corporation, association, agency,
14 institution, or other legal entity to provide medical
15 services under Article V of the Illinois Public Aid Code and
16 the practice of providing those services or the maintenance
17 of facilities for those services is licensed under a
18 licensing Act administered by the Department of Public Health
19 or the Department of Professional Regulation, the Department
20 of Human Services Public-Aid shall, within 30 days of the
21 suspension or termination, give written notice of the
22 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 (Source: P.A. 91-239, eff. 1-1-00.)

1 Section 95. The Illinois Health Finance Reform Act is
2 amended by changing Sections 2-4, 4-2, and 5-1 as follows:

3 (20 ILCS 2215/2-4) (from Ch. 111 1/2, par. 6502-4)

4 Sec. 2-4. Consultation. The Directors of the
5 Departments of ~~Public Aid~~, Public Health and Insurance shall
6 consult with the Council, and shall provide the Council with
7 information it requires to perform its duties as outlined in
8 this Act.

9 (Source: P.A. 83-1243.)

10 (20 ILCS 2215/4-2) (from Ch. 111 1/2, par. 6504-2)

11 Sec. 4-2. Powers and duties.

12 (a) The Illinois Health Care Cost Containment Council
13 may enter into any agreement with any corporation,
14 association or other entity it deems appropriate to undertake
15 the process described in this Article for the compilation and
16 analysis of data collected by the Council and to conduct or
17 contract for studies on health-related questions carried out
18 in pursuance of the purposes of this Article. The agreement
19 may provide for the corporation, association or entity to
20 prepare and distribute or make available data to health care
21 providers, health care subscribers, third-party payors,
22 government and the general public, in accordance with the
23 rules of confidentiality and review to be developed under
24 this Act.

25 (b) The input data collected by and furnished to the
26 Council or designated corporation, association or entity
27 pursuant to this Section shall not be a public record under
28 the Illinois Freedom of Information Act. It is the intent of
29 this Act and of the regulations written pursuant to it to
30 protect the confidentiality of individual patient information
31 and the proprietary information of commercial insurance
32 carriers and health care providers. Data specified in

1 subsections (e) and (e-5) shall be released on a hospital
2 specific and licensed ambulatory surgical treatment center
3 specific basis to facilitate comparisons among hospitals and
4 licensed ambulatory surgical treatment centers by purchasers.

5 (c) The Council shall require the Departments of Public
6 Health and Human Services Public-Aid and hospitals located in
7 the State to assist the Council in gathering and submitting
8 the following hospital-specific financial information, and
9 the Council is authorized to share this data with both
10 Departments to reduce the burden on hospitals by avoiding
11 duplicate data collection:

12 OPERATING REVENUES

- 13 (1) Net patient service revenue
- 14 (2) Other revenue
- 15 (3) Total operating revenue

16 OPERATING EXPENSES

- 17 (4) Bad debt expense
- 18 (5) Total operating expenses

19 NON-OPERATING GAINS/LOSSES

- 20 (6) Total non-operating gains
- 21 (7) Total non-operating losses

22 PATIENT CARE REVENUES

- 23 (8) Gross inpatient revenue
- 24 (9) Gross outpatient revenue
- 25 (10) Other Patient care revenue
- 26 (11) Total patient revenue
- 27 (12) Total gross patient care revenue
- 28 (13) Medicare gross revenue
- 29 (14) Medicaid gross revenue
- 30 (15) Total other gross revenue

31 DEDUCTIONS FROM REVENUE

- 32 (16) Charity care

- 1 (17) Medicare allowance
- 2 (18) Medicaid allowance
- 3 (19) Other contractual allowances
- 4 (20) Other allowances
- 5 (21) Total Deductions

6 ASSETS

- 7 (22) Operating cash and short-term investments
- 8 (23) Estimated patient accounts receivable
- 9 (24) Other current assets
- 10 (25) Total current assets
- 11 (26) Total other assets
- 12 (27) Total Assets

13 LIABILITIES AND FUND BALANCES

- 14 (28) Total current liabilities
- 15 (29) Long Term Debt
- 16 (30) Other liabilities
- 17 (31) Total liabilities
- 18 (32) Total liabilities and fund balances

19 All financial data collected by the Council from publicly
20 available sources such as the HCFA is releasable by the
21 Council on a hospital specific basis when appropriate.

22 (d) Uniform Provider Utilization and Charge
23 Information. The Council shall require that:

24 (1) Hospitals licensed to operate in the State of
25 Illinois adopt a uniform system for submitting patient
26 charges for payment from public and private payors
27 effective January 1, 1985. This system shall be based
28 upon adoption of the uniform hospital billing form
29 (UB-92) or its successor form developed by the National
30 Uniform Billing Committee.

31 (2) (Blank).

32 (3) The Department of Insurance require all
33 third-party payors, including but not limited to,

1 licensed insurers, medical and hospital service
 2 corporations, health maintenance organizations, and
 3 self-funded employee health plans, to accept the uniform
 4 billing form, without attachment as submitted by
 5 hospitals pursuant to paragraph (1) of subsection (d)
 6 above, effective January 1, 1985; provided, however,
 7 nothing shall prevent all such third party payors from
 8 requesting additional information necessary to determine
 9 eligibility for benefits or liability for reimbursement
 10 for services provided.

11 (e) The Council, in cooperation with the State
 12 Departments of Human Services ~~Public~~--Aid, Insurance, and
 13 Public Health, shall establish a system for the collection of
 14 the following information from hospitals utilizing the raw
 15 data available on the uniform billing forms. Such data shall
 16 include the following elements and other elements contained
 17 on the uniform billing form or its successor form determined
 18 as necessary by the Council:

- 19 (1) Patient date of birth
- 20 (2) Patient sex
- 21 (3) Patient zip code
- 22 (4) Third-party coverage
- 23 (5) Date of admission
- 24 (6) Source of admission
- 25 (7) Type of admission
- 26 (8) Discharge date
- 27 (9) Principal and up to 8 other diagnoses
- 28 (10) Principal procedure and date
- 29 (11) Patient status
- 30 (12) Other procedures and dates
- 31 (13) Total charges and components of those charges
- 32 (14) Attending and consulting physician identification
 33 numbers
- 34 (15) Hospital identification number

1 (16) An alphanumeric number based on the information to
2 identify the payor

3 (17) Principal source of payment.

4 (e-5) The Council, in cooperation with the Department of
5 Human Services Public-Aid, the Department of Insurance, and
6 the Department of Public Health, shall establish a system for
7 the collection of the following information for each
8 outpatient surgery performed at hospitals and licensed
9 ambulatory surgical treatment centers using the raw data
10 available on outpatient billing forms submitted by hospitals
11 and licensed ambulatory surgical treatment centers to payors.
12 The data must include the following elements, if available on
13 the billing forms, and other elements contained on the
14 billing forms that the Council determines are necessary:

15 (1) patient date of birth;

16 (2) patient sex;

17 (3) patient zip code;

18 (4) third-party coverage;

19 (5) date of admission;

20 (6) source of admission;

21 (7) type of admission;

22 (8) discharge date;

23 (9) principal diagnosis and up to 8 other
24 diagnoses;

25 (10) principal procedure and the date of the
26 procedure;

27 (11) patient status;

28 (12) other procedures and the dates of those
29 procedures;

30 (13) attending and consulting physician
31 identification numbers;

32 (14) hospital or licensed ambulatory surgical
33 treatment center identification number;

34 (15) an alphanumeric number based on the

1 information needed to identify the payor; and

2 (16) principal source of payment.

3 (f) Extracts of the UB-92 transactions shall be prepared
4 by hospitals according to regulations promulgated by the
5 Council and submitted in electronic format to the Council or
6 the corporation, association or entity designated by the
7 Council.

8 For hospitals unable to submit extracts in electronic
9 format, the Council shall determine an alternate method for
10 submission of data. Such extract reporting systems shall be
11 in operation before January 1, 1987; however, the Council may
12 grant time extensions to individual hospital.

13 (f-5) Extracts of the billing forms shall be prepared by
14 licensed ambulatory surgical treatment centers according to
15 rules adopted by the Council and submitted to the Council or
16 a corporation, association, or entity designated by the
17 Council. Electronic submissions shall be encouraged. For
18 licensed ambulatory surgical treatment centers unable to
19 submit extracts in an electronic format the Council must
20 determine an alternate method for submission of data.

21 (g) Under no circumstances shall patient name and social
22 security number appear on the extracts.

23 (h) Hospitals and licensed ambulatory surgical treatment
24 centers shall be assigned a standard identification number by
25 the Council to be used in the submission of all data.

26 (i) The Council shall collect a 100% inpatient sample
27 from hospitals annually. The Council shall require each
28 hospital in the State to submit the UB-92 data extracts
29 required in subsection (e) to the Council, except that
30 hospitals with fewer than 50 beds may be exempted by the
31 Council from the filing requirements if they prove to the
32 Council's satisfaction that the requirements would impose
33 undue economic hardship and if the Council determines that
34 the data submitted from these hospitals are not essential to

1 its data base and its concomitant health care cost comparison
2 efforts.

3 (i-5) The Council shall collect up to a 100% outpatient
4 sample annually from hospitals and licensed ambulatory
5 surgical treatment centers. The Council shall require each
6 hospital and licensed ambulatory surgical treatment center in
7 the State to submit the data extracts required under
8 subsection (e-5) to the Council, except that hospitals and
9 licensed ambulatory surgical treatment centers may be
10 exempted by the Council from the filing requirements if the
11 hospitals or licensed ambulatory surgical treatment centers
12 prove to the Council's satisfaction that the requirements
13 would impose undue economic hardship and if the Council
14 determines that the data submitted from those hospitals and
15 licensed ambulatory surgical treatment centers are not
16 essential to the Council's database and its concomitant
17 health care comparison efforts.

18 (i-10) The outpatient data shall be collected by the
19 Council on a phase-in and trial basis for a one-year period
20 beginning on January 1, 2001. The Council shall implement
21 outpatient data collection for reporting purposes beginning
22 on January 1, 2002.

23 (j) The information submitted to the Council pursuant to
24 subsections (e) and (e-5) shall be reported for each primary
25 payor category, including Medicare, Medicaid, other
26 government programs, private insurance, health maintenance
27 organizations, self-insured, private pay patients, and
28 others. Preferred provider organization reimbursement shall
29 also be reported for each primary third party payor category.

30 (k) The Council shall require and the designated
31 corporation, association or entity, if applicable, shall
32 prepare quarterly basic reports in the aggregate on health
33 care cost and utilization trends in Illinois. The Council
34 shall provide these reports to the public, if requested.

1 These shall include, but not be limited to, comparative
2 information on average charges, total and ancillary charge
3 components, length of stay on diagnosis-specific and
4 procedure specific cases, and number of discharges, compiled
5 in aggregate by hospital and licensed ambulatory surgical
6 treatment center, by diagnosis, and by primary payor
7 category.

8 (1) The Council shall, from information submitted
9 pursuant to subsection (e), prepare an annual report in the
10 aggregate by hospital containing the following:

11 (1) the ratio of caesarean section deliveries to
12 total deliveries;

13 (2) the average length of stay for patients who
14 undergo caesarean sections;

15 (3) the average total charges for patients who have
16 normal deliveries without any significant complications;

17 (4) the average total charges for patients who
18 deliver by caesarean section.

19 The Council shall provide this report to the public, if
20 requested.

21 (1-5) (Blank).

22 (m) Prior to the release or dissemination of these
23 reports, the Council or the designated corporation shall
24 permit providers the opportunity to verify the accuracy of
25 any information pertaining to the provider. The providers
26 may submit to the Council any corrections or errors in the
27 compilation of the data with any supporting evidence and
28 documents the providers may submit. The Council or
29 corporation shall correct data found to be in error and
30 include additional commentary as requested by the provider
31 for major deviations in the charges from the average charges.
32 For purposes of this subsection (m), "providers" includes
33 physicians licensed to practice medicine in all of its
34 branches.

1 (n) In addition to the reports indicated above, the
2 Council shall respond to requests by agencies of government
3 and organizations in the private sector for data products,
4 special studies and analysis of data collected pursuant to
5 this Section. Such reports shall be undertaken only by the
6 agreement of a majority of the members of the Council who
7 shall designate the form in which the information shall be
8 made available. The Council or the corporation, association
9 or entity in consultation with the Council shall also
10 determine a fee to be charged to the requesting agency or
11 private sector organization to cover the direct and indirect
12 costs for producing such a report, and shall permit affected
13 providers the rights to review the accuracy of the report
14 before it is released. Such reports shall not be subject to
15 The Freedom of Information Act.

16 (Source: P.A. 91-756, eff. 6-2-00.)

17 (20 ILCS 2215/5-1) (from Ch. 111 1/2, par. 6505-1)

18 Sec. 5-1. Mandatory Utilization Review.

19 (a) Except as prohibited by Federal law or regulations,
20 any third party payor shall have the option to require
21 utilization review for hospital admissions and continued
22 hospital stays, except for the Illinois Department of Human
23 Services Public Aid for payment of hospital services for
24 recipients of assistance under Articles V, VI, and VII of the
25 Illinois Public Aid Code. The payor shall have the option to
26 contract with a medical peer review organization, provided
27 that the organization is at minimum, composed of 10% of area
28 physicians, or the hospital to perform utilization review or
29 to conduct its own utilization review. A medical peer review
30 organization, as defined, may also contract with hospitals to
31 perform reviews on a delegated basis. The utilization review
32 process shall provide for the timely notification of patients
33 by the third party payor or review organization that further

1 services are deemed inappropriate or medically unnecessary.
2 Such notification shall inform the patient that his third
3 party payor will cease coverage after a stated period from
4 the date of the notification. No third party payor shall be
5 liable for charges for health care services rendered by a
6 hospital subsequent to the end of the notification period.

7 Nothing in this Section shall be construed as authorizing
8 any person or third party payor, other than through the use
9 of physicians licensed to practice medicine in all of its
10 branches or other licensed health care professionals under
11 the supervision of said physicians, to conduct utilization
12 review.

13 (b) All costs associated with utilization review under
14 this section shall be billed to and paid by the third party
15 payor ordering the review.

16 (c) Any third party payor for hospital services may
17 contract with a hospital for a program of utilization review
18 different than that required by this subsection, which
19 contract may provide for the withholding and denial of
20 payment for hospital services to a beneficiary, when such
21 treatment is found in the course of utilization review to
22 have been inappropriate and unwarranted in the case of that
23 beneficiary.

24 (d) All records and reports arising as a result of this
25 subsection shall be strictly privileged and confidential, as
26 provided under Part 21 of Article VIII of the Code of Civil
27 Procedure.

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

29 Section 100. The Department of Public Health Powers and
30 Duties Law of the Civil Administrative Code of Illinois is
31 amended by changing Sections 2310-135, 2310-215, 2310-275,
32 and 2310-395 as follows:

1 (20 ILCS 2310/2310-135) (was 20 ILCS 2310/55.37)

2 Sec. 2310-135. Notice of suspension or termination of
3 medical services provider under Public Aid Code. When the
4 Department receives notice from the Department of Human
5 Services Public--Aid, as required by Section 2205-10 of the
6 ~~Department-of~~ Public Aid Law (20 ILCS 2205/2205-10), that the
7 authorization to provide medical services under Article V of
8 the Illinois Public Aid Code has been suspended or terminated
9 with respect to any person, firm, corporation, association,
10 agency, institution, or other legal entity licensed under any
11 Act administered by the Department of Public Health, the
12 Department of Public Health shall determine whether there are
13 reasonable grounds to investigate the circumstances that
14 resulted in the suspension or termination. If such
15 reasonable grounds are found, the Department of Public Health
16 shall conduct an investigation and take disciplinary action
17 against the licensee that the Department determines to be
18 required under the appropriate licensing Act.

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 (20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)

21 Sec. 2310-215. Center for Minority Health Services.

22 (a) The Department shall establish a Center for Minority
23 Health Services to advise the Department on matters
24 pertaining to the health needs of minority populations within
25 the State.

26 (b) The Center shall have the following duties:

27 (1) To assist in the assessment of the health needs
28 of minority populations in the State.

29 (2) To recommend treatment methods and programs
30 that are sensitive and relevant to the unique linguistic,
31 cultural, and ethnic characteristics of minority
32 populations.

33 (3) To provide consultation, technical assistance,

1 training programs, and reference materials to service
2 providers, organizations, and other agencies.

3 (4) To promote awareness of minority health
4 concerns, and encourage, promote, and aid in the
5 establishment of minority services.

6 (5) To disseminate information on available
7 minority services.

8 (6) To provide adequate and effective opportunities
9 for minority populations to express their views on
10 Departmental policy development and program
11 implementation.

12 (7) To coordinate with the Department on Aging and
13 the Department of Human Services Public-Aid to coordinate
14 services designed to meet the needs of minority senior
15 citizens.

16 (c) For the purpose of this Section, "minority" shall
17 mean and include any person or group of persons who are:

18 (1) African-American (a person having origins in
19 any of the black racial groups in Africa);

20 (2) Hispanic (a person of Spanish or Portuguese
21 culture with origins in Mexico, South or Central America,
22 or the Caribbean Islands, regardless of race);

23 (3) Asian American (a person having origins in any
24 of the original peoples of the Far East, Southeast Asia,
25 the Indian Subcontinent or the Pacific Islands); or

26 (4) American Indian or Alaskan Native (a person
27 having origins in any of the original peoples of North
28 America).

29 (Source: P.A. 91-239, eff. 1-1-00.)

30 (20 ILCS 2310/2310-275) (was 20 ILCS 2310/55.61)
31 Sec. 2310-275. Child health insurance plan study.

32 (a) The Department, in cooperation with the Department
33 of Insurance and the Department of Human Services Public-Aid,

1 shall undertake a study to determine the feasibility of
2 establishing a child health insurance plan to provide primary
3 and preventive health care services for children. The study
4 shall provide an analysis of the types of health care
5 services and benefits needed, including, but not limited to,
6 well-child care, diagnosis and treatment of illness and
7 injury, prescription drugs, and laboratory services. The
8 study shall include an analysis of the cost of the plan and
9 possible sources of funding. The study shall include a
10 review of similar plans operating in other states.

11 (b) The Department shall file its report as provided in
12 Section 3.1 of the General Assembly Organization Act no later
13 than 6 months after January 1, 1992.

14 (Source: P.A. 91-239, eff. 1-1-00.)

15 (20 ILCS 2310/2310-395) (was 20 ILCS 2310/55.72)
16 Sec. 2310-395. Task Force on Organ Transplantation.

17 (a) There is established within the Department a Task
18 Force on Organ Transplantation ("the Task Force"). The Task
19 Force shall have the following 21 members:

20 (1) The Director, ex officio, or his or her
21 designee.

22 (2) The Secretary of State, ex officio, or his or
23 her designee.

24 (3) Four members, appointed one each by the
25 President of the Senate, the Minority Leader of the
26 Senate, the Speaker of the House of Representatives, and
27 the Minority Leader of the House of Representatives.

28 (4) Fifteen members appointed by the Director as
29 follows: 2 physicians (at least one of whom shall have
30 experience in organ transplantation); one representative
31 of medical schools; one representative of hospitals; one
32 representative of insurers or self-insurers; one
33 representative of an organization devoted to organ

1 donation or the coordination of organ donations; one
2 representative of an organization that deals with tissue
3 donation or the coordination of tissue donations; one
4 representative from the Illinois Department of Human
5 Services Public-Aid; one representative from the Illinois
6 Eye Bank Community; one representative from the Illinois
7 Hospital and Health Systems Association; one
8 representative from the Illinois State Coroners
9 Association; one representative from the Illinois State
10 Medical Society; one representative from Mid-America
11 Transplantation Services; and 2 members of the general
12 public who are knowledgeable in areas of the Task Force's
13 work.

14 (b) The Task Force shall conduct a comprehensive
15 examination of the medical, legal, ethical, economic, and
16 social issues presented by human organ procurement and
17 transplantation.

18 (c) The Task Force shall report its findings and
19 recommendations to the Governor and the General Assembly on
20 or before January 1, of each year, and the Task Force's final
21 report shall be filed on or before January 1, 1999. The
22 report shall include, but need not be limited to, the
23 following:

24 (1) An assessment of public and private efforts to
25 procure human organs for transplantation and an
26 identification of factors that diminish the number of
27 organs available for transplantation.

28 (2) An assessment of problems in coordinating the
29 procurement of viable human organs and tissue including
30 skin and bones.

31 (3) Recommendations for the education and training
32 of health professionals, including physicians, nurses,
33 and hospital and emergency care personnel, with respect
34 to organ procurement.

1 (4) Recommendations for the education of the
2 general public, the clergy, law enforcement officers,
3 members of local fire departments, and other agencies and
4 individuals that may be instrumental in affecting organ
5 procurement.

6 (5) Recommendations for ensuring equitable access
7 by patients to organ transplantation and for ensuring the
8 equitable allocation of donated organs among transplant
9 centers and among patients medically qualified for an
10 organ transplant.

11 (6) An identification of barriers to the donation
12 of organs to patients (with special emphasis on pediatric
13 patients), including an assessment of each of the
14 following:

15 (A) Barriers to the improved identification of
16 organ donors and their families and organ
17 recipients.

18 (B) The number of potential organ donors and
19 their geographical distribution.

20 (C) Current health care services provided for
21 patients who need organ transplantation and organ
22 procurement procedures, systems, and programs that
23 affect those patients.

24 (D) Cultural factors affecting the facility
25 with respect to the donation of the organs.

26 (E) Ethical and economic issues relating to
27 organ transplantation needed by chronically ill
28 patients.

29 (7) An analysis of the factors involved in
30 insurance reimbursement for transplant procedures by
31 private insurers and the public sector.

32 (8) An analysis of the manner in which organ
33 transplantation technology is diffused among and adopted
34 by qualified medical centers, including a specification

1 of the number and geographical distribution of qualified
2 medical centers using that technology and an assessment
3 of whether the number of centers using that technology is
4 sufficient or excessive and whether the public has
5 sufficient access to medical procedures using that
6 technology.

7 (9) Recommendations for legislative changes
8 necessary to make organ transplants more readily
9 available to Illinois citizens.

10 (d) The Director of Public Health shall review the
11 progress of the Task Force to determine the need for its
12 continuance, and the Director shall report this determination
13 to the Governor and the General Assembly on or before January
14 1, 1999.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 Section 105. The Disabled Persons Rehabilitation Act is
17 amended by changing Section 3 as follows:

18 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

19 Sec. 3. Powers and duties. The Department shall have the
20 powers and duties enumerated herein:

21 (a) To co-operate with the federal government in the
22 administration of the provisions of the federal
23 Rehabilitation Act of 1973, as amended, of the Workforce
24 Investment Act of 1998, and of the federal Social Security
25 Act to the extent and in the manner provided in these Acts.

26 (b) To prescribe and supervise such courses of
27 vocational training and provide such other services as may be
28 necessary for the habilitation and rehabilitation of persons
29 with one or more disabilities, including the administrative
30 activities under subsection (e) of this Section, and to
31 co-operate with State and local school authorities and other
32 recognized agencies engaged in habilitation, rehabilitation

1 and comprehensive rehabilitation services; and to cooperate
2 with the Department of Children and Family Services regarding
3 the care and education of children with one or more
4 disabilities.

5 (c) To make such reports and submit such plans to the
6 federal government as are required by the provisions of the
7 federal Rehabilitation Act of 1973, as amended, and by the
8 rules and regulations of the federal agency or agencies
9 administering the federal Rehabilitation Act of 1973, as
10 amended, the Workforce Investment Act of 1998, and the
11 federal Social Security Act.

12 (d) To report in writing, to the Governor, annually on
13 or before the first day of December, and at such other times
14 and in such manner and upon such subjects as the Governor may
15 require. The annual report shall contain (1) a statement of
16 the existing condition of comprehensive rehabilitation
17 services, habilitation and rehabilitation in the State; (2) a
18 statement of suggestions and recommendations with reference
19 to the development of comprehensive rehabilitation services,
20 habilitation and rehabilitation in the State; and (3) an
21 itemized statement of the amounts of money received from
22 federal, State and other sources, and of the objects and
23 purposes to which the respective items of these several
24 amounts have been devoted.

25 (e) To exercise, pursuant to Section 13 of this Act,
26 executive and administrative supervision over all
27 institutions, divisions, programs and services now existing
28 or hereafter acquired or created under the jurisdiction of
29 the Department, including, but not limited to, the following:

30 The Illinois School for the Visually Impaired at
31 Jacksonville, as provided under Section 10 of this Act,

32 The Illinois School for the Deaf at Jacksonville, as
33 provided under Section 10 of this Act, and

34 The Illinois Center for Rehabilitation and Education, as

1 provided under Section 11 of this Act.

2 (f) To establish a program of services to prevent
3 unnecessary institutionalization of persons with Alzheimer's
4 disease and related disorders or persons in need of long term
5 care who are established as blind or disabled as defined by
6 the Social Security Act, thereby enabling them to remain in
7 their own homes or other living arrangements. Such preventive
8 services may include, but are not limited to, any or all of
9 the following:

- 10 (1) home health services;
- 11 (2) home nursing services;
- 12 (3) homemaker services;
- 13 (4) chore and housekeeping services;
- 14 (5) day care services;
- 15 (6) home-delivered meals;
- 16 (7) education in self-care;
- 17 (8) personal care services;
- 18 (9) adult day health services;
- 19 (10) habilitation services;
- 20 (11) respite care; or
- 21 (12) other nonmedical social services that may
22 enable the person to become self-supporting.

23 The Department shall establish eligibility standards for
24 such services taking into consideration the unique economic
25 and social needs of the population for whom they are to be
26 provided. Such eligibility standards may be based on the
27 recipient's ability to pay for services; provided, however,
28 that any portion of a person's income that is equal to or
29 less than the "protected income" level shall not be
30 considered by the Department in determining eligibility. The
31 "protected income" level shall be determined by the
32 Department, shall never be less than the federal poverty
33 standard, and shall be adjusted each year to reflect changes
34 in the Consumer Price Index For All Urban Consumers as

1 determined by the United States Department of Labor.
2 Additionally, in determining the amount and nature of
3 services for which a person may qualify, consideration shall
4 not be given to the value of cash, property or other assets
5 held in the name of the person's spouse pursuant to a written
6 agreement dividing marital property into equal but separate
7 shares or pursuant to a transfer of the person's interest in
8 a home to his spouse, provided that the spouse's share of the
9 marital property is not made available to the person seeking
10 such services.

11 The services shall be provided to eligible persons to
12 prevent unnecessary or premature institutionalization, to the
13 extent that the cost of the services, together with the other
14 personal maintenance expenses of the persons, are reasonably
15 related to the standards established for care in a group
16 facility appropriate to their condition. These
17 non-institutional services, pilot projects or experimental
18 facilities may be provided as part of or in addition to those
19 authorized by federal law or those funded and administered by
20 the Illinois Department on Aging.

21 Personal care attendants shall be paid:

22 (i) A \$5 per hour minimum rate beginning July 1,
23 1995.

24 (ii) A \$5.30 per hour minimum rate beginning July
25 1, 1997.

26 (iii) A \$5.40 per hour minimum rate beginning July
27 1, 1998.

28 The Department shall execute, relative to the nursing
29 home prescreening project, as authorized by Section 4.03 of
30 the Illinois Act on the Aging, written inter-agency
31 agreements with the Department on Aging and ~~the Department of~~
32 ~~Public Aid~~, to effect the following: (i) intake procedures
33 and common eligibility criteria for those persons who are
34 receiving non-institutional services; and (ii) the

1 establishment and development of non-institutional services
2 in areas of the State where they are not currently available
3 or are undeveloped. On and after July 1, 1996, all nursing
4 home prescreenings for individuals 18 through 59 years of age
5 shall be conducted by the Department.

6 The Department is authorized to establish a system of
7 recipient cost-sharing for services provided under this
8 Section. The cost-sharing shall be based upon the
9 recipient's ability to pay for services, but in no case shall
10 the recipient's share exceed the actual cost of the services
11 provided. Protected income shall not be considered by the
12 Department in its determination of the recipient's ability to
13 pay a share of the cost of services. The level of
14 cost-sharing shall be adjusted each year to reflect changes
15 in the "protected income" level. The Department shall deduct
16 from the recipient's share of the cost of services any money
17 expended by the recipient for disability-related expenses.

18 The Department, or the Department's authorized
19 representative, shall recover the amount of moneys expended
20 for services provided to or in behalf of a person under this
21 Section by a claim against the person's estate or against the
22 estate of the person's surviving spouse, but no recovery may
23 be had until after the death of the surviving spouse, if any,
24 and then only at such time when there is no surviving child
25 who is under age 21, blind, or permanently and totally
26 disabled. This paragraph, however, shall not bar recovery,
27 at the death of the person, of moneys for services provided
28 to the person or in behalf of the person under this Section
29 to which the person was not entitled; provided that such
30 recovery shall not be enforced against any real estate while
31 it is occupied as a homestead by the surviving spouse or
32 other dependent, if no claims by other creditors have been
33 filed against the estate, or, if such claims have been filed,
34 they remain dormant for failure of prosecution or failure of

1 the claimant to compel administration of the estate for the
2 purpose of payment. This paragraph shall not bar recovery
3 from the estate of a spouse, under Sections 1915 and 1924 of
4 the Social Security Act and Section 5-4 of the Illinois
5 Public Aid Code, who precedes a person receiving services
6 under this Section in death. All moneys for services paid to
7 or in behalf of the person under this Section shall be
8 claimed for recovery from the deceased spouse's estate.
9 "Homestead", as used in this paragraph, means the dwelling
10 house and contiguous real estate occupied by a surviving
11 spouse or relative, as defined by the rules and regulations
12 of the Illinois Department of Human Services Public--Aid,
13 regardless of the value of the property.

14 The Department and the Department on Aging shall
15 cooperate in the development and submission of an annual
16 report on programs and services provided under this Section.
17 Such joint report shall be filed with the Governor and the
18 General Assembly on or before March 30 each year.

19 The requirement for reporting to the General Assembly
20 shall be satisfied by filing copies of the report with the
21 Speaker, the Minority Leader and the Clerk of the House of
22 Representatives and the President, the Minority Leader and
23 the Secretary of the Senate and the Legislative Research
24 Unit, as required by Section 3.1 of the General Assembly
25 Organization Act, and filing additional copies with the State
26 Government Report Distribution Center for the General
27 Assembly as required under paragraph (t) of Section 7 of the
28 State Library Act.

29 (g) To establish such subdivisions of the Department as
30 shall be desirable and assign to the various subdivisions the
31 responsibilities and duties placed upon the Department by
32 law.

33 (h) To cooperate and enter into any necessary agreements
34 with the Department of Employment Security for the provision

1 of job placement and job referral services to clients of the
2 Department, including job service registration of such
3 clients with Illinois Employment Security offices and making
4 job listings maintained by the Department of Employment
5 Security available to such clients.

6 (i) To possess all powers reasonable and necessary for
7 the exercise and administration of the powers, duties and
8 responsibilities of the Department which are provided for by
9 law.

10 (j) To establish a procedure whereby new providers of
11 personal care attendant services shall submit vouchers to the
12 State for payment two times during their first month of
13 employment and one time per month thereafter. In no case
14 shall the Department pay personal care attendants an hourly
15 wage that is less than the federal minimum wage.

16 (k) To provide adequate notice to providers of chore and
17 housekeeping services informing them that they are entitled
18 to an interest payment on bills which are not promptly paid
19 pursuant to Section 3 of the State Prompt Payment Act.

20 (l) To establish, operate and maintain a Statewide
21 Housing Clearinghouse of information on available, government
22 subsidized housing accessible to disabled persons and
23 available privately owned housing accessible to disabled
24 persons. The information shall include but not be limited to
25 the location, rental requirements, access features and
26 proximity to public transportation of available housing. The
27 Clearinghouse shall consist of at least a computerized
28 database for the storage and retrieval of information and a
29 separate or shared toll free telephone number for use by
30 those seeking information from the Clearinghouse. Department
31 offices and personnel throughout the State shall also assist
32 in the operation of the Statewide Housing Clearinghouse.
33 Cooperation with local, State and federal housing managers
34 shall be sought and extended in order to frequently and

1 promptly update the Clearinghouse's information.
2 (Source: P.A. 90-365, eff. 8-10-97; 91-540, eff. 8-13-99.)

3 Section 110. The Department of Revenue Law of the Civil
4 Administrative Code of Illinois is amended by changing
5 Sections 2505-65 and 2505-650 as follows:

6 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)
7 Sec. 2505-65. Exchange of information.

8 (a) The Department has the power to exchange with any
9 state, with any local subdivisions of any state, or with the
10 federal government, except when specifically prohibited by
11 law, any information that may be necessary to efficient tax
12 administration and that may be acquired as a result of the
13 administration of the laws set forth in the Sections
14 following Section 95-10 and preceding Section 2505-60.

15 (b) The Department has the power to exchange with the
16 Illinois Department of Human Services Public-Aid information
17 that may be necessary for the enforcement of child support
18 orders entered pursuant to the Illinois Public Aid Code, the
19 Illinois Marriage and Dissolution of Marriage Act, the
20 Non-Support of Spouse and Children Act, the Non-Support
21 Punishment Act, the Revised Uniform Reciprocal Enforcement of
22 Support Act, the Uniform Interstate Family Support Act, or
23 the Illinois Parentage Act of 1984. Notwithstanding any
24 provisions in this Code to the contrary, the Department of
25 Revenue shall not be liable to any person for any disclosure
26 of information to the Illinois Department of Human Services
27 Public--Aid under this subsection (b) or for any other action
28 taken in good faith to comply with the requirements of this
29 subsection (b).

30 (Source: P.A. 90-18, eff. 7-1-97; 91-239, eff. 1-1-00;
31 91-613, eff. 10-1-99; revised 8-5-99.)

1 (20 ILCS 2505/2505-650) (was 20 ILCS 2505/39b52)

2 Sec. 2505-650. Collection of past due support. Upon

3 certification of past due child support amounts from the

4 Department of Human Services Public Aid, the Department of

5 Revenue may collect the delinquency in any manner authorized

6 for the collection of any tax administered by the Department

7 of Revenue. The Department of Revenue shall notify the

8 Department of Human Services Public Aid when the delinquency

9 or any portion of the delinquency has been collected under

10 this Section. Any child support delinquency collected by the

11 Department of Revenue, including those amounts that result in

12 overpayment of a child support delinquency, shall be

13 deposited into the Child Support Enforcement Trust Fund or

14 paid to the State Disbursement Unit established under Section

15 10-26 of the Illinois Public Aid Code, at the direction of

16 the Department of Human Services Public Aid. The Department

17 of Revenue may implement this Section through the use of

18 emergency rules in accordance with Section 5-45 of the

19 Illinois Administrative Procedure Act. For purposes of the

20 Illinois Administrative Procedure Act, the adoption of rules

21 to implement this Section shall be considered an emergency

22 and necessary for the public interest, safety, and welfare.

23 (Source: P.A. 90-491, eff. 1-1-98; 91-212, eff. 7-20-99;

24 91-239, eff. 1-1-00; 91-712, eff. 7-1-00.)

25 Section 115. The Department of State Police Law of the

26 Civil Administrative Code of Illinois is amended by changing

27 Section 55a as follows:

28 (20 ILCS 2605/55a) (from Ch. 127, par. 55a)

29 (Text of Section from P.A. 91-309)

30 Sec. 55a. Powers and duties.

31 (A) The Department of State Police shall have the

32 following powers and duties, and those set forth in Sections

1 55a-1 through 55c:

2 1. To exercise the rights, powers and duties which have
3 been vested in the Department of Public Safety by the State
4 Police Act.

5 2. To exercise the rights, powers and duties which have
6 been vested in the Department of Public Safety by the State
7 Police Radio Act.

8 3. To exercise the rights, powers and duties which have
9 been vested in the Department of Public Safety by the
10 Criminal Identification Act.

11 4. To (a) investigate the origins, activities, personnel
12 and incidents of crime and the ways and means to redress the
13 victims of crimes, and study the impact, if any, of
14 legislation relative to the effusion of crime and growing
15 crime rates, and enforce the criminal laws of this State
16 related thereto, (b) enforce all laws regulating the
17 production, sale, prescribing, manufacturing, administering,
18 transporting, having in possession, dispensing, delivering,
19 distributing, or use of controlled substances and cannabis,
20 (c) employ skilled experts, scientists, technicians,
21 investigators or otherwise specially qualified persons to aid
22 in preventing or detecting crime, apprehending criminals, or
23 preparing and presenting evidence of violations of the
24 criminal laws of the State, (d) cooperate with the police of
25 cities, villages and incorporated towns, and with the police
26 officers of any county, in enforcing the laws of the State
27 and in making arrests and recovering property, (e) apprehend
28 and deliver up any person charged in this State or any other
29 State of the United States with treason, felony, or other
30 crime, who has fled from justice and is found in this State,
31 and (f) conduct such other investigations as may be provided
32 by law. Persons exercising these powers within the Department
33 are conservators of the peace and as such have all the powers
34 possessed by policemen in cities and sheriffs, except that

1 they may exercise such powers anywhere in the State in
2 cooperation with and after contact with the local law
3 enforcement officials. Such persons may use false or
4 fictitious names in the performance of their duties under
5 this paragraph, upon approval of the Director, and shall not
6 be subject to prosecution under the criminal laws for such
7 use.

8 5. To: (a) be a central repository and custodian of
9 criminal statistics for the State, (b) be a central
10 repository for criminal history record information, (c)
11 procure and file for record such information as is necessary
12 and helpful to plan programs of crime prevention, law
13 enforcement and criminal justice, (d) procure and file for
14 record such copies of fingerprints, as may be required by
15 law, (e) establish general and field crime laboratories, (f)
16 register and file for record such information as may be
17 required by law for the issuance of firearm owner's
18 identification cards, (g) employ polygraph operators,
19 laboratory technicians and other specially qualified persons
20 to aid in the identification of criminal activity, and (h)
21 undertake such other identification, information, laboratory,
22 statistical or registration activities as may be required by
23 law.

24 5.5. Provide, when an individual is arrested, that the
25 following information must be made available to the news
26 media for inspection and copying:

27 (a) Information that identifies the person,
28 including the name, age, address, and photograph, when
29 and if available.

30 (b) Information detailing any charges relating to
31 the arrest.

32 (c) The time and location of the arrest.

33 (d) The name of the investigating or arresting law
34 enforcement agency.

1 (e) If incarcerated, the amount of any bail or
2 bond.

3 (f) If incarcerated, the time and date that the
4 individual was received, discharged, or transferred from
5 the arresting agency's custody.

6 (1) The information required by this paragraph
7 must be made available to the news media for
8 inspection and copying as soon as practicable, but
9 in no event shall the time period exceed 72 hours
10 from the arrest. The information described in
11 subparagraphs (c), (d), (e), and (f) of this
12 paragraph, however, may be withheld if it is
13 determined that disclosure would (i) interfere with
14 pending or actually and reasonably contemplated law
15 enforcement proceedings conducted by any law
16 enforcement or correctional agency; (ii) endanger
17 the life or physical safety of law enforcement or
18 correctional personnel or any other person; or (iii)
19 compromise the security of any correctional
20 facility.

21 (2) For the purposes of this paragraph, the
22 term "news media" means personnel of a newspaper or
23 other periodical issued at regular intervals, a news
24 service, a radio station, a television station, a
25 community antenna television service, or a person or
26 corporation engaged in making news reels or other
27 motion picture news for public showing.

28 (3) Each law enforcement or correctional
29 agency may charge fees for arrest records, but in no
30 instance may the fee exceed the actual cost of
31 copying and reproduction. The fees may not include
32 the cost of the labor used to reproduce the arrest
33 record.

34 (4) The provisions of this paragraph do not

1 supersede the confidentiality provisions for arrest
2 records of the Juvenile Court Act.

3 6. To (a) acquire and operate one or more radio
4 broadcasting stations in the State to be used for police
5 purposes, (b) operate a statewide communications network to
6 gather and disseminate information for law enforcement
7 agencies, (c) operate an electronic data processing and
8 computer center for the storage and retrieval of data
9 pertaining to criminal activity, and (d) undertake such other
10 communication activities as may be required by law.

11 7. To provide, as may be required by law, assistance to
12 local law enforcement agencies through (a) training,
13 management and consultant services for local law enforcement
14 agencies, and (b) the pursuit of research and the publication
15 of studies pertaining to local law enforcement activities.

16 8. To exercise the rights, powers and duties which have
17 been vested in the Department of State Police and the
18 Director of the Department of State Police by the Narcotic
19 Control Division Abolition Act.

20 9. To exercise the rights, powers and duties which have
21 been vested in the Department of Public Safety by the
22 Illinois Vehicle Code.

23 10. To exercise the rights, powers and duties which have
24 been vested in the Department of Public Safety by the Firearm
25 Owners Identification Card Act.

26 11. To enforce and administer such other laws in
27 relation to law enforcement as may be vested in the
28 Department.

29 12. To transfer jurisdiction of any realty title to
30 which is held by the State of Illinois under the control of
31 the Department to any other department of the State
32 government or to the State Employees Housing Commission, or
33 to acquire or accept Federal land, when such transfer,
34 acquisition or acceptance is advantageous to the State and is

1 approved in writing by the Governor.

2 13. With the written approval of the Governor, to enter
3 into agreements with other departments created by this Act,
4 for the furlough of inmates of the penitentiary to such other
5 departments for their use in research programs being
6 conducted by them.

7 For the purpose of participating in such research
8 projects, the Department may extend the limits of any
9 inmate's place of confinement, when there is reasonable cause
10 to believe that the inmate will honor his or her trust by
11 authorizing the inmate, under prescribed conditions, to leave
12 the confines of the place unaccompanied by a custodial agent
13 of the Department. The Department shall make rules governing
14 the transfer of the inmate to the requesting other department
15 having the approved research project, and the return of such
16 inmate to the unextended confines of the penitentiary. Such
17 transfer shall be made only with the consent of the inmate.

18 The willful failure of a prisoner to remain within the
19 extended limits of his or her confinement or to return within
20 the time or manner prescribed to the place of confinement
21 designated by the Department in granting such extension shall
22 be deemed an escape from custody of the Department and
23 punishable as provided in Section 3-6-4 of the Unified Code
24 of Corrections.

25 14. To provide investigative services, with all of the
26 powers possessed by policemen in cities and sheriffs, in and
27 around all race tracks subject to the Horse Racing Act of
28 1975.

29 15. To expend such sums as the Director deems necessary
30 from Contractual Services appropriations for the Division of
31 Criminal Investigation for the purchase of evidence and for
32 the employment of persons to obtain evidence. Such sums shall
33 be advanced to agents authorized by the Director to expend
34 funds, on vouchers signed by the Director.

1 16. To assist victims and witnesses in gang crime
2 prosecutions through the administration of funds appropriated
3 from the Gang Violence Victims and Witnesses Fund to the
4 Department. Such funds shall be appropriated to the
5 Department and shall only be used to assist victims and
6 witnesses in gang crime prosecutions and such assistance may
7 include any of the following:

8 (a) temporary living costs;

9 (b) moving expenses;

10 (c) closing costs on the sale of private residence;

11 (d) first month's rent;

12 (e) security deposits;

13 (f) apartment location assistance;

14 (g) other expenses which the Department considers
15 appropriate; and

16 (h) compensation for any loss of or injury to real
17 or personal property resulting from a gang crime to a
18 maximum of \$5,000, subject to the following provisions:

19 (1) in the case of loss of property, the
20 amount of compensation shall be measured by the
21 replacement cost of similar or like property which
22 has been incurred by and which is substantiated by
23 the property owner,

24 (2) in the case of injury to property, the
25 amount of compensation shall be measured by the cost
26 of repair incurred and which can be substantiated by
27 the property owner,

28 (3) compensation under this provision is a
29 secondary source of compensation and shall be
30 reduced by any amount the property owner receives
31 from any other source as compensation for the loss
32 or injury, including, but not limited to, personal
33 insurance coverage,

34 (4) no compensation may be awarded if the

1 property owner was an offender or an accomplice of
2 the offender, or if the award would unjustly benefit
3 the offender or offenders, or an accomplice of the
4 offender or offenders.

5 No victim or witness may receive such assistance if he or
6 she is not a part of or fails to fully cooperate in the
7 prosecution of gang crime members by law enforcement
8 authorities.

9 The Department shall promulgate any rules necessary for
10 the implementation of this amendatory Act of 1985.

11 17. To conduct arson investigations.

12 18. To develop a separate statewide statistical police
13 contact record keeping system for the study of juvenile
14 delinquency. The records of this police contact system shall
15 be limited to statistical information. No individually
16 identifiable information shall be maintained in the police
17 contact statistical record system.

18 19. To develop a separate statewide central juvenile
19 records system for persons arrested prior to the age of 17
20 under Section 5-401 of the Juvenile Court Act of 1987 or
21 adjudicated delinquent minors and to make information
22 available to local law enforcement officers so that law
23 enforcement officers will be able to obtain rapid access to
24 the background of the minor from other jurisdictions to the
25 end that the juvenile police officers can make appropriate
26 decisions which will best serve the interest of the child and
27 the community. The Department shall submit a quarterly
28 report to the General Assembly and Governor which shall
29 contain the number of juvenile records that the Department
30 has received in that quarter and a list, by category, of
31 offenses that minors were arrested for or convicted of by
32 age, race and gender.

33 20. To develop rules which guarantee the confidentiality
34 of such individually identifiable juvenile records except to

1 juvenile authorities who request information concerning the
2 minor and who certify in writing that the information will
3 not be disclosed to any other party except as provided under
4 law or order of court. For purposes of this Section,
5 "juvenile authorities" means: (i) a judge of the circuit
6 court and members of the staff of the court designated by the
7 judge; (ii) parties to the proceedings under the Juvenile
8 Court Act of 1987 and their attorneys; (iii) probation
9 officers and court appointed advocates for the juvenile
10 authorized by the judge hearing the case; (iv) any individual
11 or public or private agency having custody of the child
12 pursuant to court order; (v) any individual or public or
13 private agency providing education, medical or mental health
14 service to the child when the requested information is needed
15 to determine the appropriate service or treatment for the
16 minor; (vi) any potential placement provider when such
17 release is authorized by the court for the limited purpose of
18 determining the appropriateness of the potential placement;
19 (vii) law enforcement officers and prosecutors; (viii) adult
20 and juvenile prisoner review boards; (ix) authorized military
21 personnel; (x) individuals authorized by court; (xi) the
22 Illinois General Assembly or any committee or commission
23 thereof.

24 21. To develop administrative rules and administrative
25 hearing procedures which allow a minor, his or her attorney,
26 and his or her parents or guardian access to individually
27 identifiable juvenile records for the purpose of determining
28 or challenging the accuracy of the records. Final
29 administrative decisions shall be subject to the provisions
30 of the Administrative Review Law.

31 22. To charge, collect, and receive fees or moneys
32 equivalent to the cost of providing Department of State
33 Police personnel, equipment, and services to local
34 governmental agencies when explicitly requested by a local

1 governmental agency and pursuant to an intergovernmental
2 agreement as provided by this Section, other State agencies,
3 and federal agencies, including but not limited to fees or
4 moneys equivalent to the cost of providing dispatching
5 services, radio and radar repair, and training to local
6 governmental agencies on such terms and conditions as in the
7 judgment of the Director are in the best interest of the
8 State; and to establish, charge, collect and receive fees or
9 moneys based on the cost of providing responses to requests
10 for criminal history record information pursuant to positive
11 identification and any Illinois or federal law authorizing
12 access to some aspect of such information and to prescribe
13 the form and manner for requesting and furnishing such
14 information to the requestor on such terms and conditions as
15 in the judgment of the Director are in the best interest of
16 the State, provided fees for requesting and furnishing
17 criminal history record information may be waived for
18 requests in the due administration of the criminal laws. The
19 Department may also charge, collect and receive fees or
20 moneys equivalent to the cost of providing electronic data
21 processing lines or related telecommunication services to
22 local governments, but only when such services can be
23 provided by the Department at a cost less than that
24 experienced by said local governments through other means.
25 All services provided by the Department shall be conducted
26 pursuant to contracts in accordance with the
27 Intergovernmental Cooperation Act, and all telecommunication
28 services shall be provided pursuant to the provisions of
29 Section 67.18 of this Code.

30 All fees received by the Department of State Police under
31 this Act or the Illinois Uniform Conviction Information Act
32 shall be deposited in a special fund in the State Treasury to
33 be known as the State Police Services Fund. The money
34 deposited in the State Police Services Fund shall be

1 appropriated to the Department of State Police for expenses
2 of the Department of State Police.

3 Upon the completion of any audit of the Department of
4 State Police as prescribed by the Illinois State Auditing
5 Act, which audit includes an audit of the State Police
6 Services Fund, the Department of State Police shall make the
7 audit open to inspection by any interested person.

8 23. To exercise the powers and perform the duties which
9 have been vested in the Department of State Police by the
10 Intergovernmental Missing Child Recovery Act of 1984, and to
11 establish reasonable rules and regulations necessitated
12 thereby.

13 24. (a) To establish and maintain a statewide Law
14 Enforcement Agencies Data System (LEADS) for the purpose of
15 providing electronic access by authorized entities to
16 criminal justice data repositories and effecting an immediate
17 law enforcement response to reports of missing persons,
18 including lost, missing or runaway minors. The Department
19 shall implement an automatic data exchange system to compile,
20 to maintain and to make available to other law enforcement
21 agencies for immediate dissemination data which can assist
22 appropriate agencies in recovering missing persons and
23 provide access by authorized entities to various data
24 repositories available through LEADS for criminal justice and
25 related purposes. To assist the Department in this effort,
26 funds may be appropriated from the LEADS Maintenance Fund.

27 (b) In exercising its duties under this subsection, the
28 Department shall:

29 (1) provide a uniform reporting format for the
30 entry of pertinent information regarding the report of a
31 missing person into LEADS;

32 (2) develop and implement a policy whereby a
33 statewide or regional alert would be used in situations
34 relating to the disappearances of individuals, based on

1 criteria and in a format established by the Department.
2 Such a format shall include, but not be limited to, the
3 age of the missing person and the suspected circumstance
4 of the disappearance;

5 (3) notify all law enforcement agencies that
6 reports of missing persons shall be entered as soon as
7 the minimum level of data specified by the Department is
8 available to the reporting agency, and that no waiting
9 period for the entry of such data exists;

10 (4) compile and retain information regarding lost,
11 abducted, missing or runaway minors in a separate data
12 file, in a manner that allows such information to be used
13 by law enforcement and other agencies deemed appropriate
14 by the Director, for investigative purposes. Such
15 information shall include the disposition of all reported
16 lost, abducted, missing or runaway minor cases;

17 (5) compile and maintain an historic data
18 repository relating to lost, abducted, missing or runaway
19 minors and other missing persons in order to develop and
20 improve techniques utilized by law enforcement agencies
21 when responding to reports of missing persons; and

22 (6) create a quality control program regarding
23 confirmation of missing person data, timeliness of
24 entries of missing person reports into LEADS and
25 performance audits of all entering agencies.

26 25. On request of a school board or regional
27 superintendent of schools, to conduct an inquiry pursuant to
28 Section 10-21.9 or 34-18.5 of the School Code to ascertain if
29 an applicant for employment in a school district has been
30 convicted of any criminal or drug offenses enumerated in
31 Section 10-21.9 or 34-18.5 of the School Code. The
32 Department shall furnish such conviction information to the
33 President of the school board of the school district which
34 has requested the information, or if the information was

1 requested by the regional superintendent to that regional
2 superintendent.

3 26. To promulgate rules and regulations necessary for
4 the administration and enforcement of its powers and duties,
5 wherever granted and imposed, pursuant to the Illinois
6 Administrative Procedure Act.

7 27. To (a) promulgate rules pertaining to the
8 certification, revocation of certification and training of
9 law enforcement officers as electronic criminal surveillance
10 officers, (b) provide training and technical assistance to
11 State's Attorneys and local law enforcement agencies
12 pertaining to the interception of private oral
13 communications, (c) promulgate rules necessary for the
14 administration of Article 108B of the Code of Criminal
15 Procedure of 1963, including but not limited to standards for
16 recording and minimization of electronic criminal
17 surveillance intercepts, documentation required to be
18 maintained during an intercept, procedures in relation to
19 evidence developed by an intercept, and (d) charge a
20 reasonable fee to each law enforcement agency that sends
21 officers to receive training as electronic criminal
22 surveillance officers.

23 28. Upon the request of any private organization which
24 devotes a major portion of its time to the provision of
25 recreational, social, educational or child safety services to
26 children, to conduct, pursuant to positive identification,
27 criminal background investigations of all of that
28 organization's current employees, current volunteers,
29 prospective employees or prospective volunteers charged with
30 the care and custody of children during the provision of the
31 organization's services, and to report to the requesting
32 organization any record of convictions maintained in the
33 Department's files about such persons. The Department shall
34 charge an application fee, based on actual costs, for the

1 dissemination of conviction information pursuant to this
2 subsection. The Department is empowered to establish this
3 fee and shall prescribe the form and manner for requesting
4 and furnishing conviction information pursuant to this
5 subsection. Information received by the organization from the
6 Department concerning an individual shall be provided to such
7 individual. Any such information obtained by the
8 organization shall be confidential and may not be transmitted
9 outside the organization and may not be transmitted to anyone
10 within the organization except as needed for the purpose of
11 evaluating the individual. Only information and standards
12 which bear a reasonable and rational relation to the
13 performance of child care shall be used by the organization.
14 Any employee of the Department or any member, employee or
15 volunteer of the organization receiving confidential
16 information under this subsection who gives or causes to be
17 given any confidential information concerning any criminal
18 convictions of an individual shall be guilty of a Class A
19 misdemeanor unless release of such information is authorized
20 by this subsection.

21 29. Upon the request of the Department of Children and
22 Family Services, to investigate reports of child abuse or
23 neglect.

24 30. To obtain registration of a fictitious vital record
25 pursuant to Section 15.1 of the Vital Records Act.

26 31. To collect and disseminate information relating to
27 "hate crimes" as defined under Section 12-7.1 of the Criminal
28 Code of 1961 contingent upon the availability of State or
29 Federal funds to revise and upgrade the Illinois Uniform
30 Crime Reporting System. All law enforcement agencies shall
31 report monthly to the Department of State Police concerning
32 such offenses in such form and in such manner as may be
33 prescribed by rules and regulations adopted by the Department
34 of State Police. Such information shall be compiled by the

1 Department and be disseminated upon request to any local law
2 enforcement agency, unit of local government, or state
3 agency. Dissemination of such information shall be subject
4 to all confidentiality requirements otherwise imposed by law.
5 The Department of State Police shall provide training for
6 State Police officers in identifying, responding to, and
7 reporting all hate crimes. The Illinois Law Enforcement
8 Training Standards Board shall develop and certify a course
9 of such training to be made available to local law
10 enforcement officers.

11 32. Upon the request of a private carrier company that
12 provides transportation under Section 28b of the Metropolitan
13 Transit Authority Act, to ascertain if an applicant for a
14 driver position has been convicted of any criminal or drug
15 offense enumerated in Section 28b of the Metropolitan Transit
16 Authority Act. The Department shall furnish the conviction
17 information to the private carrier company that requested the
18 information.

19 33. To apply for grants or contracts, receive, expend,
20 allocate, or disburse funds and moneys made available by
21 public or private entities, including, but not limited to,
22 contracts, bequests, grants, or receiving equipment from
23 corporations, foundations, or public or private institutions
24 of higher learning. All funds received by the Department
25 from these sources shall be deposited into the appropriate
26 fund in the State Treasury to be appropriated to the
27 Department for purposes as indicated by the grantor or
28 contractor or, in the case of funds or moneys bequeathed or
29 granted for no specific purpose, for any purpose as deemed
30 appropriate by the Director in administering the
31 responsibilities of the Department.

32 34. Upon the request of the Department of Children and
33 Family Services, the Department of State Police shall provide
34 properly designated employees of the Department of Children

1 and Family Services with criminal history record information
2 as defined in the Illinois Uniform Conviction Information Act
3 and information maintained in the Statewide Central Juvenile
4 record system as defined in subdivision (A)19 of this Section
5 if the Department of Children and Family Services determines
6 the information is necessary to perform its duties under the
7 Abused and Neglected Child Reporting Act, the Child Care Act
8 of 1969, and the Children and Family Services Act. The
9 request shall be in the form and manner specified by the
10 Department of State Police.

11 35. The Illinois Department of Human Services Public-Aid
12 is an authorized entity under this Section for the purpose of
13 exchanging information, in the form and manner required by
14 the Department of State Police, to facilitate the location of
15 individuals for establishing paternity, and establishing,
16 modifying, and enforcing child support obligations, pursuant
17 to the Illinois Public Aid Code and Title IV, Part D of the
18 Social Security Act.

19 36. Upon request of the Department of Human Services, to
20 conduct an assessment and evaluation of sexually violent
21 persons as mandated by the Sexually Violent Persons
22 Commitment Act, the Department shall furnish criminal history
23 information maintained on the requested person. The request
24 shall be in the form and manner specified by the Department.

25 (B) The Department of State Police may establish and
26 maintain, within the Department of State Police, a Statewide
27 Organized Criminal Gang Database (SWORD) for the purpose of
28 tracking organized criminal gangs and their memberships.
29 Information in the database may include, but not be limited
30 to, the name, last known address, birth date, physical
31 descriptions (such as scars, marks, or tattoos), officer
32 safety information, organized gang affiliation, and entering
33 agency identifier. The Department may develop, in
34 consultation with the Criminal Justice Information Authority,

1 and in a form and manner prescribed by the Department, an
2 automated data exchange system to compile, to maintain, and
3 to make this information electronically available to
4 prosecutors and to other law enforcement agencies. The
5 information may be used by authorized agencies to combat the
6 operations of organized criminal gangs statewide.

7 (C) The Department of State Police may ascertain the
8 number of bilingual police officers and other personnel
9 needed to provide services in a language other than English
10 and may establish, under applicable personnel rules and
11 Department guidelines or through a collective bargaining
12 agreement, a bilingual pay supplement program.

13 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98;
14 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff.
15 7-30-98; 90-793, eff. 8-14-98; 91-309, eff. 7-29-99.)

16 (Text of Section from P.A. 91-371)

17 Sec. 55a. Powers and duties.

18 (A) The Department of State Police shall have the
19 following powers and duties, and those set forth in Sections
20 55a-1 through 55c:

21 1. To exercise the rights, powers and duties which have
22 been vested in the Department of Public Safety by the State
23 Police Act.

24 2. To exercise the rights, powers and duties which have
25 been vested in the Department of Public Safety by the State
26 Police Radio Act.

27 3. To exercise the rights, powers and duties which have
28 been vested in the Department of Public Safety by the
29 Criminal Identification Act.

30 4. To (a) investigate the origins, activities, personnel
31 and incidents of crime and the ways and means to redress the
32 victims of crimes, and study the impact, if any, of
33 legislation relative to the effusion of crime and growing
34 crime rates, and enforce the criminal laws of this State

1 related thereto, (b) enforce all laws regulating the
2 production, sale, prescribing, manufacturing, administering,
3 transporting, having in possession, dispensing, delivering,
4 distributing, or use of controlled substances and cannabis,
5 (c) employ skilled experts, scientists, technicians,
6 investigators or otherwise specially qualified persons to aid
7 in preventing or detecting crime, apprehending criminals, or
8 preparing and presenting evidence of violations of the
9 criminal laws of the State, (d) cooperate with the police of
10 cities, villages and incorporated towns, and with the police
11 officers of any county, in enforcing the laws of the State
12 and in making arrests and recovering property, (e) apprehend
13 and deliver up any person charged in this State or any other
14 State of the United States with treason, felony, or other
15 crime, who has fled from justice and is found in this State,
16 and (f) conduct such other investigations as may be provided
17 by law. Persons exercising these powers within the Department
18 are conservators of the peace and as such have all the powers
19 possessed by policemen in cities and sheriffs, except that
20 they may exercise such powers anywhere in the State in
21 cooperation with and after contact with the local law
22 enforcement officials. Such persons may use false or
23 fictitious names in the performance of their duties under
24 this paragraph, upon approval of the Director, and shall not
25 be subject to prosecution under the criminal laws for such
26 use.

27 5. To: (a) be a central repository and custodian of
28 criminal statistics for the State, (b) be a central
29 repository for criminal history record information, (c)
30 procure and file for record such information as is necessary
31 and helpful to plan programs of crime prevention, law
32 enforcement and criminal justice, (d) procure and file for
33 record such copies of fingerprints, as may be required by
34 law, (e) establish general and field crime laboratories, (f)

1 register and file for record such information as may be
2 required by law for the issuance of firearm owner's
3 identification cards, (g) employ polygraph operators,
4 laboratory technicians and other specially qualified persons
5 to aid in the identification of criminal activity, and (h)
6 undertake such other identification, information, laboratory,
7 statistical or registration activities as may be required by
8 law.

9 6. To (a) acquire and operate one or more radio
10 broadcasting stations in the State to be used for police
11 purposes, (b) operate a statewide communications network to
12 gather and disseminate information for law enforcement
13 agencies, (c) operate an electronic data processing and
14 computer center for the storage and retrieval of data
15 pertaining to criminal activity, and (d) undertake such other
16 communication activities as may be required by law.

17 7. To provide, as may be required by law, assistance to
18 local law enforcement agencies through (a) training,
19 management and consultant services for local law enforcement
20 agencies, and (b) the pursuit of research and the publication
21 of studies pertaining to local law enforcement activities.

22 8. To exercise the rights, powers and duties which have
23 been vested in the Department of State Police and the
24 Director of the Department of State Police by the Narcotic
25 Control Division Abolition Act.

26 9. To exercise the rights, powers and duties which have
27 been vested in the Department of Public Safety by the
28 Illinois Vehicle Code.

29 10. To exercise the rights, powers and duties which have
30 been vested in the Department of Public Safety by the Firearm
31 Owners Identification Card Act.

32 11. To enforce and administer such other laws in
33 relation to law enforcement as may be vested in the
34 Department.

1 12. To transfer jurisdiction of any realty title to
2 which is held by the State of Illinois under the control of
3 the Department to any other department of the State
4 government or to the State Employees Housing Commission, or
5 to acquire or accept Federal land, when such transfer,
6 acquisition or acceptance is advantageous to the State and is
7 approved in writing by the Governor.

8 13. With the written approval of the Governor, to enter
9 into agreements with other departments created by this Act,
10 for the furlough of inmates of the penitentiary to such other
11 departments for their use in research programs being
12 conducted by them.

13 For the purpose of participating in such research
14 projects, the Department may extend the limits of any
15 inmate's place of confinement, when there is reasonable cause
16 to believe that the inmate will honor his or her trust by
17 authorizing the inmate, under prescribed conditions, to leave
18 the confines of the place unaccompanied by a custodial agent
19 of the Department. The Department shall make rules governing
20 the transfer of the inmate to the requesting other department
21 having the approved research project, and the return of such
22 inmate to the unextended confines of the penitentiary. Such
23 transfer shall be made only with the consent of the inmate.

24 The willful failure of a prisoner to remain within the
25 extended limits of his or her confinement or to return within
26 the time or manner prescribed to the place of confinement
27 designated by the Department in granting such extension shall
28 be deemed an escape from custody of the Department and
29 punishable as provided in Section 3-6-4 of the Unified Code
30 of Corrections.

31 14. To provide investigative services, with all of the
32 powers possessed by policemen in cities and sheriffs, in and
33 around all race tracks subject to the Horse Racing Act of
34 1975.

1 15. To expend such sums as the Director deems necessary
2 from Contractual Services appropriations for the Division of
3 Criminal Investigation for the purchase of evidence and for
4 the employment of persons to obtain evidence. Such sums shall
5 be advanced to agents authorized by the Director to expend
6 funds, on vouchers signed by the Director.

7 16. To assist victims and witnesses in gang crime
8 prosecutions through the administration of funds appropriated
9 from the Gang Violence Victims and Witnesses Fund to the
10 Department. Such funds shall be appropriated to the
11 Department and shall only be used to assist victims and
12 witnesses in gang crime prosecutions and such assistance may
13 include any of the following:

- 14 (a) temporary living costs;
- 15 (b) moving expenses;
- 16 (c) closing costs on the sale of private residence;
- 17 (d) first month's rent;
- 18 (e) security deposits;
- 19 (f) apartment location assistance;
- 20 (g) other expenses which the Department considers
21 appropriate; and

22 (h) compensation for any loss of or injury to real
23 or personal property resulting from a gang crime to a
24 maximum of \$5,000, subject to the following provisions:

25 (1) in the case of loss of property, the
26 amount of compensation shall be measured by the
27 replacement cost of similar or like property which
28 has been incurred by and which is substantiated by
29 the property owner,

30 (2) in the case of injury to property, the
31 amount of compensation shall be measured by the cost
32 of repair incurred and which can be substantiated by
33 the property owner,

34 (3) compensation under this provision is a

1 secondary source of compensation and shall be
2 reduced by any amount the property owner receives
3 from any other source as compensation for the loss
4 or injury, including, but not limited to, personal
5 insurance coverage,

6 (4) no compensation may be awarded if the
7 property owner was an offender or an accomplice of
8 the offender, or if the award would unjustly benefit
9 the offender or offenders, or an accomplice of the
10 offender or offenders.

11 No victim or witness may receive such assistance if he or
12 she is not a part of or fails to fully cooperate in the
13 prosecution of gang crime members by law enforcement
14 authorities.

15 The Department shall promulgate any rules necessary for
16 the implementation of this amendatory Act of 1985.

17 17. To conduct arson investigations.

18 18. To develop a separate statewide statistical police
19 contact record keeping system for the study of juvenile
20 delinquency. The records of this police contact system shall
21 be limited to statistical information. No individually
22 identifiable information shall be maintained in the police
23 contact statistical record system.

24 19. To develop a separate statewide central juvenile
25 records system for persons arrested prior to the age of 17
26 under Section 5-401 of the Juvenile Court Act of 1987 or
27 adjudicated delinquent minors and to make information
28 available to local law enforcement officers so that law
29 enforcement officers will be able to obtain rapid access to
30 the background of the minor from other jurisdictions to the
31 end that the juvenile police officers can make appropriate
32 decisions which will best serve the interest of the child and
33 the community. The Department shall submit a quarterly
34 report to the General Assembly and Governor which shall

1 contain the number of juvenile records that the Department
2 has received in that quarter and a list, by category, of
3 offenses that minors were arrested for or convicted of by
4 age, race and gender.

5 20. To develop rules which guarantee the confidentiality
6 of such individually identifiable juvenile records except to
7 juvenile authorities who request information concerning the
8 minor and who certify in writing that the information will
9 not be disclosed to any other party except as provided under
10 law or order of court. For purposes of this Section,
11 "juvenile authorities" means: (i) a judge of the circuit
12 court and members of the staff of the court designated by the
13 judge; (ii) parties to the proceedings under the Juvenile
14 Court Act of 1987 and their attorneys; (iii) probation
15 officers and court appointed advocates for the juvenile
16 authorized by the judge hearing the case; (iv) any individual
17 or public or private agency having custody of the child
18 pursuant to court order; (v) any individual or public or
19 private agency providing education, medical or mental health
20 service to the child when the requested information is needed
21 to determine the appropriate service or treatment for the
22 minor; (vi) any potential placement provider when such
23 release is authorized by the court for the limited purpose of
24 determining the appropriateness of the potential placement;
25 (vii) law enforcement officers and prosecutors; (viii) adult
26 and juvenile prisoner review boards; (ix) authorized military
27 personnel; (x) individuals authorized by court; (xi) the
28 Illinois General Assembly or any committee or commission
29 thereof.

30 21. To develop administrative rules and administrative
31 hearing procedures which allow a minor, his or her attorney,
32 and his or her parents or guardian access to individually
33 identifiable juvenile records for the purpose of determining
34 or challenging the accuracy of the records. Final

1 administrative decisions shall be subject to the provisions
2 of the Administrative Review Law.

3 22. To charge, collect, and receive fees or moneys
4 equivalent to the cost of providing Department of State
5 Police personnel, equipment, and services to local
6 governmental agencies when explicitly requested by a local
7 governmental agency and pursuant to an intergovernmental
8 agreement as provided by this Section, other State agencies,
9 and federal agencies, including but not limited to fees or
10 moneys equivalent to the cost of providing dispatching
11 services, radio and radar repair, and training to local
12 governmental agencies on such terms and conditions as in the
13 judgment of the Director are in the best interest of the
14 State; and to establish, charge, collect and receive fees or
15 moneys based on the cost of providing responses to requests
16 for criminal history record information pursuant to positive
17 identification and any Illinois or federal law authorizing
18 access to some aspect of such information and to prescribe
19 the form and manner for requesting and furnishing such
20 information to the requestor on such terms and conditions as
21 in the judgment of the Director are in the best interest of
22 the State, provided fees for requesting and furnishing
23 criminal history record information may be waived for
24 requests in the due administration of the criminal laws. The
25 Department may also charge, collect and receive fees or
26 moneys equivalent to the cost of providing electronic data
27 processing lines or related telecommunication services to
28 local governments, but only when such services can be
29 provided by the Department at a cost less than that
30 experienced by said local governments through other means.
31 All services provided by the Department shall be conducted
32 pursuant to contracts in accordance with the
33 Intergovernmental Cooperation Act, and all telecommunication
34 services shall be provided pursuant to the provisions of

1 Section 67.18 of this Code.

2 All fees received by the Department of State Police under
3 this Act or the Illinois Uniform Conviction Information Act
4 shall be deposited in a special fund in the State Treasury to
5 be known as the State Police Services Fund. The money
6 deposited in the State Police Services Fund shall be
7 appropriated to the Department of State Police for expenses
8 of the Department of State Police.

9 Upon the completion of any audit of the Department of
10 State Police as prescribed by the Illinois State Auditing
11 Act, which audit includes an audit of the State Police
12 Services Fund, the Department of State Police shall make the
13 audit open to inspection by any interested person.

14 23. To exercise the powers and perform the duties which
15 have been vested in the Department of State Police by the
16 Intergovernmental Missing Child Recovery Act of 1984, and to
17 establish reasonable rules and regulations necessitated
18 thereby.

19 24. (a) To establish and maintain a statewide Law
20 Enforcement Agencies Data System (LEADS) for the purpose of
21 providing electronic access by authorized entities to
22 criminal justice data repositories and effecting an immediate
23 law enforcement response to reports of missing persons,
24 including lost, missing or runaway minors. The Department
25 shall implement an automatic data exchange system to compile,
26 to maintain and to make available to other law enforcement
27 agencies for immediate dissemination data which can assist
28 appropriate agencies in recovering missing persons and
29 provide access by authorized entities to various data
30 repositories available through LEADS for criminal justice and
31 related purposes. To assist the Department in this effort,
32 funds may be appropriated from the LEADS Maintenance Fund.

33 (b) In exercising its duties under this subsection, the
34 Department shall:

1 (1) provide a uniform reporting format for the
2 entry of pertinent information regarding the report of a
3 missing person into LEADS;

4 (2) develop and implement a policy whereby a
5 statewide or regional alert would be used in situations
6 relating to the disappearances of individuals, based on
7 criteria and in a format established by the Department.
8 Such a format shall include, but not be limited to, the
9 age of the missing person and the suspected circumstance
10 of the disappearance;

11 (3) notify all law enforcement agencies that
12 reports of missing persons shall be entered as soon as
13 the minimum level of data specified by the Department is
14 available to the reporting agency, and that no waiting
15 period for the entry of such data exists;

16 (4) compile and retain information regarding lost,
17 abducted, missing or runaway minors in a separate data
18 file, in a manner that allows such information to be used
19 by law enforcement and other agencies deemed appropriate
20 by the Director, for investigative purposes. Such
21 information shall include the disposition of all reported
22 lost, abducted, missing or runaway minor cases;

23 (5) compile and maintain an historic data
24 repository relating to lost, abducted, missing or runaway
25 minors and other missing persons in order to develop and
26 improve techniques utilized by law enforcement agencies
27 when responding to reports of missing persons; and

28 (6) create a quality control program regarding
29 confirmation of missing person data, timeliness of
30 entries of missing person reports into LEADS and
31 performance audits of all entering agencies.

32 25. On request of a school board or regional
33 superintendent of schools, to conduct an inquiry pursuant to
34 Section 10-21.9 or 34-18.5 of the School Code to ascertain if

1 an applicant for employment in a school district has been
2 convicted of any criminal or drug offenses enumerated in
3 Section 10-21.9 or 34-18.5 of the School Code. The
4 Department shall furnish such conviction information to the
5 President of the school board of the school district which
6 has requested the information, or if the information was
7 requested by the regional superintendent to that regional
8 superintendent.

9 26. To promulgate rules and regulations necessary for
10 the administration and enforcement of its powers and duties,
11 wherever granted and imposed, pursuant to the Illinois
12 Administrative Procedure Act.

13 27. To (a) promulgate rules pertaining to the
14 certification, revocation of certification and training of
15 law enforcement officers as electronic criminal surveillance
16 officers, (b) provide training and technical assistance to
17 State's Attorneys and local law enforcement agencies
18 pertaining to the interception of private oral
19 communications, (c) promulgate rules necessary for the
20 administration of Article 108B of the Code of Criminal
21 Procedure of 1963, including but not limited to standards for
22 recording and minimization of electronic criminal
23 surveillance intercepts, documentation required to be
24 maintained during an intercept, procedures in relation to
25 evidence developed by an intercept, and (d) charge a
26 reasonable fee to each law enforcement agency that sends
27 officers to receive training as electronic criminal
28 surveillance officers.

29 28. Upon the request of any private organization which
30 devotes a major portion of its time to the provision of
31 recreational, social, educational or child safety services to
32 children, to conduct, pursuant to positive identification,
33 criminal background investigations of all of that
34 organization's current employees, current volunteers,

1 prospective employees or prospective volunteers charged with
2 the care and custody of children during the provision of the
3 organization's services, and to report to the requesting
4 organization any record of convictions maintained in the
5 Department's files about such persons. The Department shall
6 charge an application fee, based on actual costs, for the
7 dissemination of conviction information pursuant to this
8 subsection. The Department is empowered to establish this
9 fee and shall prescribe the form and manner for requesting
10 and furnishing conviction information pursuant to this
11 subsection. Information received by the organization from the
12 Department concerning an individual shall be provided to such
13 individual. Any such information obtained by the
14 organization shall be confidential and may not be transmitted
15 outside the organization and may not be transmitted to anyone
16 within the organization except as needed for the purpose of
17 evaluating the individual. Only information and standards
18 which bear a reasonable and rational relation to the
19 performance of child care shall be used by the organization.
20 Any employee of the Department or any member, employee or
21 volunteer of the organization receiving confidential
22 information under this subsection who gives or causes to be
23 given any confidential information concerning any criminal
24 convictions of an individual shall be guilty of a Class A
25 misdemeanor unless release of such information is authorized
26 by this subsection.

27 29. Upon the request of the Department of Children and
28 Family Services, to investigate reports of child abuse or
29 neglect.

30 30. To obtain registration of a fictitious vital record
31 pursuant to Section 15.1 of the Vital Records Act.

32 31. To collect and disseminate information relating to
33 "hate crimes" as defined under Section 12-7.1 of the Criminal
34 Code of 1961 contingent upon the availability of State or

1 Federal funds to revise and upgrade the Illinois Uniform
2 Crime Reporting System. All law enforcement agencies shall
3 report monthly to the Department of State Police concerning
4 such offenses in such form and in such manner as may be
5 prescribed by rules and regulations adopted by the Department
6 of State Police. Such information shall be compiled by the
7 Department and be disseminated upon request to any local law
8 enforcement agency, unit of local government, or state
9 agency. Dissemination of such information shall be subject
10 to all confidentiality requirements otherwise imposed by law.
11 The Department of State Police shall provide training for
12 State Police officers in identifying, responding to, and
13 reporting all hate crimes. The Illinois Law Enforcement
14 Training Standards Board shall develop and certify a course
15 of such training to be made available to local law
16 enforcement officers.

17 32. Upon the request of a private carrier company that
18 provides transportation under Section 28b of the Metropolitan
19 Transit Authority Act, to ascertain if an applicant for a
20 driver position has been convicted of any criminal or drug
21 offense enumerated in Section 28b of the Metropolitan Transit
22 Authority Act. The Department shall furnish the conviction
23 information to the private carrier company that requested the
24 information.

25 33. To apply for grants or contracts, receive, expend,
26 allocate, or disburse funds and moneys made available by
27 public or private entities, including, but not limited to,
28 contracts, bequests, grants, or receiving equipment from
29 corporations, foundations, or public or private institutions
30 of higher learning. All funds received by the Department
31 from these sources shall be deposited into the appropriate
32 fund in the State Treasury to be appropriated to the
33 Department for purposes as indicated by the grantor or
34 contractor or, in the case of funds or moneys bequeathed or

1 granted for no specific purpose, for any purpose as deemed
2 appropriate by the Director in administering the
3 responsibilities of the Department.

4 34. Upon the request of the Department of Children and
5 Family Services, the Department of State Police shall provide
6 properly designated employees of the Department of Children
7 and Family Services with criminal history record information
8 as defined in the Illinois Uniform Conviction Information Act
9 and information maintained in the Statewide Central Juvenile
10 record system as defined in subdivision (A)19 of this Section
11 if the Department of Children and Family Services determines
12 the information is necessary to perform its duties under the
13 Abused and Neglected Child Reporting Act, the Child Care Act
14 of 1969, and the Children and Family Services Act. The
15 request shall be in the form and manner specified by the
16 Department of State Police.

17 35. The Illinois Department of Human Services Public Aid
18 is an authorized entity under this Section for the purpose of
19 exchanging information, in the form and manner required by
20 the Department of State Police, to facilitate the location of
21 individuals for establishing paternity, and establishing,
22 modifying, and enforcing child support obligations, pursuant
23 to the Illinois Public Aid Code and Title IV, Part D of the
24 Social Security Act.

25 36. Upon request of the Department of Human Services, to
26 conduct an assessment and evaluation of sexually violent
27 persons as mandated by the Sexually Violent Persons
28 Commitment Act, the Department shall furnish criminal history
29 information maintained on the requested person. The request
30 shall be in the form and manner specified by the Department.

31 37. Upon the request of the chief of a volunteer fire
32 department, the Department shall conduct criminal background
33 investigations of prospective firefighters and report to the
34 requesting chief any record of convictions maintained in the

1 Department's files about those persons. The Department may
2 charge a fee, based on actual costs, for the dissemination of
3 conviction information under this paragraph. The Department
4 may prescribe the form and manner for requesting and
5 furnishing conviction information under this paragraph.

6 (B) The Department of State Police may establish and
7 maintain, within the Department of State Police, a Statewide
8 Organized Criminal Gang Database (SWORD) for the purpose of
9 tracking organized criminal gangs and their memberships.
10 Information in the database may include, but not be limited
11 to, the name, last known address, birth date, physical
12 descriptions (such as scars, marks, or tattoos), officer
13 safety information, organized gang affiliation, and entering
14 agency identifier. The Department may develop, in
15 consultation with the Criminal Justice Information Authority,
16 and in a form and manner prescribed by the Department, an
17 automated data exchange system to compile, to maintain, and
18 to make this information electronically available to
19 prosecutors and to other law enforcement agencies. The
20 information may be used by authorized agencies to combat the
21 operations of organized criminal gangs statewide.

22 (C) The Department of State Police may ascertain the
23 number of bilingual police officers and other personnel
24 needed to provide services in a language other than English
25 and may establish, under applicable personnel rules and
26 Department guidelines or through a collective bargaining
27 agreement, a bilingual pay supplement program.

28 (Source: P.A. 89-54, eff. 6-30-95; 90-18, eff. 7-1-97;
29 90-130, eff. 1-1-98; 90-372, eff. 7-1-98; 90-590, eff.
30 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; revised
31 10-6-98; 91-371, eff. 1-1-00.)

32 (Text of Section from P.A. 91-660)

33 Sec. 55a. Powers and duties.

34 (A) The Department of State Police shall have the

1 following powers and duties, and those set forth in Sections
2 55a-1 through 55c:

3 1. To exercise the rights, powers and duties which have
4 been vested in the Department of Public Safety by the State
5 Police Act.

6 2. To exercise the rights, powers and duties which have
7 been vested in the Department of Public Safety by the State
8 Police Radio Act.

9 3. To exercise the rights, powers and duties which have
10 been vested in the Department of Public Safety by the
11 Criminal Identification Act.

12 4. To (a) investigate the origins, activities, personnel
13 and incidents of crime and the ways and means to redress the
14 victims of crimes, and study the impact, if any, of
15 legislation relative to the effusion of crime and growing
16 crime rates, and enforce the criminal laws of this State
17 related thereto, (b) enforce all laws regulating the
18 production, sale, prescribing, manufacturing, administering,
19 transporting, having in possession, dispensing, delivering,
20 distributing, or use of controlled substances and cannabis,
21 (c) employ skilled experts, scientists, technicians,
22 investigators or otherwise specially qualified persons to aid
23 in preventing or detecting crime, apprehending criminals, or
24 preparing and presenting evidence of violations of the
25 criminal laws of the State, (d) cooperate with the police of
26 cities, villages and incorporated towns, and with the police
27 officers of any county, in enforcing the laws of the State
28 and in making arrests and recovering property, (e) apprehend
29 and deliver up any person charged in this State or any other
30 State of the United States with treason, felony, or other
31 crime, who has fled from justice and is found in this State,
32 and (f) conduct such other investigations as may be provided
33 by law. Persons exercising these powers within the Department
34 are conservators of the peace and as such have all the powers

1 possessed by policemen in cities and sheriffs, except that
2 they may exercise such powers anywhere in the State in
3 cooperation with and after contact with the local law
4 enforcement officials. Such persons may use false or
5 fictitious names in the performance of their duties under
6 this paragraph, upon approval of the Director, and shall not
7 be subject to prosecution under the criminal laws for such
8 use.

9 5. To: (a) be a central repository and custodian of
10 criminal statistics for the State, (b) be a central
11 repository for criminal history record information, (c)
12 procure and file for record such information as is necessary
13 and helpful to plan programs of crime prevention, law
14 enforcement and criminal justice, (d) procure and file for
15 record such copies of fingerprints, as may be required by
16 law, (e) establish general and field crime laboratories, (f)
17 register and file for record such information as may be
18 required by law for the issuance of firearm owner's
19 identification cards, (g) employ polygraph operators,
20 laboratory technicians and other specially qualified persons
21 to aid in the identification of criminal activity, and (h)
22 undertake such other identification, information, laboratory,
23 statistical or registration activities as may be required by
24 law.

25 6. To (a) acquire and operate one or more radio
26 broadcasting stations in the State to be used for police
27 purposes, (b) operate a statewide communications network to
28 gather and disseminate information for law enforcement
29 agencies, (c) operate an electronic data processing and
30 computer center for the storage and retrieval of data
31 pertaining to criminal activity, and (d) undertake such other
32 communication activities as may be required by law.

33 7. To provide, as may be required by law, assistance to
34 local law enforcement agencies through (a) training,

1 management and consultant services for local law enforcement
2 agencies, and (b) the pursuit of research and the publication
3 of studies pertaining to local law enforcement activities.

4 8. To exercise the rights, powers and duties which have
5 been vested in the Department of State Police and the
6 Director of the Department of State Police by the Narcotic
7 Control Division Abolition Act.

8 9. To exercise the rights, powers and duties which have
9 been vested in the Department of Public Safety by the
10 Illinois Vehicle Code.

11 10. To exercise the rights, powers and duties which have
12 been vested in the Department of Public Safety by the Firearm
13 Owners Identification Card Act.

14 11. To enforce and administer such other laws in
15 relation to law enforcement as may be vested in the
16 Department.

17 12. To transfer jurisdiction of any realty title to
18 which is held by the State of Illinois under the control of
19 the Department to any other department of the State
20 government or to the State Employees Housing Commission, or
21 to acquire or accept Federal land, when such transfer,
22 acquisition or acceptance is advantageous to the State and is
23 approved in writing by the Governor.

24 13. With the written approval of the Governor, to enter
25 into agreements with other departments created by this Act,
26 for the furlough of inmates of the penitentiary to such other
27 departments for their use in research programs being
28 conducted by them.

29 For the purpose of participating in such research
30 projects, the Department may extend the limits of any
31 inmate's place of confinement, when there is reasonable cause
32 to believe that the inmate will honor his or her trust by
33 authorizing the inmate, under prescribed conditions, to leave
34 the confines of the place unaccompanied by a custodial agent

1 of the Department. The Department shall make rules governing
2 the transfer of the inmate to the requesting other department
3 having the approved research project, and the return of such
4 inmate to the unextended confines of the penitentiary. Such
5 transfer shall be made only with the consent of the inmate.

6 The willful failure of a prisoner to remain within the
7 extended limits of his or her confinement or to return within
8 the time or manner prescribed to the place of confinement
9 designated by the Department in granting such extension shall
10 be deemed an escape from custody of the Department and
11 punishable as provided in Section 3-6-4 of the Unified Code
12 of Corrections.

13 14. To provide investigative services, with all of the
14 powers possessed by policemen in cities and sheriffs, in and
15 around all race tracks subject to the Horse Racing Act of
16 1975.

17 15. To expend such sums as the Director deems necessary
18 from Contractual Services appropriations for the Division of
19 Criminal Investigation for the purchase of evidence and for
20 the employment of persons to obtain evidence. Such sums shall
21 be advanced to agents authorized by the Director to expend
22 funds, on vouchers signed by the Director.

23 16. To assist victims and witnesses in gang crime
24 prosecutions through the administration of funds appropriated
25 from the Gang Violence Victims and Witnesses Fund to the
26 Department. Such funds shall be appropriated to the
27 Department and shall only be used to assist victims and
28 witnesses in gang crime prosecutions and such assistance may
29 include any of the following:

- 30 (a) temporary living costs;
- 31 (b) moving expenses;
- 32 (c) closing costs on the sale of private residence;
- 33 (d) first month's rent;
- 34 (e) security deposits;

1 (f) apartment location assistance;
2 (g) other expenses which the Department considers
3 appropriate; and

4 (h) compensation for any loss of or injury to real
5 or personal property resulting from a gang crime to a
6 maximum of \$5,000, subject to the following provisions:

7 (1) in the case of loss of property, the
8 amount of compensation shall be measured by the
9 replacement cost of similar or like property which
10 has been incurred by and which is substantiated by
11 the property owner,

12 (2) in the case of injury to property, the
13 amount of compensation shall be measured by the cost
14 of repair incurred and which can be substantiated by
15 the property owner,

16 (3) compensation under this provision is a
17 secondary source of compensation and shall be
18 reduced by any amount the property owner receives
19 from any other source as compensation for the loss
20 or injury, including, but not limited to, personal
21 insurance coverage,

22 (4) no compensation may be awarded if the
23 property owner was an offender or an accomplice of
24 the offender, or if the award would unjustly benefit
25 the offender or offenders, or an accomplice of the
26 offender or offenders.

27 No victim or witness may receive such assistance if he or
28 she is not a part of or fails to fully cooperate in the
29 prosecution of gang crime members by law enforcement
30 authorities.

31 The Department shall promulgate any rules necessary for
32 the implementation of this amendatory Act of 1985.

33 17. To conduct arson investigations.

34 18. To develop a separate statewide statistical police

1 contact record keeping system for the study of juvenile
2 delinquency. The records of this police contact system shall
3 be limited to statistical information. No individually
4 identifiable information shall be maintained in the police
5 contact statistical record system.

6 19. To develop a separate statewide central juvenile
7 records system for persons arrested prior to the age of 17
8 under Section 5-401 of the Juvenile Court Act of 1987 or
9 adjudicated delinquent minors and to make information
10 available to local law enforcement officers so that law
11 enforcement officers will be able to obtain rapid access to
12 the background of the minor from other jurisdictions to the
13 end that the juvenile police officers can make appropriate
14 decisions which will best serve the interest of the child and
15 the community. The Department shall submit a quarterly
16 report to the General Assembly and Governor which shall
17 contain the number of juvenile records that the Department
18 has received in that quarter and a list, by category, of
19 offenses that minors were arrested for or convicted of by
20 age, race and gender.

21 20. To develop rules which guarantee the confidentiality
22 of such individually identifiable juvenile records except to
23 juvenile authorities who request information concerning the
24 minor and who certify in writing that the information will
25 not be disclosed to any other party except as provided under
26 law or order of court. For purposes of this Section,
27 "juvenile authorities" means: (i) a judge of the circuit
28 court and members of the staff of the court designated by the
29 judge; (ii) parties to the proceedings under the Juvenile
30 Court Act of 1987 and their attorneys; (iii) probation
31 officers and court appointed advocates for the juvenile
32 authorized by the judge hearing the case; (iv) any individual
33 or public or private agency having custody of the child
34 pursuant to court order; (v) any individual or public or

1 private agency providing education, medical or mental health
2 service to the child when the requested information is needed
3 to determine the appropriate service or treatment for the
4 minor; (vi) any potential placement provider when such
5 release is authorized by the court for the limited purpose of
6 determining the appropriateness of the potential placement;
7 (vii) law enforcement officers and prosecutors; (viii) adult
8 and juvenile prisoner review boards; (ix) authorized military
9 personnel; (x) individuals authorized by court; (xi) the
10 Illinois General Assembly or any committee or commission
11 thereof.

12 21. To develop administrative rules and administrative
13 hearing procedures which allow a minor, his or her attorney,
14 and his or her parents or guardian access to individually
15 identifiable juvenile records for the purpose of determining
16 or challenging the accuracy of the records. Final
17 administrative decisions shall be subject to the provisions
18 of the Administrative Review Law.

19 22. To charge, collect, and receive fees or moneys
20 equivalent to the cost of providing Department of State
21 Police personnel, equipment, and services to local
22 governmental agencies when explicitly requested by a local
23 governmental agency and pursuant to an intergovernmental
24 agreement as provided by this Section, other State agencies,
25 and federal agencies, including but not limited to fees or
26 moneys equivalent to the cost of providing dispatching
27 services, radio and radar repair, and training to local
28 governmental agencies on such terms and conditions as in the
29 judgment of the Director are in the best interest of the
30 State; and to establish, charge, collect and receive fees or
31 moneys based on the cost of providing responses to requests
32 for criminal history record information pursuant to positive
33 identification and any Illinois or federal law authorizing
34 access to some aspect of such information and to prescribe

1 the form and manner for requesting and furnishing such
2 information to the requestor on such terms and conditions as
3 in the judgment of the Director are in the best interest of
4 the State, provided fees for requesting and furnishing
5 criminal history record information may be waived for
6 requests in the due administration of the criminal laws. The
7 Department may also charge, collect and receive fees or
8 moneys equivalent to the cost of providing electronic data
9 processing lines or related telecommunication services to
10 local governments, but only when such services can be
11 provided by the Department at a cost less than that
12 experienced by said local governments through other means.
13 All services provided by the Department shall be conducted
14 pursuant to contracts in accordance with the
15 Intergovernmental Cooperation Act, and all telecommunication
16 services shall be provided pursuant to the provisions of
17 Section 67.18 of this Code.

18 All fees received by the Department of State Police under
19 this Act or the Illinois Uniform Conviction Information Act
20 shall be deposited in a special fund in the State Treasury to
21 be known as the State Police Services Fund. The money
22 deposited in the State Police Services Fund shall be
23 appropriated to the Department of State Police for expenses
24 of the Department of State Police.

25 Upon the completion of any audit of the Department of
26 State Police as prescribed by the Illinois State Auditing
27 Act, which audit includes an audit of the State Police
28 Services Fund, the Department of State Police shall make the
29 audit open to inspection by any interested person.

30 23. To exercise the powers and perform the duties which
31 have been vested in the Department of State Police by the
32 Intergovernmental Missing Child Recovery Act of 1984, and to
33 establish reasonable rules and regulations necessitated
34 thereby.

1 24. (a) To establish and maintain a statewide Law
2 Enforcement Agencies Data System (LEADS) for the purpose of
3 providing electronic access by authorized entities to
4 criminal justice data repositories and effecting an immediate
5 law enforcement response to reports of missing persons,
6 including lost, missing or runaway minors. The Department
7 shall implement an automatic data exchange system to compile,
8 to maintain and to make available to other law enforcement
9 agencies for immediate dissemination data which can assist
10 appropriate agencies in recovering missing persons and
11 provide access by authorized entities to various data
12 repositories available through LEADS for criminal justice and
13 related purposes. To assist the Department in this effort,
14 funds may be appropriated from the LEADS Maintenance Fund.

15 (b) In exercising its duties under this subsection, the
16 Department shall:

17 (1) provide a uniform reporting format for the
18 entry of pertinent information regarding the report of a
19 missing person into LEADS;

20 (2) develop and implement a policy whereby a
21 statewide or regional alert would be used in situations
22 relating to the disappearances of individuals, based on
23 criteria and in a format established by the Department.
24 Such a format shall include, but not be limited to, the
25 age of the missing person and the suspected circumstance
26 of the disappearance;

27 (3) notify all law enforcement agencies that
28 reports of missing persons shall be entered as soon as
29 the minimum level of data specified by the Department is
30 available to the reporting agency, and that no waiting
31 period for the entry of such data exists;

32 (4) compile and retain information regarding lost,
33 abducted, missing or runaway minors in a separate data
34 file, in a manner that allows such information to be used

1 by law enforcement and other agencies deemed appropriate
2 by the Director, for investigative purposes. Such
3 information shall include the disposition of all reported
4 lost, abducted, missing or runaway minor cases;

5 (5) compile and maintain an historic data
6 repository relating to lost, abducted, missing or runaway
7 minors and other missing persons in order to develop and
8 improve techniques utilized by law enforcement agencies
9 when responding to reports of missing persons; and

10 (6) create a quality control program regarding
11 confirmation of missing person data, timeliness of
12 entries of missing person reports into LEADS and
13 performance audits of all entering agencies.

14 25. On request of a school board or regional
15 superintendent of schools, to conduct an inquiry pursuant to
16 Section 10-21.9 or 34-18.5 of the School Code to ascertain if
17 an applicant for employment in a school district has been
18 convicted of any criminal or drug offenses enumerated in
19 Section 10-21.9 or 34-18.5 of the School Code. The
20 Department shall furnish such conviction information to the
21 President of the school board of the school district which
22 has requested the information, or if the information was
23 requested by the regional superintendent to that regional
24 superintendent.

25 26. To promulgate rules and regulations necessary for
26 the administration and enforcement of its powers and duties,
27 wherever granted and imposed, pursuant to the Illinois
28 Administrative Procedure Act.

29 27. To (a) promulgate rules pertaining to the
30 certification, revocation of certification and training of
31 law enforcement officers as electronic criminal surveillance
32 officers, (b) provide training and technical assistance to
33 State's Attorneys and local law enforcement agencies
34 pertaining to the interception of private oral

1 communications, (c) promulgate rules necessary for the
2 administration of Article 108B of the Code of Criminal
3 Procedure of 1963, including but not limited to standards for
4 recording and minimization of electronic criminal
5 surveillance intercepts, documentation required to be
6 maintained during an intercept, procedures in relation to
7 evidence developed by an intercept, and (d) charge a
8 reasonable fee to each law enforcement agency that sends
9 officers to receive training as electronic criminal
10 surveillance officers.

11 28. Upon the request of any private organization which
12 devotes a major portion of its time to the provision of
13 recreational, social, educational or child safety services to
14 children, to conduct, pursuant to positive identification,
15 criminal background investigations of all of that
16 organization's current employees, current volunteers,
17 prospective employees or prospective volunteers charged with
18 the care and custody of children during the provision of the
19 organization's services, and to report to the requesting
20 organization any record of convictions maintained in the
21 Department's files about such persons. The Department shall
22 charge an application fee, based on actual costs, for the
23 dissemination of conviction information pursuant to this
24 subsection. The Department is empowered to establish this
25 fee and shall prescribe the form and manner for requesting
26 and furnishing conviction information pursuant to this
27 subsection. Information received by the organization from the
28 Department concerning an individual shall be provided to such
29 individual. Any such information obtained by the
30 organization shall be confidential and may not be transmitted
31 outside the organization and may not be transmitted to anyone
32 within the organization except as needed for the purpose of
33 evaluating the individual. Only information and standards
34 which bear a reasonable and rational relation to the

1 performance of child care shall be used by the organization.
2 Any employee of the Department or any member, employee or
3 volunteer of the organization receiving confidential
4 information under this subsection who gives or causes to be
5 given any confidential information concerning any criminal
6 convictions of an individual shall be guilty of a Class A
7 misdemeanor unless release of such information is authorized
8 by this subsection.

9 29. Upon the request of the Department of Children and
10 Family Services, to investigate reports of child abuse or
11 neglect.

12 30. To obtain registration of a fictitious vital record
13 pursuant to Section 15.1 of the Vital Records Act.

14 31. To collect and disseminate information relating to
15 "hate crimes" as defined under Section 12-7.1 of the Criminal
16 Code of 1961 contingent upon the availability of State or
17 Federal funds to revise and upgrade the Illinois Uniform
18 Crime Reporting System. All law enforcement agencies shall
19 report monthly to the Department of State Police concerning
20 such offenses in such form and in such manner as may be
21 prescribed by rules and regulations adopted by the Department
22 of State Police. Such information shall be compiled by the
23 Department and be disseminated upon request to any local law
24 enforcement agency, unit of local government, or state
25 agency. Dissemination of such information shall be subject
26 to all confidentiality requirements otherwise imposed by law.
27 The Department of State Police shall provide training for
28 State Police officers in identifying, responding to, and
29 reporting all hate crimes. The Illinois Law Enforcement
30 Training Standards Board shall develop and certify a course
31 of such training to be made available to local law
32 enforcement officers.

33 32. Upon the request of a private carrier company that
34 provides transportation under Section 28b of the Metropolitan

1 Transit Authority Act, to ascertain if an applicant for a
2 driver position has been convicted of any criminal or drug
3 offense enumerated in Section 28b of the Metropolitan Transit
4 Authority Act. The Department shall furnish the conviction
5 information to the private carrier company that requested the
6 information.

7 33. To apply for grants or contracts, receive, expend,
8 allocate, or disburse funds and moneys made available by
9 public or private entities, including, but not limited to,
10 contracts, bequests, grants, or receiving equipment from
11 corporations, foundations, or public or private institutions
12 of higher learning. All funds received by the Department
13 from these sources shall be deposited into the appropriate
14 fund in the State Treasury to be appropriated to the
15 Department for purposes as indicated by the grantor or
16 contractor or, in the case of funds or moneys bequeathed or
17 granted for no specific purpose, for any purpose as deemed
18 appropriate by the Director in administering the
19 responsibilities of the Department.

20 34. Upon the request of the Department of Children and
21 Family Services, the Department of State Police shall provide
22 properly designated employees of the Department of Children
23 and Family Services with criminal history record information
24 as defined in the Illinois Uniform Conviction Information Act
25 and information maintained in the Statewide Central Juvenile
26 record system as defined in subdivision (A)19 of this Section
27 if the Department of Children and Family Services determines
28 the information is necessary to perform its duties under the
29 Abused and Neglected Child Reporting Act, the Child Care Act
30 of 1969, and the Children and Family Services Act. The
31 request shall be in the form and manner specified by the
32 Department of State Police.

33 35. The Illinois Department of Human Services Public-Aid
34 is an authorized entity under this Section for the purpose of

1 exchanging information, in the form and manner required by
2 the Department of State Police, to facilitate the location of
3 individuals for establishing paternity, and establishing,
4 modifying, and enforcing child support obligations, pursuant
5 to the Illinois Public Aid Code and Title IV, Part D of the
6 Social Security Act.

7 36. Upon request of the Department of Human Services, to
8 conduct an assessment and evaluation of sexually violent
9 persons as mandated by the Sexually Violent Persons
10 Commitment Act, the Department shall furnish criminal history
11 information maintained on the requested person. The request
12 shall be in the form and manner specified by the Department.

13 37. To exercise the powers and perform the duties
14 specifically assigned to the Department under the Wireless
15 Emergency Telephone Safety Act with respect to the
16 development and improvement of emergency communications
17 procedures and facilities in such a manner as to facilitate a
18 quick response to any person calling the number "9-1-1"
19 seeking police, fire, medical, or other emergency services
20 through a wireless carrier as defined in Section 10 of the
21 Wireless Emergency Telephone Safety Act. Nothing in the
22 Wireless Emergency Telephone Safety Act shall require the
23 Illinois State Police to provide wireless enhanced 9-1-1
24 services.

25 (B) The Department of State Police may establish and
26 maintain, within the Department of State Police, a Statewide
27 Organized Criminal Gang Database (SWORD) for the purpose of
28 tracking organized criminal gangs and their memberships.
29 Information in the database may include, but not be limited
30 to, the name, last known address, birth date, physical
31 descriptions (such as scars, marks, or tattoos), officer
32 safety information, organized gang affiliation, and entering
33 agency identifier. The Department may develop, in
34 consultation with the Criminal Justice Information Authority,

1 and in a form and manner prescribed by the Department, an
2 automated data exchange system to compile, to maintain, and
3 to make this information electronically available to
4 prosecutors and to other law enforcement agencies. The
5 information may be used by authorized agencies to combat the
6 operations of organized criminal gangs statewide.

7 (C) The Department of State Police may ascertain the
8 number of bilingual police officers and other personnel
9 needed to provide services in a language other than English
10 and may establish, under applicable personnel rules and
11 Department guidelines or through a collective bargaining
12 agreement, a bilingual pay supplement program.

13 (Source: P.A. 89-54, eff. 6-30-95; 90-18, eff. 7-1-97;
14 90-130, eff. 1-1-98; 90-372, eff. 7-1-98; 90-590, eff.
15 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; revised
16 1-21-99; 91-660, eff. 12-22-99.)

17 Section 120. The Department of State Police Law of the
18 Civil Administrative Code of Illinois is amended by changing
19 Section 2605-377 as follows:

20 (20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)
21 Sec. 2605-377. Department of Human Services Public Aid;
22 LEADS access.

23 (a) The Illinois Department of Human Services Public Aid
24 is an authorized entity under this Law for the purpose of
25 exchanging information, in the form and manner required by
26 the Department of State Police, to facilitate the location of
27 individuals for establishing paternity, and establishing,
28 modifying, and enforcing child support obligations, pursuant
29 to the Illinois Public Aid Code and Title IV, Part D of the
30 Social Security Act.

31 (b) The Illinois Department of Human Services Public Aid
32 is an authorized entity under this Section for the purpose of

1 obtaining access to various data repositories available
 2 through LEADS, to facilitate the location of individuals for
 3 establishing paternity, and establishing, modifying, and
 4 enforcing child support obligations, pursuant to the Illinois
 5 Public Aid Code and Title IV, Part D of the Social Security
 6 Act. The Department shall enter into an agreement with the
 7 Illinois Department of Human Services Public Aid consistent
 8 with these purposes.

9 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98;
 10 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff.
 11 7-30-98; 90-793, eff. 8-14-98; 91-239, eff. 1-1-00; 91-760,
 12 eff. 1-1-01.)

13 Section 125. The Home and Community-Based Services Act
 14 is amended by changing Section 15 as follows:

15 (20 ILCS 3957/15)

16 Sec. 15. Task force.

17 (a) There is established the Home and Community-Based
 18 Services Task Force. The Task Force shall perform a study to
 19 determine the feasibility of developing a comprehensive home
 20 and community-based services program for individuals age 60
 21 and older who are eligible for medical assistance under the
 22 Illinois Public Aid Code. The Task Force shall review
 23 existing home and community-based services provided by the
 24 various departments of State government, including the
 25 ~~Department of Public Aid,~~ the Department on Aging, the
 26 Department of Human Services, and any other agency of State
 27 government that provides home and community-based services to
 28 individuals age 60 and over, to determine the types of
 29 services provided and the extent to which those services are
 30 currently being provided by the State. In addition, the Task
 31 Force shall do the following:

32 (1) Determine the feasibility of consolidating

1 responsibility for all home and community-based services
2 currently provided by the State into one existing agency
3 of State government, or division of an existing agency of
4 State government, that would be responsible for providing
5 and regulating all long-term care and home and
6 community-based services for individuals age 60 and
7 older.

8 (2) Determine the most effective means of expanding
9 the State's existing home and community-based programs
10 for individuals age 60 and older to include in-home
11 services (companionship and home care), residential care
12 facilities services, adult foster care services, minor
13 physical adaptations to the home, and adult day health
14 services.

15 (3) Determine the most effective way to expand
16 existing home and community-based services, including by
17 providing any of the services described in paragraph (2)
18 that are not now being provided, to increase the number
19 of individuals who receive these services.

20 (4) Report the Task Force's legislative
21 recommendations to the Governor and the General Assembly
22 no later than July 1, 1994.

23 (b) The Secretary of Human Services ~~Director--of--Public~~
24 ~~Aid~~ or the Secretary's ~~Director's~~ designee shall serve as
25 chairman of the Task Force. The Directors of Rehabilitation
26 Services, Aging, and Mental Health and Developmental
27 Disabilities or their designees shall serve as members of the
28 Task Force. Members of the Task Force shall serve without
29 compensation and shall utilize existing staff and equipment
30 to produce their findings and recommendations. The Task
31 Force shall cooperate with the various representatives of the
32 nursing home, health care, and long-term care industries to
33 develop the study required under subsection (a). If the Task
34 Force is active on or after July 1, 1997, the Secretary of

1 Human Services or his or her designee shall serve in the
 2 place of the former Director of Rehabilitation Services and
 3 the former Director of Mental Health and Developmental
 4 Disabilities.

5 (Source: P.A. 88-105; 89-507, eff. 7-1-97.)

6 Section 130. The Interagency Coordinating Council Act is
 7 amended by changing Section 2 as follows:

8 (20 ILCS 3970/2) (from Ch. 127, par. 3832)

9 Sec. 2. Interagency Coordinating Council. There is
 10 hereby created an Interagency Coordinating Council which
 11 shall be composed of the Directors, or their designees, of
 12 the Illinois Department of Children and Family Services,
 13 Illinois Department of Commerce and Community Affairs,
 14 Illinois Department of Corrections, and Illinois Department
 15 of Employment Security, ~~and Illinois Department of Public~~
 16 ~~Aid~~; the Secretary of Human Services or his or her designee;
 17 the Executive Director, or a designee, of the Illinois
 18 Community College Board and the Illinois Planning Council on
 19 Developmental Disabilities; the State Superintendent of
 20 Education, or a designee; and a designee representing the
 21 University of Illinois - Division of Specialized Care for
 22 Children. At its first meeting the Council shall select a
 23 chair from among its members who shall serve for a term of 2
 24 years.

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

26 Section 132. The Illinois Health Facilities Planning Act
 27 is amended by changing Section 4 as follows:

28 (20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)

29 (Section scheduled to be repealed on July 1, 2003)

30 Sec. 4. There is created the Health Facilities Planning

1 Board, which shall perform such functions as hereinafter
2 described in this Act.

3 The State Board shall consist of 15 voting members,
4 including: 8 consumer members; one member representing the
5 commercial health insurance industry in Illinois; one member
6 representing hospitals in Illinois; one member who is
7 actively engaged in the field of hospital management; one
8 member who is a professional nurse registered in Illinois;
9 one member who is a physician in active private practice
10 licensed in Illinois to practice medicine in all of its
11 branches; one member who is actively engaged in the field of
12 skilled nursing or intermediate care facility management; and
13 one member who is actively engaged in the administration of
14 an ambulatory surgical treatment center licensed under the
15 Ambulatory Surgical Treatment Center Act.

16 The State Board shall be appointed by the Governor, with
17 the advice and consent of the Senate. In making the
18 appointments, the Governor shall give consideration to
19 recommendations made by (1) the professional organizations
20 concerned with hospital management for the hospital
21 management appointment, (2) professional organizations
22 concerned with long term care facility management for the
23 long term care facility management appointment, (3)
24 professional medical organizations for the physician
25 appointment, (4) professional nursing organizations for the
26 nurse appointment, and (5) professional organizations
27 concerned with ambulatory surgical treatment centers for the
28 ambulatory surgical treatment center appointment, and shall
29 appoint as consumer members individuals familiar with
30 community health needs but whose interest in the operation,
31 construction or utilization of health care facilities are
32 derived from factors other than those related to his
33 profession, business, or economic gain, and who represent, so
34 far as possible, different geographic areas of the State. Not

1 more than 8 of the appointments shall be of the same
2 political party.

3 The Secretary of Human Services, ~~the Director of Public~~
4 ~~Aid,~~ and the Director of Public Health, or their designated
5 representatives, shall serve as ex-officio, non-voting
6 members of the State Board.

7 Of those appointed by the Governor as voting members,
8 each member shall hold office for a term of 3 years:
9 provided, that any member appointed to fill a vacancy
10 occurring prior to the expiration of the term for which his
11 predecessor was appointed shall be appointed for the
12 remainder of such term and the term of office of each
13 successor shall commence on July 1 of the year in which his
14 predecessor's term expires. In making original appointments
15 to the State Board, the Governor shall appoint 5 members for
16 a term of one year, 5 for a term of 2 years, and 3 for a term
17 of 3 years, and each of these terms of office shall commence
18 on July 1, 1974. The initial term of office for the members
19 appointed under this amendatory Act of 1996 shall begin on
20 July 1, 1996 and shall last for 2 years, and each subsequent
21 appointment shall be for a term of 3 years. Each member
22 shall hold office until his successor is appointed and
23 qualified.

24 State Board members, while serving on business of the
25 State Board, shall receive actual and necessary travel and
26 subsistence expenses while so serving away from their places
27 of residence. In addition, while serving on business of the
28 State Board, each member shall receive compensation of \$150
29 per day, except that such compensation shall not exceed
30 \$7,500 in any one year for any member.

31 The State Board shall provide for its own organization
32 and procedures, including the selection of a Chairman and
33 such other officers as deemed necessary. The Director, with
34 concurrence of the State Board, shall name as full-time

1 Executive Secretary of the State Board, a person qualified in
2 health care facility planning and in administration. The
3 Agency shall provide administrative and staff support for the
4 State Board. The State Board shall advise the Director of
5 its budgetary and staff needs and consult with the Director
6 on annual budget preparation.

7 The State Board shall meet at least once each quarter, or
8 as often as the Chairman of the State Board deems necessary,
9 or upon the request of a majority of the members.

10 Eight members of the State Board shall constitute a
11 quorum. The affirmative vote of 8 of the members of the
12 State Board shall be necessary for any action requiring a
13 vote to be taken by the State Board. A vacancy in the
14 membership of the State Board shall not impair the right of a
15 quorum to exercise all the rights and perform all the duties
16 of the State Board as provided by this Act.

17 (Source: P.A. 90-14, eff. 7-1-97; 91-782, eff. 6-9-00.)

18 Section 133. The Interagency Coordinating Council Act is
19 amended by changing Section 2 as follows:

20 (20 ILCS 3970/2) (from Ch. 127, par. 3832)

21 Sec. 2. Interagency Coordinating Council. There is
22 hereby created an Interagency Coordinating Council which
23 shall be composed of the Directors, or their designees, of
24 the Illinois Department of Children and Family Services,
25 Illinois Department of Commerce and Community Affairs,
26 Illinois Department of Corrections, and Illinois Department
27 of Employment Security, ~~and Illinois Department of Public~~
28 ~~Aid~~; the Secretary of Human Services or his or her designee;
29 the Executive Director, or a designee, of the Illinois
30 Community College Board and the Illinois Planning Council on
31 Developmental Disabilities; the State Superintendent of
32 Education, or a designee; and a designee representing the

1 University of Illinois - Division of Specialized Care for
2 Children. At its first meeting the Council shall select a
3 chair from among its members who shall serve for a term of 2
4 years.

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

6 Section 134. The Illinois Council on Developmental
7 Disabilities Law is amended by changing Section 2004.5 as
8 follows:

9 (20 ILCS 4010/2004.5)

10 Sec. 2004.5. Council membership. The General Assembly
11 intends that the reduction in the membership of the Council
12 shall occur through attrition between the effective date of
13 this amendatory Act of the 91st General Assembly and January
14 1, 2001. In the event that the terms of 10 voting members
15 have not expired by January 1, 2001, members of the Council
16 serving on that date shall continue to serve until their
17 terms expire.

18 (a) The membership of the Council must reasonably
19 represent the diversity of this State. Not less than 60% of
20 the Council's membership must be individuals with
21 developmental disabilities, parents or guardians of children
22 with developmental disabilities, or immediate relatives or
23 guardians of adults with developmental disabilities who
24 cannot advocate for themselves.

25 The Council must also include representatives of State
26 agencies that administer moneys under federal laws that
27 relate to individuals with developmental disabilities; the
28 State University Center for Excellence in Developmental
29 Disabilities Education, Research, and Service; the State
30 protection and advocacy system; and representatives of local
31 and non-governmental agencies and private non-profit groups
32 concerned with services for individuals with developmental

1 disabilities. The members described in this paragraph must
2 have sufficient authority to engage in policy-making,
3 planning, and implementation on behalf of the department,
4 agency, or program that they represent. Those members may
5 not take part in any discussion of grants or contracts for
6 which their departments, agencies, or programs are grantees,
7 contractors, or applicants and must comply with any other
8 relevant conflict of interest provisions in the Council's
9 policies or bylaws.

10 (b) Seventeen voting members, appointed by the Governor,
11 must be persons with developmental disabilities, parents or
12 guardians of persons with developmental disabilities, or
13 immediate relatives or guardians of persons with
14 mentally-impairing developmental disabilities. None of these
15 members may be employees of a State agency that receives
16 funds or provides services under the federal Developmental
17 Disabilities Assistance and Bill of Rights Act of 1996 (42
18 U.S.C. 6000 et seq.), as now or hereafter amended, managing
19 employees of any other entity that receives moneys or
20 provides services under the federal Developmental
21 Disabilities Assistance and Bill of Rights Act of 1996 (42
22 U.S.C. 6000 et seq.), as now or hereafter amended, or persons
23 with an ownership interest in or a controlling interest in
24 such an entity. Of the members appointed under this
25 subsection (b):

26 (1) at least 6 must be persons with developmental
27 disabilities;

28 (2) at least 6 must be parents, immediate relatives,
29 or guardians of children and adults with developmental
30 disabilities, including individuals with
31 mentally-impairing developmental disabilities who cannot
32 advocate for themselves; and

33 (3) 5 members must be a combination of persons
34 described in paragraphs (1) and (2); at least one of whom

1 must be (i) an immediate relative or guardian of an
2 individual with a developmental disability who resides or
3 who previously resided in an institution or (ii) an
4 individual with a developmental disability who resides or
5 who previously resided in an institution.

6 (c) Two voting members, appointed by the Governor, must
7 be representatives of local and non-governmental agencies and
8 private non-profit groups concerned with services for
9 individuals with developmental disabilities.

10 (d) Nine voting members shall be the Secretary of Human
11 Services ~~Director-of-Public-Aid~~, or his or her designee; the
12 Director of Aging, or his or her designee; the Director of
13 Children and Family Services, or his or her designee; a
14 representative of the State Board of Education; a
15 representative of the State protection and advocacy system; a
16 representative of the State University Center for Excellence
17 in Developmental Disabilities Education, Research, and
18 Service; representatives of the Office of Developmental
19 Disabilities and the Office of Community Health and
20 Prevention of the Department of Human Services (as the
21 State's lead agency for Title V of the Social Security Act,
22 42 U.S.C. 701 et seq.) designated by the Secretary of Human
23 Services; and a representative of the State entity that
24 administers federal moneys under the federal Rehabilitation
25 Act.

26 (e) The Director of the Bureau of the Budget, or his or
27 her designee, shall be a non-voting member of the Council.

28 (f) The Governor must provide for the timely rotation of
29 members.

30 Appointments to the Council shall be for terms of 3
31 years. Appointments to fill vacancies occurring before the
32 expiration of a term shall be for the remainder of the term.
33 Members shall serve until their successors are appointed.

34 The Council, at the discretion of the Governor, may

1 coordinate and provide recommendations for new members to the
2 Governor based upon their review of the Council's composition
3 and on input received from other organizations and
4 individuals representing persons with developmental
5 disabilities, including the non-State agency members of the
6 Council. The Council must, at least once each year, advise
7 the Governor on the Council's membership requirements and
8 vacancies, including rotation requirements.

9 No member may serve for more than 2 successive terms.

10 (g) Members may not receive compensation for their
11 services, but shall be reimbursed for their reasonable
12 expenses plus up to \$50 per day for any loss of wages
13 incurred in the performance of their duties.

14 (h) The total membership of the Council consists of the
15 number of voting members, as defined in this Section,
16 excluding any vacant positions. A quorum is a simple majority
17 of the total membership and is sufficient to constitute the
18 transaction of the business of the Council unless otherwise
19 stipulated in the bylaws of the Council.

20 (i) The Council must meet at least quarterly.

21 (Source: P.A. 91-798, eff. 7-9-00.)

22 Section 135. The Primary Care Medical Education Advisory
23 Committee Act is amended by changing Sections 5, 15, 20, and
24 30 as follows:

25 (20 ILCS 4022/5)

26 Sec. 5. Purpose.

27 (a) An Advisory Committee on Primary Care Medical
28 Education is created for the following purposes:

29 (1) To assure coordination of policies in the
30 disbursement of State medical education funds by the
31 Illinois Board of Higher Education; the Illinois
32 Department of Human Services Public-Aid; and the Illinois

1 Department of Public Health; and to ensure that these
2 organizations operate under consistent and complementary
3 goals in funding medical education programs.

4 (2) To improve coordination and reporting of
5 existing data to better identify public need for types of
6 medical professionals.

7 (3) To evaluate the factors that affect the
8 training and retention of primary care physicians in
9 Illinois.

10 (b) The charge of the Advisory Committee on Primary Care
11 Medical Education is to recommend public policies to the
12 Governor and General Assembly that ensure that public funding
13 for medical education reflects public priorities for medical
14 services. Currently, medical schools and training programs
15 should increase their production of primary care physicians,
16 and State funding should favor primary care education in both
17 public and private training programs. Schools and training
18 programs that perform at consistently high levels of primary
19 care physician production should be encouraged.

20 (Source: P.A. 89-316, eff. 1-1-96.)

21 (20 ILCS 4022/15)

22 Sec. 15. Composition. The Advisory Committee on Primary
23 Care Medical Education shall be comprised of the following
24 pro bono members: One representative each from the Illinois
25 State Medical Society, the Illinois Academy of Family
26 Physicians, the Illinois Chapter of the American Academy of
27 Pediatrics, the Illinois Society of Internal Medicine, the
28 Illinois Section of the American College of Obstetrics and
29 Gynecology, the Illinois Hospital and Health System
30 Association, each of the eight Illinois medical schools, the
31 Illinois Area Health Education Centers, the Illinois Rural
32 Health Association, and the Illinois Primary Health Care
33 Association. The Secretary of Human Services Director-of

1 Public-Aid, Director of Public Health, and Executive Director
 2 of the Board of Higher Education shall serve as ex officio
 3 members of the Advisory Committee. The Advisory Committee
 4 may elect a chair and such other officers, and set the place
 5 and time of its meetings as it deems necessary. The Director
 6 of Public Health shall convene the initial meeting of the
 7 Advisory Committee within 30 days after the effective date of
 8 this Act.

9 (Source: P.A. 89-316, eff. 1-1-96.)

10 (20 ILCS 4022/20)

11 Sec. 20. Staffing. The Primary Care Medical Education
 12 Advisory Committee shall be staffed by a full-time program
 13 administrator in the Department of Public Health and report
 14 to the Director of the Department. The administrator shall
 15 be supported by staff and resources, including funding, by
 16 the Department of Public Health, the Board of Higher
 17 Education, and the Department of Human Services Public--Aid.
 18 Other funding sources may include schools, foundations, or
 19 federal grants.

20 (Source: P.A. 89-316, eff. 1-1-96.)

21 (20 ILCS 4022/30)

22 Sec. 30. Data collection. Each medical school and
 23 residency training program shall submit to the Advisory
 24 Committee an annual report beginning December 31, 1996 on the
 25 distribution of graduates from its medical programs as
 26 follows:

27 (a) The number and specialty distribution of medical
 28 residents and extended-year residents by primary care and
 29 non-primary care designations.

30 (b) The distribution of residency positions by type of
 31 health facility (that is, university-operated hospital,
 32 county hospital, Veteran's Administration hospital,

1 affiliated community hospital, or ambulatory care site).

2 (c) The number and specialty distribution of post-M.D.
3 or post-D.O. trainees listed by primary and non-primary
4 specialties.

5 (d) The number and specialty distribution of
6 State-supported and nonstate-supported medical residents at
7 the school.

8 (e) The level of financial and other support from all
9 funding sources provided for each primary care residency
10 program. The report shall specify the fund source for each
11 program and the estimated associated faculty support for the
12 program.

13 (f) The 1998 report shall include data on the actual
14 location and practice specialty of graduates of the medical
15 school from 1991 to 1995 for the primary care specialties of
16 family practice, internal medicine, pediatrics, and
17 obstetrics and gynecology. The purpose of this tracking
18 shall be to determine to what degree these graduates remain
19 in primary care practice in order to evaluate the impact of
20 these trends on the State's goal of increasing the supply of
21 primary care practitioners.

22 The Illinois Board of Higher Education annually shall
23 submit to the Advisory Committee information on medical and
24 education programs, and particularly information on the
25 following:

26 (1) current objectives of Health Services Education
27 Grants Act funding;

28 (2) the distribution of Health Services Education
29 Grants Act funding; and

30 (3) general grants and appropriations to the
31 State's public medical schools.

32 The Illinois Department of Public Health shall submit to
33 the Advisory Committee a copy of its annual report to the
34 General Assembly and the Governor, including the results and

1 progress of the programs established in the Family Practice
2 Residency Act.

3 The Illinois Department of Human Services Public Aid
4 shall submit to the Advisory Committee its annual report to
5 the General Assembly and Governor, including the following:

6 (1) current methodology used by the Department for
7 calculating direct and indirect GME payments in Illinois;
8 and

9 (2) distribution of all medicaid direct and
10 indirect GME payments, including to teaching hospitals in
11 Illinois.

12 (Source: P.A. 89-316, eff. 1-1-96; 90-730, eff. 8-10-98.)

13 Section 140. The Legislative Commission Reorganization
14 Act of 1984 is amended by changing Section 11A-8 as follows:

15 (25 ILCS 130/11A-8) (from Ch. 63, par. 1011A-8)

16 Sec. 11A-8. The Citizens Assembly, under the direction
17 of the Citizens Council on Public Aid, shall:

18 (a) Meet with the Illinois Department of Public Health,
19 the Illinois Department of Labor, the Dangerous Drugs
20 Commission, the Illinois Department of Children and Family
21 Services, the Financial Fraud and Forgery Bureau in the
22 Department of Law Enforcement or any successor agency
23 assigned the powers and duties of that Bureau, the State
24 Board of Education, and the Department of Human Services, and
25 advise those agencies on all matters having a clear and
26 direct effect on the policy, administration or fiscal impact
27 of the Illinois Department of Human Services Public Aid;

28 (b) Report to the General Assembly its recommendations
29 for remedial legislation in the field of public aid, and
30 include in the report any deviations from statutory
31 limitations on grants made by the Illinois Department since
32 the last report.

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

2 Section 145. The Illinois State Auditing Act is amended
3 by changing Section 3-1 as follows:

4 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

5 (Text of Section before amendment by P.A. 91-935)

6 Sec. 3-1. Jurisdiction of Auditor General. The Auditor
7 General has jurisdiction over all State agencies to make post
8 audits and investigations authorized by or under this Act or
9 the Constitution.

10 The Auditor General has jurisdiction over local
11 government agencies and private agencies only:

12 (a) to make such post audits authorized by or under
13 this Act as are necessary and incidental to a post audit
14 of a State agency or of a program administered by a State
15 agency involving public funds of the State, but this
16 jurisdiction does not include any authority to review
17 local governmental agencies in the obligation, receipt,
18 expenditure or use of public funds of the State that are
19 granted without limitation or condition imposed by law,
20 other than the general limitation that such funds be used
21 for public purposes;

22 (b) to make investigations authorized by or under
23 this Act or the Constitution; and

24 (c) to make audits of the records of local
25 government agencies to verify actual costs of
26 state-mandated programs when directed to do so by the
27 Legislative Audit Commission at the request of the State
28 Board of Appeals under the State Mandates Act.

29 In addition to the foregoing, the Auditor General may
30 conduct an audit of the Metropolitan Pier and Exposition
31 Authority, the Regional Transportation Authority, the
32 Suburban Bus Division, the Commuter Rail Division and the

1 Chicago Transit Authority and any other subsidized carrier
2 when authorized by the Legislative Audit Commission. Such
3 audit may be a financial, management or program audit, or any
4 combination thereof.

5 The audit shall determine whether they are operating in
6 accordance with all applicable laws and regulations. Subject
7 to the limitations of this Act, the Legislative Audit
8 Commission may by resolution specify additional
9 determinations to be included in the scope of the audit.

10 The Auditor General may also conduct an audit, when
11 authorized by the Legislative Audit Commission, of any
12 hospital which receives 10% or more of its gross revenues
13 from payments from the State of Illinois, Department of Human
14 Services Public-Aid, Medical Assistance Program.

15 The Auditor General is authorized to conduct financial
16 and compliance audits of the Illinois Distance Learning
17 Foundation and the Illinois Conservation Foundation.

18 As soon as practical after the effective date of this
19 amendatory Act of 1995, the Auditor General shall conduct a
20 compliance and management audit of the City of Chicago and
21 any other entity with regard to the operation of Chicago
22 O'Hare International Airport, Chicago Midway Airport and
23 Merrill C. Meigs Field. The audit shall include, but not be
24 limited to, an examination of revenues, expenses, and
25 transfers of funds; purchasing and contracting policies and
26 practices; staffing levels; and hiring practices and
27 procedures. When completed, the audit required by this
28 paragraph shall be distributed in accordance with Section
29 3-14.

30 The Auditor General shall conduct a financial and
31 compliance and program audit of distributions from the
32 Municipal Economic Development Fund during the immediately
33 preceding calendar year pursuant to Section 8-403.1 of the
34 Public Utilities Act at no cost to the city, village, or

1 incorporated town that received the distributions.

2 The Auditor General must conduct an audit of the Health
3 Facilities Planning Board pursuant to Section 19.5 of the
4 Illinois Health Facilities Planning Act.

5 (Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00.)

6 (Text of Section after amendment by P.A. 91-935)

7 Sec. 3-1. Jurisdiction of Auditor General. The Auditor
8 General has jurisdiction over all State agencies to make post
9 audits and investigations authorized by or under this Act or
10 the Constitution.

11 The Auditor General has jurisdiction over local
12 government agencies and private agencies only:

13 (a) to make such post audits authorized by or under
14 this Act as are necessary and incidental to a post audit
15 of a State agency or of a program administered by a State
16 agency involving public funds of the State, but this
17 jurisdiction does not include any authority to review
18 local governmental agencies in the obligation, receipt,
19 expenditure or use of public funds of the State that are
20 granted without limitation or condition imposed by law,
21 other than the general limitation that such funds be used
22 for public purposes;

23 (b) to make investigations authorized by or under
24 this Act or the Constitution; and

25 (c) to make audits of the records of local
26 government agencies to verify actual costs of
27 state-mandated programs when directed to do so by the
28 Legislative Audit Commission at the request of the State
29 Board of Appeals under the State Mandates Act.

30 In addition to the foregoing, the Auditor General may
31 conduct an audit of the Metropolitan Pier and Exposition
32 Authority, the Regional Transportation Authority, the
33 Suburban Bus Division, the Commuter Rail Division and the
34 Chicago Transit Authority and any other subsidized carrier

1 when authorized by the Legislative Audit Commission. Such
2 audit may be a financial, management or program audit, or any
3 combination thereof.

4 The audit shall determine whether they are operating in
5 accordance with all applicable laws and regulations. Subject
6 to the limitations of this Act, the Legislative Audit
7 Commission may by resolution specify additional
8 determinations to be included in the scope of the audit.

9 In addition to the foregoing, the Auditor General must
10 also conduct a financial audit of the Illinois Sports
11 Facilities Authority's expenditures of public funds in
12 connection with the reconstruction, renovation, remodeling,
13 extension, or improvement of all or substantially all of any
14 existing "facility", as that term is defined in the Illinois
15 Sports Facilities Authority Act.

16 The Auditor General may also conduct an audit, when
17 authorized by the Legislative Audit Commission, of any
18 hospital which receives 10% or more of its gross revenues
19 from payments from the State of Illinois, Department of Human
20 Services Public-Aid, Medical Assistance Program.

21 The Auditor General is authorized to conduct financial
22 and compliance audits of the Illinois Distance Learning
23 Foundation and the Illinois Conservation Foundation.

24 As soon as practical after the effective date of this
25 amendatory Act of 1995, the Auditor General shall conduct a
26 compliance and management audit of the City of Chicago and
27 any other entity with regard to the operation of Chicago
28 O'Hare International Airport, Chicago Midway Airport and
29 Merrill C. Meigs Field. The audit shall include, but not be
30 limited to, an examination of revenues, expenses, and
31 transfers of funds; purchasing and contracting policies and
32 practices; staffing levels; and hiring practices and
33 procedures. When completed, the audit required by this
34 paragraph shall be distributed in accordance with Section

1 3-14.

2 The Auditor General shall conduct a financial and
3 compliance and program audit of distributions from the
4 Municipal Economic Development Fund during the immediately
5 preceding calendar year pursuant to Section 8-403.1 of the
6 Public Utilities Act at no cost to the city, village, or
7 incorporated town that received the distributions.

8 The Auditor General must conduct an audit of the Health
9 Facilities Planning Board pursuant to Section 19.5 of the
10 Illinois Health Facilities Planning Act.

11 (Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00;
12 91-935, eff. 6-1-01.)

13 Section 150. The State Finance Act is amended by
14 changing Sections 6b, 6z-24, 6z-30, 6z-40, 13.2, and 25 as
15 follows:

16 (30 ILCS 105/6b) (from Ch. 127, par. 142b)

17 Sec. 6b. The gross or total proceeds, receipts and
18 income of all the several State institutions, clinics,
19 rehabilitation centers and services, except the Illinois
20 Veterans Home at Quincy, derived from the Veterans'
21 Administration for the care and treatment of veterans of
22 World War I or World War II or those who served during the
23 national emergency between June 25, 1950 and January 31,
24 1955, who are patients or residents in the State
25 institutions, clinics, rehabilitation centers and services,
26 shall be covered into the State treasury into the Mental
27 Health Fund. Of the money in the United States Veterans'
28 Bureau Fund on the effective date of this amendatory Act of
29 1977, \$199,800 shall be transferred to the Quincy Veterans'
30 Home Fund and the balance shall be transferred to the Mental
31 Health Fund.

32 The gross receipts of the Department of Human Services

1 relating to mental health and developmental disabilities that
2 are obtained for services, commodities, equipment and
3 personnel provided to other agencies and branches of State
4 government, to units of local government, to the government
5 of other states or to the federal government shall be
6 deposited with the State Treasurer for deposit into the
7 Mental Health Fund.

8 The gross receipts of the Department of Human Services
9 relating to mental health and developmental disabilities that
10 are obtained in connection with the retention, receipt,
11 assignment, license, sale or transfer of interests in, rights
12 to, or income from discoveries, inventions, patents, or
13 copyrightable works to governmental, public or private
14 agencies or persons including units, branches, or agencies of
15 local, State, federal and foreign governments shall be
16 deposited with the State Treasurer for deposit into the
17 Mental Health Fund.

18 Remittances from or on behalf of licensed long-term care
19 facilities through Department of Human Services Public-Aid
20 reimbursement and monies from other funds for Day Training
21 Programs for clients with a developmental disability shall be
22 deposited with the State Treasurer and placed in the Mental
23 Health Fund.

24 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

25 (30 ILCS 105/6z-24) (from Ch. 127, par. 142z-24)

26 Sec. 6z-24. There is created in the State Treasury the
27 Special Education Medicaid Matching Fund. All monies
28 received from the federal government due to
29 educationally-related services authorized under Section 1903
30 of the Social Security Act, as amended, and for the
31 administrative costs related thereto shall be deposited in
32 the Special Education Medicaid Matching Fund. All monies
33 received from the federal government due to

1 educationally-related services authorized under Section 2105
2 of the Social Security Act, as amended, shall be deposited in
3 the Special Education Medicaid Matching Fund.

4 The monies in the Special Education Medicaid Matching
5 Fund shall be held subject to appropriation by the General
6 Assembly to the State Board of Education for distribution to
7 school districts, pursuant to an interagency agreement
8 between the Illinois Department of Human Services Public-Aid
9 and the State Board of Education, for eligible special
10 education children claims under Titles XIX and XXI of the
11 Social Security Act.

12 (Source: P.A. 91-24, eff. 7-1-99; 91-266, eff. 7-23-99.)

13 (30 ILCS 105/6z-30)

14 Sec. 6z-30. University of Illinois Hospital Services
15 Fund.

16 (a) The University of Illinois Hospital Services Fund is
17 created as a special fund in the State Treasury. The
18 following moneys shall be deposited into the Fund:

19 (1) As soon as possible after the beginning of each
20 fiscal year (starting in fiscal year 1995), and in no
21 event later than July 30, the State Comptroller and the
22 State Treasurer shall automatically transfer \$44,700,000
23 from the General Revenue Fund to the University of
24 Illinois Hospital Services Fund.

25 (2) All intergovernmental transfer payments to the
26 Illinois Department of Public Aid by the University of
27 Illinois Hospital made pursuant to an intergovernmental
28 agreement under subsection (b) or (c) of Section 5A-3 of
29 the Illinois Human Services Public-Aid Code.

30 (3) All federal matching funds received by the
31 Illinois Department of Human Services Public-Aid as a
32 result of expenditures made by the Illinois Department
33 that are attributable to moneys that were deposited in

1 the Fund.

2 (b) Moneys in the fund may be used by the Illinois
3 Department of Human Services Public--Aid, subject to
4 appropriation, to reimburse the University of Illinois
5 Hospital for hospital services. The fund may also be used to
6 make monthly transfers to the General Revenue Fund as
7 provided in subsection (c).

8 (c) The State Comptroller and State Treasurer shall
9 automatically transfer on the last day of each month except
10 June, beginning August 31, 1994, from the University of
11 Illinois Hospital Services Fund to the General Revenue Fund,
12 an amount determined and certified to the State Comptroller
13 by the Secretary of Human Services Director--of--Public--Aid,
14 equal to the amount by which the balance in the Fund exceeds
15 the amount necessary to ensure timely payments to the
16 University of Illinois Hospital.

17 On June 30, 1995 and each June 30 thereafter, the State
18 Comptroller and State Treasurer shall automatically transfer
19 the entire balance in the University of Illinois Hospital
20 Services Fund to the General Revenue Fund.

21 (Source: P.A. 88-554, eff. 7-26-94; 89-499, eff. 6-28-96.)

22 (30 ILCS 105/6z-40)

23 Sec. 6z-40. Provider Inquiry Trust Fund. The Provider
24 Inquiry Trust Fund is created as a special fund in the State
25 treasury. Payments into the fund shall consist of fees or
26 other moneys owed by providers of services or their agents,
27 including other State agencies, for access to and utilization
28 of Illinois Department of Human Services Public--Aid
29 eligibility files to verify eligibility of clients, bills for
30 services, or other similar, related uses. Disbursements from
31 the fund shall consist of payments to the Department of
32 Central Management Services for telecommunication and
33 statistical services and for payments for administrative

1 expenses incurred by the Illinois Department of Human
2 Services Public-Aid in the operation of the fund.

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

4 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

5 Sec. 13.2. Transfers among line item appropriations.

6 (a) Transfers among line item appropriations from the
7 same treasury fund for the objects specified in this Section
8 may be made in the manner provided in this Section when the
9 balance remaining in one or more such line item
10 appropriations is insufficient for the purpose for which the
11 appropriation was made.

12 No transfers may be made from one agency to another
13 agency, nor may transfers be made from one institution of
14 higher education to another institution of higher education.
15 Transfers may be made only among the objects of expenditure
16 enumerated in this Section, except that no funds may be
17 transferred from any appropriation for personal services,
18 from any appropriation for State contributions to the State
19 Employees' Retirement System, from any separate appropriation
20 for employee retirement contributions paid by the employer,
21 nor from any appropriation for State contribution for
22 employee group insurance. Further, if an agency receives a
23 separate appropriation for employee retirement contributions
24 paid by the employer, any transfer by that agency into an
25 appropriation for personal services must be accompanied by a
26 corresponding transfer into the appropriation for employee
27 retirement contributions paid by the employer, in an amount
28 sufficient to meet the employer share of the employee
29 contributions required to be remitted to the retirement
30 system.

31 (b) In addition to the general transfer authority
32 provided under subsection (c), the following agencies have
33 the specific transfer authority granted in this subsection:

1 The Illinois Department of Human Services Public Aid is
2 authorized to make transfers representing savings
3 attributable to not increasing grants due to the births of
4 additional children from line items for payments of cash
5 grants to line items for payments for employment and social
6 services for the purposes outlined in subsection (f) of
7 Section 4-2 of the Illinois Public Aid Code.

8 The Department of Children and Family Services is
9 authorized to make transfers not exceeding 2% of the
10 aggregate amount appropriated to it within the same treasury
11 fund for the following line items among these same line
12 items: Foster Home and Specialized Foster Care and
13 Prevention, Institutions and Group Homes and Prevention, and
14 Purchase of Adoption and Guardianship Services.

15 The Department on Aging is authorized to make transfers
16 not exceeding 2% of the aggregate amount appropriated to it
17 within the same treasury fund for the following Community
18 Care Program line items among these same line items:
19 Homemaker and Senior Companion Services, Case Coordination
20 Units, and Adult Day Care Services.

21 (c) The sum of such transfers for an agency in a fiscal
22 year shall not exceed 2% of the aggregate amount appropriated
23 to it within the same treasury fund for the following
24 objects: Personal Services; Extra Help; Student and Inmate
25 Compensation; State Contributions to Retirement Systems;
26 State Contributions to Social Security; State Contribution
27 for Employee Group Insurance; Contractual Services; Travel;
28 Commodities; Printing; Equipment; Electronic Data Processing;
29 Operation of Automotive Equipment; Telecommunications
30 Services; Travel and Allowance for Committed, Paroled and
31 Discharged Prisoners; Library Books; Federal Matching Grants
32 for Student Loans; Refunds; Workers' Compensation,
33 Occupational Disease, and Tort Claims; and, in appropriations
34 to institutions of higher education, Awards and Grants.

1 Notwithstanding the above, any amounts appropriated for
2 payment of workers' compensation claims to an agency to which
3 the authority to evaluate, administer and pay such claims has
4 been delegated by the Department of Central Management
5 Services may be transferred to any other expenditure object
6 where such amounts exceed the amount necessary for the
7 payment of such claims.

8 (d) Transfers among appropriations made to agencies of
9 the Legislative and Judicial departments and to the
10 constitutionally elected officers in the Executive branch
11 require the approval of the officer authorized in Section 10
12 of this Act to approve and certify vouchers. Transfers among
13 appropriations made to the University of Illinois, Southern
14 Illinois University, Chicago State University, Eastern
15 Illinois University, Governors State University, Illinois
16 State University, Northeastern Illinois University, Northern
17 Illinois University, Western Illinois University, the
18 Illinois Mathematics and Science Academy and the Board of
19 Higher Education require the approval of the Board of Higher
20 Education and the Governor. Transfers among appropriations
21 to all other agencies require the approval of the Governor.

22 The officer responsible for approval shall certify that
23 the transfer is necessary to carry out the programs and
24 purposes for which the appropriations were made by the
25 General Assembly and shall transmit to the State Comptroller
26 a certified copy of the approval which shall set forth the
27 specific amounts transferred so that the Comptroller may
28 change his records accordingly. The Comptroller shall
29 furnish the Governor with information copies of all transfers
30 approved for agencies of the Legislative and Judicial
31 departments and transfers approved by the constitutionally
32 elected officials of the Executive branch other than the
33 Governor, showing the amounts transferred and indicating the
34 dates such changes were entered on the Comptroller's records.

1 (Source: P.A. 89-4, eff. 1-1-96; 89-641, eff. 8-9-96; 90-587,
2 eff. 7-1-98.)

3 (30 ILCS 105/25) (from Ch. 127, par. 161)

4 Sec. 25. Fiscal year limitations.

5 (a) All appropriations shall be available for
6 expenditure for the fiscal year or for a lesser period if the
7 Act making that appropriation so specifies. A deficiency or
8 emergency appropriation shall be available for expenditure
9 only through June 30 of the year when the Act making that
10 appropriation is enacted unless that Act otherwise provides.

11 (b) Outstanding liabilities as of June 30, payable from
12 appropriations which have otherwise expired, may be paid out
13 of the expiring appropriations during the 2-month period
14 ending at the close of business on August 31. Any service
15 involving professional or artistic skills or any personal
16 services by an employee whose compensation is subject to
17 income tax withholding must be performed as of June 30 of the
18 fiscal year in order to be considered an "outstanding
19 liability as of June 30" that is thereby eligible for payment
20 out of the expiring appropriation.

21 However, payment of tuition reimbursement claims under
22 Section 14-7.03 or 18-3 of the School Code may be made by the
23 State Board of Education from its appropriations for those
24 respective purposes for any fiscal year, even though the
25 claims reimbursed by the payment may be claims attributable
26 to a prior fiscal year, and payments may be made at the
27 direction of the State Superintendent of Education from the
28 fund from which the appropriation is made without regard to
29 any fiscal year limitations.

30 Medical payments may be made by the Department of
31 Veterans' Affairs from its appropriations for those purposes
32 for any fiscal year, without regard to the fact that the
33 medical services being compensated for by such payment may

1 have been rendered in a prior fiscal year.

2 Medical payments may be made by the Department of Human
3 Services Public-Aid and child care payments may be made by
4 the Department of Human Services (as successor to the
5 Department of Public Aid) from appropriations for those
6 purposes for any fiscal year, without regard to the fact that
7 the medical or child care services being compensated for by
8 such payment may have been rendered in a prior fiscal year;
9 and payments may be made at the direction of the Department
10 of Central Management Services from the Health Insurance
11 Reserve Fund and the Local Government Health Insurance
12 Reserve Fund without regard to any fiscal year limitations.

13 Additionally, payments may be made by the Department of
14 Human Services from its appropriations, or any other State
15 agency from its appropriations with the approval of the
16 Department of Human Services, from the Immigration Reform and
17 Control Fund for purposes authorized pursuant to the
18 Immigration Reform and Control Act of 1986, without regard to
19 any fiscal year limitations.

20 (c) Further, payments may be made by the Department of
21 Public Health and the Department of Human Services (acting as
22 successor to the Department of Public Health under the
23 Department of Human Services Act) from their respective
24 appropriations for grants for medical care to or on behalf of
25 persons suffering from chronic renal disease, persons
26 suffering from hemophilia, rape victims, and premature and
27 high-mortality risk infants and their mothers and for grants
28 for supplemental food supplies provided under the United
29 States Department of Agriculture Women, Infants and Children
30 Nutrition Program, for any fiscal year without regard to the
31 fact that the services being compensated for by such payment
32 may have been rendered in a prior fiscal year.

33 (d) The Department of Public Health and the Department
34 of Human Services (acting as successor to the Department of

1 Public Health under the Department of Human Services Act)
2 shall each annually submit to the State Comptroller, Senate
3 President, Senate Minority Leader, Speaker of the House,
4 House Minority Leader, and the respective Chairmen and
5 Minority Spokesmen of the Appropriations Committees of the
6 Senate and the House, on or before December 31, a report of
7 fiscal year funds used to pay for services provided in any
8 prior fiscal year. This report shall document by program or
9 service category those expenditures from the most recently
10 completed fiscal year used to pay for services provided in
11 prior fiscal years.

12 (e) ~~The Department of Public Aid and the Department of~~
13 Human Services (acting as successor to the Department of
14 Public Aid) shall each annually submit to the State
15 Comptroller, Senate President, Senate Minority Leader,
16 Speaker of the House, House Minority Leader, the respective
17 Chairmen and Minority Spokesmen of the Appropriations
18 Committees of the Senate and the House, on or before November
19 30, a report that shall document by program or service
20 category those expenditures from the most recently completed
21 fiscal year used to pay for (i) services provided in prior
22 fiscal years and (ii) services for which claims were received
23 in prior fiscal years.

24 (f) The Department of Human Services (as successor to
25 the Department of Public Aid) shall annually submit to the
26 State Comptroller, Senate President, Senate Minority Leader,
27 Speaker of the House, House Minority Leader, and the
28 respective Chairmen and Minority Spokesmen of the
29 Appropriations Committees of the Senate and the House, on or
30 before December 31, a report of fiscal year funds used to pay
31 for services (other than medical care) provided in any prior
32 fiscal year. This report shall document by program or
33 service category those expenditures from the most recently
34 completed fiscal year used to pay for services provided in

1 prior fiscal years.

2 (g) In addition, each annual report required to be
3 submitted by the Department of Human Services Public Aid
4 under subsection (e) shall include the following information
5 with respect to the State's Medicaid program:

6 (1) Explanations of the exact causes of the
7 variance between the previous year's estimated and actual
8 liabilities.

9 (2) Factors affecting the liabilities of the
10 Department of Human Services Public Aid's liabilities,
11 including but not limited to numbers of aid recipients,
12 levels of medical service utilization by aid recipients,
13 and inflation in the cost of medical services.

14 (3) The results of the Department's efforts to
15 combat fraud and abuse.

16 (h) As provided in Section 4 of the General Assembly
17 Compensation Act, any utility bill for service provided to a
18 General Assembly member's district office for a period
19 including portions of 2 consecutive fiscal years may be paid
20 from funds appropriated for such expenditure in either fiscal
21 year.

22 (i) An agency which administers a fund classified by the
23 Comptroller as an internal service fund may issue rules for:

24 (1) billing user agencies in advance based on
25 estimated charges for goods or services;

26 (2) issuing credits during the subsequent fiscal
27 year for all user agency payments received during the
28 prior fiscal year which were in excess of the final
29 amounts owed by the user agency for that period; and

30 (3) issuing catch-up billings to user agencies
31 during the subsequent fiscal year for amounts remaining
32 due when payments received from the user agency during
33 the prior fiscal year were less than the total amount
34 owed for that period.

1 User agencies are authorized to reimburse internal service
 2 funds for catch-up billings by vouchers drawn against their
 3 respective appropriations for the fiscal year in which the
 4 catch-up billing was issued.

5 (Source: P.A. 89-235, eff. 8-4-95; 89-507, eff. 7-1-97;
 6 89-511, eff. 1-1-97; 90-14, eff. 7-1-97; 90-168, eff.
 7 7-23-97.)

8 Section 155. The State Employee Industrial Commission
 9 Awards Act is amended by changing Section 5 as follows:

10 (30 ILCS 260/5) (from Ch. 127, par. 181a)

11 Sec. 5. Federal funds for compensation of certain State
 12 employees. The State Treasurer, ex officio, may receive from
 13 ~~the State-Department-of-Public-Aid--and--the~~ Department of
 14 Human Services (as successor to the Department of Public Aid)
 15 any moneys which the ~~either~~ Department has received or shall
 16 receive from the federal government for the payment of
 17 compensation awards for injuries or death suffered by any
 18 person during the course of his or her employment by the
 19 ~~State--Department--of--Public-Aid-or~~ the County Department of
 20 Public Aid or the Department of Human Services (as successor
 21 to the Illinois Department of Public Aid) or upon any project
 22 entered into between ~~the State-Department-of-Public-Aid-or~~
 23 ~~the~~ Department of Human Services (as successor to the
 24 Illinois Department of Public Aid) and any other department
 25 or agency of the State. Such moneys, or any part thereof may
 26 be paid over from time to time by the Department, to be held
 27 in trust by the Treasurer, ex officio, and disbursed by the
 28 Treasurer to the beneficiaries as directed by the Department.
 29 (Source: P.A. 89-507, eff. 7-1-97.)

30 Section 160. The Human Services Provider Bond Reserve
 31 Payment Act is amended by changing Section 10 as follows:

1 (30 ILCS 435/10)

2 Sec. 10. Definitions. For the purposes of this Act:

3 (a) "Service provider" means any nongovernmental entity,
4 either for-profit or not-for-profit, that enters into a
5 contract with a State agency under which the entity is paid
6 or reimbursed by the State for providing human services to
7 persons in Illinois.

8 (b) "State agency" means the ~~Department of Public Aid,~~
9 the Department of Public Health, the Department of Children
10 and Family Services, the Department of Human Services, and
11 any other department or agency of State government that
12 enters into contracts with service providers under which the
13 provider is paid or reimbursed by the State for providing
14 human services to persons in Illinois.

15 (c) "Covered bond issue" means revenue bonds (i) that
16 are issued by any agency of State or local government within
17 this State, including without limitation bonds issued by the
18 Illinois Development Finance Authority, (ii) that are to be
19 directly or indirectly paid, in whole or in part, from
20 payments due to a service provider under a human services
21 contract with a State agency, and (iii) for which a debt
22 service reserve or other reserve fund has been established,
23 under the control of a named trustee, that the service
24 provider is required to replenish in the event that moneys
25 from the reserve fund are used to make payments of principal
26 or interest on the bonds.

27 (Source: P.A. 88-117; 89-507, eff. 7-1-97.)

28 Section 165. The Illinois Procurement Code is amended by
29 changing Section 50-13 as follows:

30 (30 ILCS 500/50-13)

31 Sec. 50-13. Conflicts of interest.

32 (a) Prohibition. It is unlawful for any person holding

1 an elective office in this State, holding a seat in the
2 General Assembly, or appointed to or employed in any of the
3 offices or agencies of State government and who receives
4 compensation for such employment in excess of 60% of the
5 salary of the Governor of the State of Illinois, or who is an
6 officer or employee of the Capital Development Board or the
7 Illinois Toll Highway Authority, or who is the spouse or
8 minor child of any such person to have or acquire any
9 contract, or any direct pecuniary interest in any contract
10 therein, whether for stationery, printing, paper, or any
11 services, materials, or supplies, that will be wholly or
12 partially satisfied by the payment of funds appropriated by
13 the General Assembly of the State of Illinois or in any
14 contract of the Capital Development Board or the Illinois
15 Toll Highway Authority.

16 (b) Interests. It is unlawful for any firm,
17 partnership, association, or corporation, in which any person
18 listed in subsection (a) is entitled to receive (i) more than
19 7 1/2% of the total distributable income or (ii) an amount in
20 excess of the salary of the Governor, to have or acquire any
21 such contract or direct pecuniary interest therein.

22 (c) Combined interests. It is unlawful for any firm,
23 partnership, association, or corporation, in which any person
24 listed in subsection (a) together with his or her spouse or
25 minor children is entitled to receive (i) more than 15%, in
26 the aggregate, of the total distributable income or (ii) an
27 amount in excess of 2 times the salary of the Governor, to
28 have or acquire any such contract or direct pecuniary
29 interest therein.

30 (d) Securities. Nothing in this Section invalidates the
31 provisions of any bond or other security previously offered
32 or to be offered for sale or sold by or for the State of
33 Illinois.

34 (e) Prior interests. This Section does not affect the

1 validity of any contract made between the State and an
2 officer or employee of the State or member of the General
3 Assembly, his or her spouse, minor child or any combination
4 of those persons if that contract was in existence before his
5 or her election or employment as an officer, member, or
6 employee. The contract is voidable, however, if it cannot be
7 completed within 365 days after the officer, member, or
8 employee takes office or is employed.

9 (f) Exceptions.

10 (1) Public aid payments. This Section does not
11 apply to payments made for a public aid recipient.

12 (2) Teaching. This Section does not apply to a
13 contract for personal services as a teacher or school
14 administrator between a member of the General Assembly or
15 his or her spouse, or a State officer or employee or his
16 or her spouse, and any school district, public community
17 college district, the University of Illinois, Southern
18 Illinois University, Illinois State University, Eastern
19 Illinois University, Northern Illinois University,
20 Western Illinois University, Chicago State University,
21 Governor State University, or Northeastern Illinois
22 University.

23 (3) Ministerial duties. This Section does not
24 apply to a contract for personal services of a wholly
25 ministerial character, including but not limited to
26 services as a laborer, clerk, typist, stenographer, page,
27 bookkeeper, receptionist, or telephone switchboard
28 operator, made by a spouse or minor child of an elective
29 or appointive State officer or employee or of a member of
30 the General Assembly.

31 (4) Child and family services. This Section does
32 not apply to payments made to a member of the General
33 Assembly, a State officer or employee, his or her spouse
34 or minor child acting as a foster parent, homemaker,

1 advocate, or volunteer for or in behalf of a child or
2 family served by the Department of Children and Family
3 Services.

4 (5) Licensed professionals. Contracts with licensed
5 professionals, provided they are competitively bid or
6 part of a reimbursement program for specific, customary
7 goods and services through the Department of Children and
8 Family Services, the Department of Human Services, the
9 Department--of--Public--Aid, the Department of Public
10 Health, or the Department on Aging.

11 (g) Penalty. A person convicted of a violation of this
12 Section is guilty of a business offense and shall be fined
13 not less than \$1,000 nor more than \$5,000.

14 (Source: P.A. 90-572, eff. 2-6-98.)

15 Section 170. The Excellence in Academic Medicine Act is
16 amended by changing Sections 65 and 74 as follows:

17 (30 ILCS 775/65)

18 Sec. 65. Reporting requirements. On May 1 of each year,
19 the chief executive officer of each Qualified Academic
20 Medical Center Hospital shall submit a report to the
21 Comptroller regarding the effects of the programs authorized
22 by this Act. The report shall also report the total amount
23 of grants from and contracts with the National Institutes of
24 Health in the preceding calendar year. It shall assess
25 whether the programs funded are likely to be successful,
26 require further study, or no longer appear to be promising
27 avenues of research. It shall discuss the probable use of
28 the developmental program in mainstream medicine including
29 both cost impact and medical effect. The report shall address
30 the effects the programs may have on containing Title XIX
31 costs in Illinois. The Comptroller shall immediately forward
32 the report to the Secretary of Human Services Director-of

1 Public Aid and the Director of Public Health who shall
2 evaluate the contents in a letter submitted to the President
3 of the Senate and the Speaker of the House of
4 Representatives.

5 (Source: P.A. 89-506, eff. 7-3-96.)

6 (30 ILCS 775/74)

7 Sec. 74. Reimbursement methodology. The Department of
8 Human Services Public Aid may develop a reimbursement
9 methodology consistent with this Act for distribution of
10 moneys from the funds in a manner that would allow
11 distributions from these funds to be matchable under Title
12 XIX of the Social Security Act. The Department may
13 promulgate rules necessary to make these distributions
14 matchable.

15 (Source: P.A. 89-506, eff. 7-3-96.)

16 Section 175. The Illinois Income Tax Act is amended by
17 changing Sections 901 and 917 as follows:

18 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

19 Sec. 901. Collection Authority.

20 (a) In general.

21 The Department shall collect the taxes imposed by this
22 Act. The Department shall collect certified past due child
23 support amounts under Section 2505-650 of the Department of
24 Revenue Law (20 ILCS 2505/2505-650). Except as provided in
25 subsections (c) and (e) of this Section, money collected
26 pursuant to subsections (a) and (b) of Section 201 of this
27 Act shall be paid into the General Revenue Fund in the State
28 treasury; money collected pursuant to subsections (c) and (d)
29 of Section 201 of this Act shall be paid into the Personal
30 Property Tax Replacement Fund, a special fund in the State
31 Treasury; and money collected under Section 2505-650 of the

1 Department of Revenue Law (20 ILCS 2505/2505-650) shall be
2 paid into the Child Support Enforcement Trust Fund, a special
3 fund outside the State Treasury, or to the State Disbursement
4 Unit established under Section 10-26 of the Illinois Public
5 Aid Code, as directed by the Department of Human Services
6 Public-Aid.

7 (b) Local Governmental Distributive Fund.

8 Beginning August 1, 1969, and continuing through June 30,
9 1994, the Treasurer shall transfer each month from the
10 General Revenue Fund to a special fund in the State treasury,
11 to be known as the "Local Government Distributive Fund", an
12 amount equal to 1/12 of the net revenue realized from the tax
13 imposed by subsections (a) and (b) of Section 201 of this Act
14 during the preceding month. Beginning July 1, 1994, and
15 continuing through June 30, 1995, the Treasurer shall
16 transfer each month from the General Revenue Fund to the
17 Local Government Distributive Fund an amount equal to 1/11 of
18 the net revenue realized from the tax imposed by subsections
19 (a) and (b) of Section 201 of this Act during the preceding
20 month. Beginning July 1, 1995, the Treasurer shall transfer
21 each month from the General Revenue Fund to the Local
22 Government Distributive Fund an amount equal to 1/10 of the
23 net revenue realized from the tax imposed by subsections (a)
24 and (b) of Section 201 of the Illinois Income Tax Act during
25 the preceding month. Net revenue realized for a month shall
26 be defined as the revenue from the tax imposed by subsections
27 (a) and (b) of Section 201 of this Act which is deposited in
28 the General Revenue Fund, the Educational Assistance Fund and
29 the Income Tax Surcharge Local Government Distributive Fund
30 during the month minus the amount paid out of the General
31 Revenue Fund in State warrants during that same month as
32 refunds to taxpayers for overpayment of liability under the
33 tax imposed by subsections (a) and (b) of Section 201 of this
34 Act.

1 (c) Deposits Into Income Tax Refund Fund.

2 (1) Beginning on January 1, 1989 and thereafter,
3 the Department shall deposit a percentage of the amounts
4 collected pursuant to subsections (a) and (b)(1), (2),
5 and (3), of Section 201 of this Act into a fund in the
6 State treasury known as the Income Tax Refund Fund. The
7 Department shall deposit 6% of such amounts during the
8 period beginning January 1, 1989 and ending on June 30,
9 1989. Beginning with State fiscal year 1990 and for each
10 fiscal year thereafter, the percentage deposited into the
11 Income Tax Refund Fund during a fiscal year shall be the
12 Annual Percentage. For fiscal years 1999 through 2001,
13 the Annual Percentage shall be 7.1%. For all other
14 fiscal years, the Annual Percentage shall be calculated
15 as a fraction, the numerator of which shall be the amount
16 of refunds approved for payment by the Department during
17 the preceding fiscal year as a result of overpayment of
18 tax liability under subsections (a) and (b)(1), (2), and
19 (3) of Section 201 of this Act plus the amount of such
20 refunds remaining approved but unpaid at the end of the
21 preceding fiscal year, the denominator of which shall be
22 the amounts which will be collected pursuant to
23 subsections (a) and (b)(1), (2), and (3) of Section 201
24 of this Act during the preceding fiscal year. The
25 Director of Revenue shall certify the Annual Percentage
26 to the Comptroller on the last business day of the fiscal
27 year immediately preceding the fiscal year for which it
28 is to be effective.

29 (2) Beginning on January 1, 1989 and thereafter,
30 the Department shall deposit a percentage of the amounts
31 collected pursuant to subsections (a) and (b)(6), (7),
32 and (8), (c) and (d) of Section 201 of this Act into a
33 fund in the State treasury known as the Income Tax Refund
34 Fund. The Department shall deposit 18% of such amounts

1 during the period beginning January 1, 1989 and ending on
2 June 30, 1989. Beginning with State fiscal year 1990 and
3 for each fiscal year thereafter, the percentage deposited
4 into the Income Tax Refund Fund during a fiscal year
5 shall be the Annual Percentage. For fiscal years 1999,
6 2000, and 2001, the Annual Percentage shall be 19%. For
7 all other fiscal years, the Annual Percentage shall be
8 calculated as a fraction, the numerator of which shall be
9 the amount of refunds approved for payment by the
10 Department during the preceding fiscal year as a result
11 of overpayment of tax liability under subsections (a) and
12 (b)(6), (7), and (8), (c) and (d) of Section 201 of this
13 Act plus the amount of such refunds remaining approved
14 but unpaid at the end of the preceding fiscal year, the
15 denominator of which shall be the amounts which will be
16 collected pursuant to subsections (a) and (b)(6), (7),
17 and (8), (c) and (d) of Section 201 of this Act during
18 the preceding fiscal year. The Director of Revenue shall
19 certify the Annual Percentage to the Comptroller on the
20 last business day of the fiscal year immediately
21 preceding the fiscal year for which it is to be
22 effective.

23 (3) The Comptroller shall order transferred and the
24 Treasurer shall transfer from the Tobacco Settlement
25 Recovery Fund to the Income Tax Refund Fund (i)
26 \$35,000,000 in January, 2001, (ii) \$35,000,000 in
27 January, 2002, and (iii) \$35,000,000 in January, 2003.

28 (d) Expenditures from Income Tax Refund Fund.

29 (1) Beginning January 1, 1989, money in the Income
30 Tax Refund Fund shall be expended exclusively for the
31 purpose of paying refunds resulting from overpayment of
32 tax liability under Section 201 of this Act, for paying
33 rebates under Section 208.1 in the event that the amounts
34 in the Homeowners' Tax Relief Fund are insufficient for

1 that purpose, and for making transfers pursuant to this
2 subsection (d).

3 (2) The Director shall order payment of refunds
4 resulting from overpayment of tax liability under Section
5 201 of this Act from the Income Tax Refund Fund only to
6 the extent that amounts collected pursuant to Section 201
7 of this Act and transfers pursuant to this subsection (d)
8 and item (3) of subsection (c) have been deposited and
9 retained in the Fund.

10 (3) As soon as possible after the end of each
11 fiscal year, the Director shall order transferred and the
12 State Treasurer and State Comptroller shall transfer from
13 the Income Tax Refund Fund to the Personal Property Tax
14 Replacement Fund an amount, certified by the Director to
15 the Comptroller, equal to the excess of the amount
16 collected pursuant to subsections (c) and (d) of Section
17 201 of this Act deposited into the Income Tax Refund Fund
18 during the fiscal year over the amount of refunds
19 resulting from overpayment of tax liability under
20 subsections (c) and (d) of Section 201 of this Act paid
21 from the Income Tax Refund Fund during the fiscal year.

22 (4) As soon as possible after the end of each
23 fiscal year, the Director shall order transferred and the
24 State Treasurer and State Comptroller shall transfer from
25 the Personal Property Tax Replacement Fund to the Income
26 Tax Refund Fund an amount, certified by the Director to
27 the Comptroller, equal to the excess of the amount of
28 refunds resulting from overpayment of tax liability under
29 subsections (c) and (d) of Section 201 of this Act paid
30 from the Income Tax Refund Fund during the fiscal year
31 over the amount collected pursuant to subsections (c) and
32 (d) of Section 201 of this Act deposited into the Income
33 Tax Refund Fund during the fiscal year.

34 (4.5) As soon as possible after the end of fiscal

1 year 1999 and of each fiscal year thereafter, the
2 Director shall order transferred and the State Treasurer
3 and State Comptroller shall transfer from the Income Tax
4 Refund Fund to the General Revenue Fund any surplus
5 remaining in the Income Tax Refund Fund as of the end of
6 such fiscal year; excluding for fiscal years 2000, 2001,
7 and 2002 amounts attributable to transfers under item (3)
8 of subsection (c) less refunds resulting from the earned
9 income tax credit.

10 (5) This Act shall constitute an irrevocable and
11 continuing appropriation from the Income Tax Refund Fund
12 for the purpose of paying refunds upon the order of the
13 Director in accordance with the provisions of this
14 Section.

15 (e) Deposits into the Education Assistance Fund and the
16 Income Tax Surcharge Local Government Distributive Fund.

17 On July 1, 1991, and thereafter, of the amounts collected
18 pursuant to subsections (a) and (b) of Section 201 of this
19 Act, minus deposits into the Income Tax Refund Fund, the
20 Department shall deposit 7.3% into the Education Assistance
21 Fund in the State Treasury. Beginning July 1, 1991, and
22 continuing through January 31, 1993, of the amounts collected
23 pursuant to subsections (a) and (b) of Section 201 of the
24 Illinois Income Tax Act, minus deposits into the Income Tax
25 Refund Fund, the Department shall deposit 3.0% into the
26 Income Tax Surcharge Local Government Distributive Fund in
27 the State Treasury. Beginning February 1, 1993 and
28 continuing through June 30, 1993, of the amounts collected
29 pursuant to subsections (a) and (b) of Section 201 of the
30 Illinois Income Tax Act, minus deposits into the Income Tax
31 Refund Fund, the Department shall deposit 4.4% into the
32 Income Tax Surcharge Local Government Distributive Fund in
33 the State Treasury. Beginning July 1, 1993, and continuing
34 through June 30, 1994, of the amounts collected under

1 subsections (a) and (b) of Section 201 of this Act, minus
2 deposits into the Income Tax Refund Fund, the Department
3 shall deposit 1.475% into the Income Tax Surcharge Local
4 Government Distributive Fund in the State Treasury.

5 (Source: P.A. 90-613, eff. 7-9-98; 90-655, eff. 7-30-98;
6 91-212, eff. 7-20-99; 91-239, eff. 1-1-00; 91-700, eff.
7 5-11-00; 91-704, eff. 7-1-00; 91-712, eff. 7-1-00; revised
8 6-28-00.)

9 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

10 Sec. 917. Confidentiality and information sharing.

11 (a) Confidentiality. Except as provided in this Section,
12 all information received by the Department from returns filed
13 under this Act, or from any investigation conducted under the
14 provisions of this Act, shall be confidential, except for
15 official purposes within the Department or pursuant to
16 official procedures for collection of any State tax or
17 pursuant to an investigation or audit by the Illinois State
18 Scholarship Commission of a delinquent student loan or
19 monetary award or enforcement of any civil or criminal
20 penalty or sanction imposed by this Act or by another statute
21 imposing a State tax, and any person who divulges any such
22 information in any manner, except for such purposes and
23 pursuant to order of the Director or in accordance with a
24 proper judicial order, shall be guilty of a Class A
25 misdemeanor. However, the provisions of this paragraph are
26 not applicable to information furnished to a licensed
27 attorney representing the taxpayer where an appeal or a
28 protest has been filed on behalf of the taxpayer.

29 (b) Public information. Nothing contained in this Act
30 shall prevent the Director from publishing or making
31 available to the public the names and addresses of persons
32 filing returns under this Act, or from publishing or making
33 available reasonable statistics concerning the operation of

1 the tax wherein the contents of returns are grouped into
2 aggregates in such a way that the information contained in
3 any individual return shall not be disclosed.

4 (c) Governmental agencies. The Director may make
5 available to the Secretary of the Treasury of the United
6 States or his delegate, or the proper officer or his delegate
7 of any other state imposing a tax upon or measured by income,
8 for exclusively official purposes, information received by
9 the Department in the administration of this Act, but such
10 permission shall be granted only if the United States or such
11 other state, as the case may be, grants the Department
12 substantially similar privileges. The Director may exchange
13 information with the ~~Illinois-Department-of-Public-Aid-and~~
14 the Department of Human Services (acting as successor to the
15 Department of Public Aid under the Department of Human
16 Services Act) for the purpose of verifying sources and
17 amounts of income and for other purposes directly connected
18 with the administration of this Act and the Illinois Public
19 Aid Code. The Director may exchange information with the
20 Director of the Department of Employment Security for the
21 purpose of verifying sources and amounts of income and for
22 other purposes directly connected with the administration of
23 this Act and Acts administered by the Department of
24 Employment Security. The Director may make available to the
25 Illinois Industrial Commission information regarding
26 employers for the purpose of verifying the insurance coverage
27 required under the Workers' Compensation Act and Workers'
28 Occupational Diseases Act.

29 The Director may make available to any State agency,
30 including the Illinois Supreme Court, which licenses persons
31 to engage in any occupation, information that a person
32 licensed by such agency has failed to file returns under this
33 Act or pay the tax, penalty and interest shown therein, or
34 has failed to pay any final assessment of tax, penalty or

1 interest due under this Act. The Director may also make
2 available to the Secretary of State information that a
3 corporation which has been issued a certificate of
4 incorporation by the Secretary of State has failed to file
5 returns under this Act or pay the tax, penalty and interest
6 shown therein, or has failed to pay any final assessment of
7 tax, penalty or interest due under this Act. An assessment is
8 final when all proceedings in court for review of such
9 assessment have terminated or the time for the taking thereof
10 has expired without such proceedings being instituted. For
11 taxable years ending on or after December 31, 1987, the
12 Director may make available to the Director or principal
13 officer of any Department of the State of Illinois,
14 information that a person employed by such Department has
15 failed to file returns under this Act or pay the tax, penalty
16 and interest shown therein. For purposes of this paragraph,
17 the word "Department" shall have the same meaning as provided
18 in Section 3 of the State Employees Group Insurance Act of
19 1971.

20 (d) The Director shall make available for public
21 inspection in the Department's principal office and for
22 publication, at cost, administrative decisions issued on or
23 after January 1, 1995. These decisions are to be made
24 available in a manner so that the following taxpayer
25 information is not disclosed:

26 (1) The names, addresses, and identification
27 numbers of the taxpayer, related entities, and employees.

28 (2) At the sole discretion of the Director, trade
29 secrets or other confidential information identified as
30 such by the taxpayer, no later than 30 days after receipt
31 of an administrative decision, by such means as the
32 Department shall provide by rule.

33 The Director shall determine the appropriate extent of
34 the deletions allowed in paragraph (2). In the event the

1 taxpayer does not submit deletions, the Director shall make
2 only the deletions specified in paragraph (1).

3 The Director shall make available for public inspection
4 and publication an administrative decision within 180 days
5 after the issuance of the administrative decision. The term
6 "administrative decision" has the same meaning as defined in
7 Section 3-101 of Article III of the Code of Civil Procedure.
8 Costs collected under this Section shall be paid into the Tax
9 Compliance and Administration Fund.

10 (e) Nothing contained in this Act shall prevent the
11 Director from divulging information to any person pursuant to
12 a request or authorization made by the taxpayer, by an
13 authorized representative of the taxpayer, or, in the case of
14 information related to a joint return, by the spouse filing
15 the joint return with the taxpayer.

16 (Source: P.A. 89-507, eff. 7-1-97; 90-491, eff. 1-1-98.)

17 Section 180. The Interstate Compact on Adoption Act is
18 amended by changing Sections 5-35 and 5-40 as follows:

19 (45 ILCS 17/5-35)

20 Sec. 5-35. Medical assistance.

21 (a) A child with special needs who resides in this State
22 and who is the subject of an adoption assistance agreement
23 with another state shall be eligible for medical assistance
24 from this State under Article V of the Illinois Public Aid
25 Code upon the filing of agreed documentation obtained from
26 the assistance state and filed with the Illinois Department
27 of Human Services ~~Public-Aid~~. The Department of Children and
28 Family Services shall be required at least annually to
29 establish that the agreement is still in force or has been
30 renewed.

31 (b) If a child (i) is in another state, (ii) is covered
32 by an adoption assistance agreement made by the Illinois

1 Department of Children and Family Services, and (iii) was
2 eligible for medical assistance under Article V of the
3 Illinois Public Aid Code at the time he or she resided in
4 this State and would continue to be eligible for that
5 assistance if he or she was currently residing in this State,
6 then that child is eligible for medical assistance under
7 Article V of the Illinois Public Aid Code, but only for those
8 medical assistance benefits under Article V that are not
9 provided by the other state. There shall be no payment or
10 reimbursement by this State for services or benefits covered
11 under any insurance or other third party medical contract or
12 arrangement held by the child or the adoptive parents.

13 (c) The submission of any claim for payment or
14 reimbursement for services or benefits pursuant to this
15 Section or the making of any statement in connection
16 therewith, which claim or statement the maker knows or should
17 know to be false, misleading, or fraudulent, shall be
18 punishable as perjury and shall also be subject to a fine not
19 to exceed \$10,000 or imprisonment for not to exceed 2 years,
20 or both.

21 (d) The provisions of this Section shall apply only to
22 medical assistance for children under adoption assistance
23 agreements from states that have entered into a compact with
24 this State under which the other state provided medical
25 assistance to children with special needs under adoption
26 assistance agreements made by this State.

27 (e) The Illinois Department of Children and Family
28 Services and the Illinois Department of Human Services Public
29 Aid may adopt all rules necessary to implement this Section.

30 (Source: P.A. 90-28, eff. 1-1-98.)

31 (45 ILCS 17/5-40)

32 Sec. 5-40. Federal participation. Consistent with federal
33 law, the Illinois Department of Children and Family Services

1 and the ~~Illinois-Department-of-Public-Aid-or-the~~ Illinois
2 Department of Human Services, as the successor agency of the
3 Illinois Department of Public Aid, in connection with the
4 administration of this Act and any compact entered into
5 pursuant to this Act, shall include in any state plan made
6 pursuant to the Adoption Assistance and Child Welfare Act of
7 1980 (P.L. 96-272), Titles IV (e) and XIX of the Social
8 Security Act, and any other applicable federal laws the
9 provision of adoption assistance and medical assistance for
10 which the federal government pays some or all of the cost.
11 The Department of Children and Family Services and the
12 ~~Illinois-Department-of-Public-Aid-or-the~~ Department of Human
13 Services, as the successor agency of the Illinois Department
14 of Public Aid, shall apply for and administer all relevant
15 federal aid in accordance with law.

16 (Source: P.A. 90-28, eff. 1-1-98.)

17 Section 185. The Counties Code is amended by changing
18 Sections 3-5036.5, 4-2002, 4-2002.1, 5-1065, 5-21009, and
19 5-37006 as follows:

20 (55 ILCS 5/3-5036.5)

21 Sec. 3-5036.5. Exchange of information for child support
22 enforcement.

23 (a) The Recorder shall exchange with the Illinois
24 Department of Human Services ~~Public-Aid~~ information that may
25 be necessary for the enforcement of child support orders
26 entered pursuant to the Illinois Public Aid Code, the
27 Illinois Marriage and Dissolution of Marriage Act, the
28 Non-Support of Spouse and Children Act, the Non-Support
29 Punishment Act, the Revised Uniform Reciprocal Enforcement of
30 Support Act, the Uniform Interstate Family Support Act, or
31 the Illinois Parentage Act of 1984.

32 (b) Notwithstanding any provisions in this Code to the

1 contrary, the Recorder shall not be liable to any person for
2 any disclosure of information to the Illinois Department of
3 Human Services Public--Aid under subsection (a) or for any
4 other action taken in good faith to comply with the
5 requirements of subsection (a).

6 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

7 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

8 Sec. 4-2002. State's attorney fees in counties under
9 3,000,000 population. This Section applies only to counties
10 with fewer than 3,000,000 inhabitants.

11 (a) State's attorneys shall be entitled to the following
12 fees, however, the fee requirement of this subsection does
13 not apply to county boards:

14 For each conviction in prosecutions on indictments for
15 first degree murder, second degree murder, involuntary
16 manslaughter, criminal sexual assault, aggravated criminal
17 sexual assault, aggravated criminal sexual abuse, kidnapping,
18 arson and forgery, \$30. All other cases punishable by
19 imprisonment in the penitentiary, \$30.

20 For each conviction in other cases tried before judges of
21 the circuit court, \$15; except that if the conviction is in a
22 case which may be assigned to an associate judge, whether or
23 not it is in fact assigned to an associate judge, the fee
24 shall be \$10.

25 For preliminary examinations for each defendant held to
26 bail or recognizance, \$10.

27 For each examination of a party bound over to keep the
28 peace, \$10.

29 For each defendant held to answer in a circuit court on a
30 charge of paternity, \$10.

31 For each trial on a charge of paternity, \$30.

32 For each case of appeal taken from his county or from the
33 county to which a change of venue is taken to his county to

1 the Supreme or Appellate Court when prosecuted or defended by
2 him, \$50.

3 For each day actually employed in the trial of a case,
4 \$25; in which case the court before whom the case is tried
5 shall make an order specifying the number of days for which a
6 per diem shall be allowed.

7 For each day actually employed in the trial of cases of
8 felony arising in their respective counties and taken by
9 change of venue to another county, \$25; and the court before
10 whom the case is tried shall make an order specifying the
11 number of days for which said per diem shall be allowed; and
12 it is hereby made the duty of each State's attorney to
13 prepare and try each case of felony arising when so taken by
14 change of venue.

15 For assisting in a trial of each case on an indictment
16 for felony brought by change of venue to their respective
17 counties, the same fees they would be entitled to if such
18 indictment had been found for an offense committed in his
19 county, and it shall be the duty of the State's attorney of
20 the county to which such cause is taken by change of venue to
21 assist in the trial thereof.

22 For each case of forfeited recognizance where the
23 forfeiture is set aside at the instance of the defense, in
24 addition to the ordinary costs, \$10 for each defendant.

25 For each proceeding in a circuit court to inquire into
26 the alleged mental illness of any person, \$10 for each
27 defendant.

28 For each proceeding in a circuit court to inquire into
29 the alleged dependency or delinquency of any child, \$10.

30 For each day actually employed in the hearing of a case
31 of habeas corpus in which the people are interested, \$25.

32 All the foregoing fees shall be taxed as costs to be
33 collected from the defendant, if possible, upon conviction.
34 But in cases of inquiry into the mental illness of any person

1 alleged to be mentally ill, in cases on a charge of paternity
2 and in cases of appeal in the Supreme or Appellate Court,
3 where judgment is in favor of the accused, the fees allowed
4 the State's attorney therein shall be retained out of the
5 fines and forfeitures collected by them in other cases.

6 Ten per cent of all moneys except revenue, collected by
7 them and paid over to the authorities entitled thereto, which
8 per cent together with the fees provided for herein that are
9 not collected from the parties tried or examined, shall be
10 paid out of any fines and forfeited recognizances collected
11 by them, provided however, that in proceedings to foreclose
12 the lien of delinquent real estate taxes State's attorneys
13 shall receive a fee, to be credited to the earnings of their
14 office, of 10% of the total amount realized from the sale of
15 real estate sold in such proceedings. Such fees shall be
16 paid from the total amount realized from the sale of the real
17 estate sold in such proceedings.

18 State's attorneys shall have a lien for their fees on all
19 judgments for fines or forfeitures procured by them and on
20 moneys except revenue received by them until such fees and
21 earnings are fully paid.

22 No fees shall be charged on more than 10 counts in any
23 one indictment or information on trial and conviction; nor on
24 more than 10 counts against any one defendant on pleas of
25 guilty.

26 The Circuit Court may direct that of all monies received,
27 by restitution or otherwise, which monies are ordered paid to
28 the ~~Department--of--Public--Aid--or--the~~ Department of Human
29 Services (acting as successor to the Department of Public Aid
30 under the Department of Human Services Act) as a direct
31 result of the efforts of the State's attorney and which
32 payments arise from Civil or Criminal prosecutions involving
33 the Illinois Public Aid Code or the Criminal Code, the
34 following amounts shall be paid quarterly by the Department

1 ef--Public--Aid--or--the Department of Human Services to the
2 General Corporate Fund of the County in which the prosecution
3 or cause of action took place:

4 (1) where the monies result from child support
5 obligations, not more than 25% of the federal share of
6 the monies received,

7 (2) where the monies result from other than child
8 support obligations, not more than 25% of the State's
9 share of the monies received.

10 (b) A municipality shall be entitled to a \$10
11 prosecution fee for each conviction for a violation of The
12 Illinois Vehicle Code prosecuted by the municipal attorney
13 pursuant to Section 16-102 of that Code which is tried before
14 a circuit or associate judge and shall be entitled to a \$10
15 prosecution fee for each conviction for a violation of a
16 municipal vehicle ordinance or nontraffic ordinance
17 prosecuted by the municipal attorney which is tried before a
18 circuit or associate judge. Such fee shall be taxed as costs
19 to be collected from the defendant, if possible, upon
20 conviction. A municipality shall have a lien for such
21 prosecution fees on all judgments or fines procured by the
22 municipal attorney from prosecutions for violations of The
23 Illinois Vehicle Code and municipal vehicle ordinances or
24 nontraffic ordinances.

25 For the purposes of this subsection (b), "municipal
26 vehicle ordinance" means any ordinance enacted pursuant to
27 Sections 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the
28 Illinois Municipal Code or any ordinance enacted by a
29 municipality which is similar to a provision of Chapter 11 of
30 The Illinois Vehicle Code.

31 (Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97.)

32 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)
33 Sec. 4-2002.1. State's attorney fees in counties of

1 3,000,000 or more population. This Section applies only to
2 counties with 3,000,000 or more inhabitants.

3 (a) State's attorneys shall be entitled to the following
4 fees:

5 For each conviction in prosecutions on indictments for
6 first degree murder, second degree murder, involuntary
7 manslaughter, criminal sexual assault, aggravated criminal
8 sexual assault, aggravated criminal sexual abuse, kidnapping,
9 arson and forgery, \$60. All other cases punishable by
10 imprisonment in the penitentiary, \$60.

11 For each conviction in other cases tried before judges of
12 the circuit court, \$30; except that if the conviction is in a
13 case which may be assigned to an associate judge, whether or
14 not it is in fact assigned to an associate judge, the fee
15 shall be \$20.

16 For preliminary examinations for each defendant held to
17 bail or recognizance, \$20.

18 For each examination of a party bound over to keep the
19 peace, \$20.

20 For each defendant held to answer in a circuit court on a
21 charge of paternity, \$20.

22 For each trial on a charge of paternity, \$60.

23 For each case of appeal taken from his county or from the
24 county to which a change of venue is taken to his county to
25 the Supreme or Appellate Court when prosecuted or defended by
26 him, \$100.

27 For each day actually employed in the trial of a case,
28 \$50; in which case the court before whom the case is tried
29 shall make an order specifying the number of days for which a
30 per diem shall be allowed.

31 For each day actually employed in the trial of cases of
32 felony arising in their respective counties and taken by
33 change of venue to another county, \$50; and the court before
34 whom the case is tried shall make an order specifying the

1 number of days for which said per diem shall be allowed; and
2 it is hereby made the duty of each State's attorney to
3 prepare and try each case of felony arising when so taken by
4 change of venue.

5 For assisting in a trial of each case on an indictment
6 for felony brought by change of venue to their respective
7 counties, the same fees they would be entitled to if such
8 indictment had been found for an offense committed in his
9 county, and it shall be the duty of the State's attorney of
10 the county to which such cause is taken by change of venue to
11 assist in the trial thereof.

12 For each case of forfeited recognizance where the
13 forfeiture is set aside at the instance of the defense, in
14 addition to the ordinary costs, \$20 for each defendant.

15 For each proceeding in a circuit court to inquire into
16 the alleged mental illness of any person, \$20 for each
17 defendant.

18 For each proceeding in a circuit court to inquire into
19 the alleged dependency or delinquency of any child, \$20.

20 For each day actually employed in the hearing of a case
21 of habeas corpus in which the people are interested, \$50.

22 All the foregoing fees shall be taxed as costs to be
23 collected from the defendant, if possible, upon conviction.
24 But in cases of inquiry into the mental illness of any person
25 alleged to be mentally ill, in cases on a charge of paternity
26 and in cases of appeal in the Supreme or Appellate Court,
27 where judgment is in favor of the accused, the fees allowed
28 the State's attorney therein shall be retained out of the
29 fines and forfeitures collected by them in other cases.

30 Ten per cent of all moneys except revenue, collected by
31 them and paid over to the authorities entitled thereto, which
32 per cent together with the fees provided for herein that are
33 not collected from the parties tried or examined, shall be
34 paid out of any fines and forfeited recognizances collected

1 by them, provided however, that in proceedings to foreclose
 2 the lien of delinquent real estate taxes State's attorneys
 3 shall receive a fee, to be credited to the earnings of their
 4 office, of 10% of the total amount realized from the sale of
 5 real estate sold in such proceedings. Such fees shall be paid
 6 from the total amount realized from the sale of the real
 7 estate sold in such proceedings.

8 State's attorneys shall have a lien for their fees on all
 9 judgments for fines or forfeitures procured by them and on
 10 moneys except revenue received by them until such fees and
 11 earnings are fully paid.

12 No fees shall be charged on more than 10 counts in any
 13 one indictment or information on trial and conviction; nor on
 14 more than 10 counts against any one defendant on pleas of
 15 guilty.

16 The Circuit Court may direct that of all monies received,
 17 by restitution or otherwise, which monies are ordered paid to
 18 the ~~Department of Public Aid or the~~ Department of Human
 19 Services (acting as successor to the Department of Public Aid
 20 under the Department of Human Services Act) as a direct
 21 result of the efforts of the State's attorney and which
 22 payments arise from Civil or Criminal prosecutions involving
 23 the Illinois Public Aid Code or the Criminal Code, the
 24 following amounts shall be paid quarterly by the ~~Department~~
 25 ~~of Public Aid or the~~ Department of Human Services to the
 26 General Corporate Fund of the County in which the prosecution
 27 or cause of action took place:

28 (1) where the monies result from child support
 29 obligations, not less than 25% of the federal share of
 30 the monies received,

31 (2) where the monies result from other than child
 32 support obligations, not less than 25% of the State's
 33 share of the monies received.

34 (b) A municipality shall be entitled to a \$10

1 prosecution fee for each conviction for a violation of the
2 Illinois Vehicle Code prosecuted by the municipal attorney
3 pursuant to Section 16-102 of that Code which is tried before
4 a circuit or associate judge and shall be entitled to a \$10
5 prosecution fee for each conviction for a violation of a
6 municipal vehicle ordinance prosecuted by the municipal
7 attorney which is tried before a circuit or associate judge.
8 Such fee shall be taxed as costs to be collected from the
9 defendant, if possible, upon conviction. A municipality
10 shall have a lien for such prosecution fees on all judgments
11 or fines procured by the municipal attorney from prosecutions
12 for violations of the Illinois Vehicle Code and municipal
13 vehicle ordinances.

14 For the purposes of this subsection (b), "municipal
15 vehicle ordinance" means any ordinance enacted pursuant to
16 Sections 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the
17 Illinois Municipal Code or any ordinance enacted by a
18 municipality which is similar to a provision of Chapter 11 of
19 the Illinois Vehicle Code.

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

21 (55 ILCS 5/5-1065) (from Ch. 34, par. 5-1065)
22 Sec. 5-1065. Civil liability for rentals in excess of
23 number permitted by ordinance.

24 (a) The owner of a building located in a county having a
25 population in excess of 100,000 inhabitants who, directly or
26 indirectly, has collected, or caused to be collected, rentals
27 from an occupant of that building during a period in which
28 the number of apartments or family units in that building
29 exceeded the number permitted for that building by an
30 ordinance of the county in which the building is located, is
31 liable to any such occupant in an amount equal to not more
32 than 3 times the amount of any rentals paid by any such
33 occupant, or in his behalf, after January 1, 1970, together

1 with court costs and reasonable attorney's fees. If the
 2 occupant is a recipient of public aid under Article III, IV,
 3 or VI of "the Illinois Public Aid Code", as amended, in whose
 4 behalf vendor payment of the rental was made by the ~~Illinois~~
 5 ~~Department--of--Public--Aid,~~ the Department of Human Services
 6 (acting as successor to the Department of Public Aid under
 7 the Department of Human Services Act), or a local
 8 governmental unit, as the case may be, the liability as
 9 herein provided is to the ~~Illinois-Department-of-Public-Aid,~~
 10 the Department of Human Services (acting as successor to the
 11 Department of Public Aid under the Department of Human
 12 Services Act), or the local governmental unit making the
 13 vendor payment of the rental.

14 (b) For the purposes of this Section:

15 (1) "Owner" means the legal or beneficial owner of
 16 a building.

17 (2) "Family unit" means a room or group of rooms
 18 used or intended to be used as a housekeeping unit for
 19 living, sleeping, cooking and eating. The fact that any
 20 such family unit is used or intended to be used with
 21 cooking or eating accommodations in common with another
 22 family unit in any such building does not affect
 23 liability hereunder.

24 (c) No liability accrues under this Section until 30
 25 days after the owner of record of a building has been
 26 notified in writing that such owner is in violation of any
 27 such municipal ordinance. Such notice shall be personally
 28 served upon such owner of record or sent by registered mail
 29 to the last known address of such owner.

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

31 (55 ILCS 5/5-21009) (from Ch. 34, par. 5-21009)

32 Sec. 5-21009. Purchase of care. Any infirm or chronically
 33 ill resident of the county, or resident of participating

1 counties in the case of a joint home, who desires to purchase
2 care and maintenance in the county home with his own funds or
3 with a public aid grant awarded to him under "The Illinois
4 Public Aid Code" may be received and cared for in the home.

5 Upon authorization of the County Board, or the County
6 Boards in the case of a joint home, infirm or chronically ill
7 residents of other counties who desire to purchase care and
8 maintenance in the home from their own funds or from public
9 aid grants may also be admitted to the home.

10 The Illinois Department of Human Services Public-Aid, any
11 local Supervisor of General Assistance, and any other State
12 or local agency may also purchase care in the home for
13 persons under their charge by paying the rates established by
14 the County Board.

15 (Source: P.A. 86-962.)

16 (55 ILCS 5/5-37006) (from Ch. 34, par. 5-37006)

17 Sec. 5-37006. Reimbursement for cost of services. In
18 relation to inpatient hospital services provided at any
19 health care facility maintained by the Commission to any
20 person under the legal custody of the Sheriff of Cook County
21 pending trial the Commission may obtain reimbursement from
22 the confined person to whom the services were provided for
23 the cost of such services to the extent that such person is
24 reasonably able to pay for such care, including reimbursement
25 from any insurance program or from other medical benefit
26 programs available to such person. If such person has
27 already been determined eligible for medical assistance under
28 the Illinois Public Aid Code at the time the person is
29 initially detained pending trial, the cost of such services,
30 to the extent such cost exceeds \$2,500, shall be reimbursed
31 by the Department of Human Services Public--Aid under that
32 Act. A reimbursement under any public or private program
33 authorized by this Section shall be paid to the Commission to

1 the same extent as would obtain had the services been
2 rendered in a non-custodial environment.

3 This Section does not apply to services provided to any
4 person who has been convicted of or has pleaded guilty to an
5 offense and is held in custody pending sentencing or under
6 sentence of the court.

7 (Source: P.A. 86-962.)

8 Section 190. The Illinois Municipal Code is amended by
9 changing Section 11-31.1-12.1 as follows:

10 (65 ILCS 5/11-31.1-12.1) (from Ch. 24, par. 11-31.1-12.1)
11 Sec. 11-31.1-12.1. (a) The owner of a building located in
12 a municipality in a county having a population in excess of
13 100,000 inhabitants who, directly or indirectly, has
14 collected, or caused to be collected, rentals from an
15 occupant of that building during a period in which the number
16 of apartments or family units in that building exceeded the
17 number permitted for that building by an ordinance of the
18 municipality in which the building is located, is liable to
19 any such occupant in an amount equal to not more than 3 times
20 the amount of any rentals paid by any such occupant, or in
21 his behalf, after January 1, 1970, together with court costs
22 and reasonable attorney's fees. If the occupant is a
23 recipient of public aid under Article III, IV, or VI of "the
24 Illinois Public Aid Code", approved April 11, 1967, as
25 amended, in whose behalf vendor payment of the rental was
26 made by the ~~Illinois-Department-of-Public-Aid~~, the Department
27 of Human Services (acting as successor to the Department of
28 Public Aid under the Department of Human Services Act), or a
29 local governmental unit, as the case may be, the liability as
30 herein provided is to the ~~Illinois-Department-of-Public--Aid~~,
31 the Department of Human Services (acting as successor to the
32 Department of Public Aid under the Department of Human

1 Services Act), or the local governmental unit making the
2 vendor payment of the rental.

3 (b) For the purposes of this Section:

4 (1) "Owner" means the legal or beneficial owner of
5 a building.

6 (2) "Family unit" means a room or group of rooms
7 used or intended to be used as a housekeeping unit for
8 living, sleeping, cooking and eating. The fact that any
9 such family unit is used or intended to be used with
10 cooking or eating accommodations in common with another
11 family unit in any such building does not affect
12 liability hereunder.

13 (c) No liability accrues under this Section until 30
14 days after the owner of record of a building has been
15 notified in writing that such owner is in violation of any
16 such municipal ordinance. Such notice shall be personally
17 served upon such owner of record or sent by registered mail
18 to the last known address of such owner.

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

20 Section 195. The School Code is amended by changing
21 Sections 2-3.79, 14-7.04, 14-15.01, and 30-14.1 as follows:

22 (105 ILCS 5/2-3.79) (from Ch. 122, par. 2-3.79)

23 Sec. 2-3.79. Pilot programs and special education
24 services for preschool children with disabilities from birth
25 to age 3. The State Board of Education may enter into
26 contracts with public or not-for-profit private organizations
27 or agencies to establish model pilot programs which provide
28 services to children with disabilities from birth up to the
29 age of 3 years. Annual grants shall be awarded on a
30 competitive basis pursuant to established criteria provided
31 that there is an annual appropriation for this purpose.
32 Public or not-for-profit private organizations or agencies

1 that are providing services to children with disabilities up
2 to the age of 3 years prior to September 22, 1985 are
3 eligible to receive grants awarded pursuant to this Section.

4 Each pilot program shall include, but not be limited to:
5 a process for identification of infants with disabilities in
6 the region; community awareness of the project and the
7 services provided; an intervention system; methods to assess
8 and diagnose infants with disabilities; written individual
9 treatment programs that include parental involvement; an
10 interdisciplinary treatment approach to include other
11 agencies and not-for-profit organizations; and a written
12 evaluation submitted to the State Board of Education at the
13 end of the grant period.

14 An Interagency Coordination Council shall be established
15 consisting of a representative of the State Superintendent of
16 Education who shall serve as chairman, and one representative
17 from the following departments appointed by the respective
18 directors or secretary: Children and Family Services, Public
19 Health, Human Services, Public--Aid, and the Division of
20 Specialized Care for Children of the University of Illinois.
21 The council shall recommend criteria to the State Board of
22 Education for the awarding of grants pursuant to this Section
23 and shall assist in coordinating the services provided by
24 agencies to the children with disabilities described in this
25 Section.

26 A report containing recommendations concerning all of the
27 pilot programs shall be submitted by the State Board of
28 Education to the General Assembly by January of 1989. The
29 report which shall analyze the results of the pilot programs
30 funded under this Section and make recommendations concerning
31 existing and proposed programs shall include, but not be
32 limited to: recommendations for staff licensure and
33 qualifications; the number of children and families eligible
34 for services statewide; the cost of serving the children and

1 their families; the types of services to be provided; and
2 designs for the most effective delivery systems of these
3 services.

4 (Source: P.A. 89-397, eff. 8-20-95; 89-507, eff. 7-1-97.)

5 (105 ILCS 5/14-7.04) (from Ch. 122, par. 14-7.04)

6 Sec. 14-7.04. Health care reimbursement.

7 (a) Local educational agencies may utilize federally
8 funded health care programs to share in the costs of services
9 which are provided to children requiring special education
10 and related services and which are either listed on an
11 individualized education program established pursuant to the
12 federal Education for All Handicapped Children Act of 1975,
13 Public Law No. 94-142 or are provided under an individualized
14 family service plan established pursuant to the federal
15 Education of the Handicapped Act Amendments of 1986, Public
16 Law No. 99-457. Those federally funded health care programs
17 shall also share in the cost of all screenings and diagnostic
18 evaluations for children suspected of having or known to have
19 a disability. However, all such services shall continue to
20 be initially funded by the local educational agency and shall
21 be provided regardless of subsequent cost sharing with other
22 funding sources. Federally funded health care reimbursement
23 funds are supplemental and shall not be used to reduce any
24 other Federal payments, private payments or State Board of
25 Education funds for special education as provided in Article
26 14 of the School Code for which the local education agency is
27 eligible.

28 Local educational agencies providing early periodic
29 screening and diagnostic testing services on or after August
30 1, 1991, including screening and diagnostic services, health
31 care and treatment, preventive health care, and any other
32 measure to correct or improve health impairments of
33 Medicaid-eligible children, may also access federally funded

1 health care resources.

2 The State Board of Education and the Department of Human
3 Services Public--Aid may enter into an intergovernmental
4 agreement whereby school districts or their agents may claim
5 medicaid matching funds for medicaid eligible special
6 education children as authorized by Section 1903 of the
7 Social Security Act. Under that intergovernmental agreement,
8 school districts or their agents may also claim federal funds
9 for the services provided to special education students
10 enrolled in the Children's Health Insurance Program.

11 (b) No employee or officer of a school district, special
12 education joint agreement, office of a regional
13 superintendent of schools or the State Board of Education may
14 have a direct or indirect financial interest in any agreement
15 between the entity of which the person is an employee or
16 officer and any corporation, organization or other entity
17 that collects or participates in the collection of payments
18 from private health care benefit plans or federally funded
19 health care programs authorized under this Section.

20 (Source: P.A. 91-24, eff. 7-1-99.)

21 (105 ILCS 5/14-15.01) (from Ch. 122, par. 14-15.01)
22 Sec. 14-15.01. Community and Residential Services
23 Authority.

24 (a) (1) The Community and Residential Services Authority
25 is hereby created and shall consist of the following members:

26 A representative of the State Board of Education;

27 Four Three representatives of the Department of Human
28 Services;

29 A representative of the Department of Children and Family
30 Services;

31 A representative of the Department of Public Health;

32 A representative of the Department of Corrections;

33 ~~A-representative-of-the-Department-of-Public-Aid;~~

1 A representative of the Attorney General's Disability
2 Rights Advocacy Division;

3 The Chairperson and Minority Spokesperson of the House
4 and Senate Committees on Elementary and Secondary Education
5 or their designees; and

6 Six persons appointed by the Governor. Five of such
7 appointees shall be experienced or knowledgeable relative to
8 provision of services for individuals with a behavior
9 disorder or a severe emotional disturbance and shall include
10 representatives of both the private and public sectors,
11 except that no more than 2 of those 5 appointees may be from
12 the public sector and at least 2 must be or have been
13 directly involved in provision of services to such
14 individuals. The remaining member appointed by the Governor
15 shall be or shall have been a parent of an individual with a
16 behavior disorder or a severe emotional disturbance, and that
17 appointee may be from either the private or the public
18 sector.

19 (2) Members appointed by the Governor shall be appointed
20 for terms of 4 years and shall continue to serve until their
21 respective successors are appointed; provided that the terms
22 of the original appointees shall expire on August 1, 1990,
23 and the term of the additional member appointed under this
24 amendatory Act of 1992 shall commence upon the appointment
25 and expire August 1, 1994. Any vacancy in the office of a
26 member appointed by the Governor shall be filled by
27 appointment of the Governor for the remainder of the term.

28 A vacancy in the office of a member appointed by the
29 Governor exists when one or more of the following events
30 occur:

- 31 (i) An appointee dies;
- 32 (ii) An appointee files a written resignation with
33 the Governor;
- 34 (iii) An appointee ceases to be a legal resident of

1 the State of Illinois; or

2 (iv) An appointee fails to attend a majority of
3 regularly scheduled Authority meetings in a fiscal year.

4 Members who are representatives of an agency shall serve
5 at the will of the agency head. Membership on the Authority
6 shall cease immediately upon cessation of their affiliation
7 with the agency. If such a vacancy occurs, the appropriate
8 agency head shall appoint another person to represent the
9 agency.

10 If a legislative member of the Authority ceases to be
11 Chairperson or Minority Spokesperson of the designated
12 Committees, they shall automatically be replaced on the
13 Authority by the person who assumes the position of
14 Chairperson or Minority Spokesperson.

15 (b) The Community and Residential Services Authority
16 shall have the following powers and duties:

17 (1) To conduct surveys to determine the extent of
18 need, the degree to which documented need is currently
19 being met and feasible alternatives for matching need
20 with resources.

21 (2) To develop policy statements for interagency
22 cooperation to cover all aspects of service delivery,
23 including laws, regulations and procedures, and clear
24 guidelines for determining responsibility at all times.

25 (3) To recommend policy statements and provide
26 information regarding effective programs for delivery of
27 services to all individuals with a behavior disorder or a
28 severe emotional disturbance in public or private
29 situations.

30 (4) To review the criteria for service eligibility,
31 provision and availability established by the
32 governmental agencies represented on this Authority, and
33 to recommend changes, additions or deletions to such
34 criteria.

1 (5) To develop and submit to the Governor, the
2 General Assembly, the Directors of the agencies
3 represented on the Authority, and the State Board of
4 Education a master plan for individuals with a behavior
5 disorder or a severe emotional disturbance, including
6 detailed plans of service ranging from the least to the
7 most restrictive options; and to assist local
8 communities, upon request, in developing or strengthening
9 collaborative interagency networks.

10 (6) To develop a process for making determinations
11 in situations where there is a dispute relative to a plan
12 of service for individuals or funding for a plan of
13 service.

14 (7) To provide technical assistance to parents,
15 service consumers, providers, and member agency personnel
16 regarding statutory responsibilities of human service and
17 educational agencies, and to provide such assistance as
18 deemed necessary to appropriately access needed services.

19 (c) (1) The members of the Authority shall receive no
20 compensation for their services but shall be entitled to
21 reimbursement of reasonable expenses incurred while
22 performing their duties.

23 (2) The Authority may appoint special study groups to
24 operate under the direction of the Authority and persons
25 appointed to such groups shall receive only reimbursement of
26 reasonable expenses incurred in the performance of their
27 duties.

28 (3) The Authority shall elect from its membership a
29 chairperson, vice-chairperson and secretary.

30 (4) The Authority may employ and fix the compensation of
31 such employees and technical assistants as it deems necessary
32 to carry out its powers and duties under this Act. Staff
33 assistance for the Authority shall be provided by the State
34 Board of Education.

1 (5) Funds for the ordinary and contingent expenses of
2 the Authority shall be appropriated to the State Board of
3 Education in a separate line item.

4 (d) (1) The Authority shall have power to promulgate
5 rules and regulations to carry out its powers and duties
6 under this Act.

7 (2) The Authority may accept monetary gifts or grants
8 from the federal government or any agency thereof, from any
9 charitable foundation or professional association or from any
10 other reputable source for implementation of any program
11 necessary or desirable to the carrying out of the general
12 purposes of the Authority. Such gifts and grants may be held
13 in trust by the Authority and expended in the exercise of its
14 powers and performance of its duties as prescribed by law.

15 (3) The Authority shall submit an annual report of its
16 activities and expenditures to the Governor, the General
17 Assembly, the directors of agencies represented on the
18 Authority, and the State Superintendent of Education.

19 (Source: P.A. 89-21, eff. 7-1-95; 89-507, eff. 7-1-97;
20 90-566, eff. 1-2-98.)

21 (105 ILCS 5/30-14.1) (from Ch. 122, par. 30-14.1)

22 Sec. 30-14.1. Scholarships for needy students in families
23 receiving public assistance- Number-Selection-Privileges.

24 The State Department of Human Services Public--Aid may
25 grant annually not in excess of 12 scholarships to needy
26 children receiving assistance, as provided in Section 4-3 of
27 the "Illinois Public Aid Code", approved April 11, 1967, as
28 amended.

29 The scholarship shall entitle the student to 4
30 consecutive years of study, or an accelerated equivalent
31 thereof, at a university supported by this State, subject to
32 earlier termination as provided in this Section. If for
33 reasons beyond the control of the student a temporary

1 interruption occurs in such consecutive years of study, the
2 scholarship shall not thereby be lost to the holder.

3 The State Department shall establish rules for the
4 selection of nominees for such scholarships which shall
5 include recommendations from the principal, members of the
6 faculty, or both, of the high school or high schools in which
7 the nominee received his instruction. The State Department
8 may provide for personal consultation with the student and
9 for the submission of any student to a written or oral
10 examination designed to determine his capacity for and
11 interest in higher education. The names and addresses of the
12 nominees shall be filed by the State Department with the
13 president of the university at which the scholarship is to be
14 effective at least 30 days prior to the opening day of the
15 semester or term with which the scholarship is to commence.
16 The university designated by the State Department in such
17 scholarship shall honor the same without imposing eligibility
18 or qualifying conditions for entrance beyond those specified
19 in Section 4-3 of the "Illinois Public Aid Code", approved
20 April 11, 1967, as amended. If, after admission, the student
21 fails to achieve and maintain the grade standards of the
22 University and as a result is placed on academic probation or
23 denied further admission, or is dismissed from the University
24 for disciplinary reasons, or, without good cause, voluntarily
25 withdraws from the University, the scholarship shall
26 thereupon terminate.

27 Scholarships granted under this Section shall carry the
28 same exemptions from tuition and other fees and subject the
29 holders thereof to the same conditions specified for
30 scholarships under Section 30-13 of this Article.

31 After 1971 all scholarships under this Section are
32 abolished. However, the rights of holders of scholarships
33 issued prior to such date shall not be affected thereby.

34 (Source: P.A. 77-1311.)

1 Section 197. The Adult Education Reporting Act is
2 amended by changing Section 1 as follows:

3 (105 ILCS 410/1) (from Ch. 122, par. 1851)

4 Sec. 1. As used in this Act, "agency" means: the
5 Departments of Corrections, ~~Public--Aid~~, Commerce and
6 Community Affairs, Human Services, and Public Health; the
7 Secretary of State; the Illinois Community College Board; and
8 the Administrative Office of the Illinois Courts. On and
9 after July 1, 2001, "agency" includes the State Board of
10 Education and does not include the Illinois Community College
11 Board.

12 (Source: P.A. 91-830, eff. 7-1-00.)

13 Section 200. The Illinois Banking Act is amended by
14 changing Section 48.4 as follows:

15 (205 ILCS 5/48.4)

16 Sec. 48.4. Administrative liens for past-due child
17 support. Any bank governed by this Act shall encumber or
18 surrender accounts or assets held by the bank on behalf of
19 any responsible relative who is subject to a child support
20 lien, upon notice of the lien or levy of the Illinois
21 Department of Human Services ~~Public--Aid~~ or its successor
22 agency pursuant to Section 10-25.5 of the Illinois Public Aid
23 Code, or upon notice of interstate lien from any other
24 state's agency responsible for implementing the child support
25 enforcement program set forth in Title IV, Part D of the
26 Social Security Act.

27 (Source: P.A. 90-18, eff. 7-1-97; 90-655, eff. 7-30-98.)

28 Section 205. The Illinois Savings and Loan Act of 1985
29 is amended by changing 1-6d as follows:

1 (205 ILCS 105/1-6d)

2 Sec. 1-6d. Administrative liens for past-due child
3 support. Any association governed by this Act shall encumber
4 or surrender accounts or assets held by the association on
5 behalf of any responsible relative who is subject to a child
6 support lien, upon notice of the lien or levy of the Illinois
7 Department of Human Services ~~Public--Aid~~ or its successor
8 agency pursuant to Section 10-25.5 of the Illinois Public Aid
9 Code, or upon notice of interstate lien from any other
10 state's agency responsible for implementing the child support
11 enforcement program set forth in Title IV, Part D of the
12 Social Security Act.

13 (Source: P.A. 90-18, eff. 7-1-97.)

14 Section 210. The Savings Bank Act is amended by changing
15 Section 7007 as follows:

16 (205 ILCS 205/7007)

17 Sec. 7007. Administrative liens for past-due child
18 support. Any savings bank governed by this Act shall
19 encumber or surrender accounts or assets held by the savings
20 bank on behalf of any responsible relative who is subject to
21 a child support lien, upon notice of the lien or levy of the
22 Illinois Department of Human Services ~~Public--Aid~~ or its
23 successor agency pursuant to Section 10-25.5 of the Illinois
24 Public Aid Code, or upon notice of interstate lien from any
25 other state's agency responsible for implementing the child
26 support enforcement program set forth in Title IV, Part D of
27 the Social Security Act.

28 (Source: P.A. 90-18, eff. 7-1-97.)

29 Section 215. The Illinois Credit Union Act is amended by
30 changing Section 43.1 as follows:

1 (205 ILCS 305/43.1)

2 Sec. 43.1. Administrative liens for past-due child
3 support. Any credit union governed by this Act shall
4 encumber or surrender accounts or assets held by the credit
5 union on behalf of any responsible relative who is subject to
6 a child support lien, upon notice of the lien or levy of the
7 Illinois Department of Human Services Public Aid or its
8 successor agency pursuant to Section 10-25.5 of the Illinois
9 Public Aid Code, or upon notice of interstate lien from any
10 other state's agency responsible for implementing the child
11 support enforcement program set forth in Title IV, Part D of
12 the Social Security Act.

13 (Source: P.A. 90-18, eff. 7-1-97.)

14 Section 220. The Foreign Banking Office Act is amended
15 by changing Section 20 as follows:

16 (205 ILCS 645/20)

17 Sec. 20. Administrative liens for past-due child
18 support. Any foreign banking corporation governed by this
19 Act shall encumber or surrender accounts or assets held by
20 the foreign banking corporation on behalf of any responsible
21 relative who is subject to a child support lien, upon notice
22 of the lien or levy of the Illinois Department of Human
23 Services Public Aid or its successor agency pursuant to
24 Section 10-25.5 of the Illinois Public Aid Code, or upon
25 notice of interstate lien from any other state's agency
26 responsible for implementing the child support enforcement
27 program set forth in Title IV, Part D of the Social Security
28 Act.

29 (Source: P.A. 90-18, eff. 7-1-97; 90-655, eff. 7-30-98.)

30 Section 225. The Alternative Health Care Delivery Act is
31 amended by changing Sections 30 and 35 as follows:

1 (210 ILCS 3/30)

2 Sec. 30. Demonstration program requirements. The
3 requirements set forth in this Section shall apply to
4 demonstration programs.

5 (a) There shall be no more than:

6 (i) 3 subacute care hospital alternative health
7 care models in the City of Chicago (one of which shall be
8 located on a designated site and shall have been licensed
9 as a hospital under the Illinois Hospital Licensing Act
10 within the 10 years immediately before the application
11 for a license);

12 (ii) 2 subacute care hospital alternative health
13 care models in the demonstration program for each of the
14 following areas:

15 (1) Cook County outside the City of Chicago.

16 (2) DuPage, Kane, Lake, McHenry, and Will
17 Counties.

18 (3) Municipalities with a population greater
19 than 50,000 not located in the areas described in
20 item (i) of subsection (a) and paragraphs (1) and
21 (2) of item (ii) of subsection (a); and

22 (iii) 4 subacute care hospital alternative health
23 care models in the demonstration program for rural areas.

24 In selecting among applicants for these licenses in rural
25 areas, the Health Facilities Planning Board and the
26 Department shall give preference to hospitals that may be
27 unable for economic reasons to provide continued service to
28 the community in which they are located unless the hospital
29 were to receive an alternative health care model license.

30 (a-5) There shall be no more than a total of 12
31 postsurgical recovery care center alternative health care
32 models in the demonstration program, located as follows:

33 (1) Two in the City of Chicago.

34 (2) Two in Cook County outside the City of Chicago.

1 At least one of these shall be owned or operated by a
2 hospital devoted exclusively to caring for children.

3 (3) Two in Kane, Lake, and McHenry Counties.

4 (4) Four in municipalities with a population of
5 50,000 or more not located in the areas described in
6 paragraphs (1), (2), and (3), 3 of which shall be owned
7 or operated by hospitals, at least 2 of which shall be
8 located in counties with a population of less than
9 175,000, according to the most recent decennial census
10 for which data are available, and one of which shall be
11 owned or operated by an ambulatory surgical treatment
12 center.

13 (5) Two in rural areas, both of which shall be
14 owned or operated by hospitals.

15 There shall be no postsurgical recovery care center
16 alternative health care models located in counties with
17 populations greater than 600,000 but less than 1,000,000. A
18 proposed postsurgical recovery care center must be owned or
19 operated by a hospital if it is to be located within, or will
20 primarily serve the residents of, a health service area in
21 which more than 60% of the gross patient revenue of the
22 hospitals within that health service area are derived from
23 Medicaid and Medicare, according to the most recently
24 available calendar year data from the Illinois Health Care
25 Cost Containment Council. Nothing in this paragraph shall
26 preclude a hospital and an ambulatory surgical treatment
27 center from forming a joint venture or developing a
28 collaborative agreement to own or operate a postsurgical
29 recovery care center.

30 (a-10) There shall be no more than a total of 8
31 children's respite care center alternative health care models
32 in the demonstration program, which shall be located as
33 follows:

34 (1) One in the City of Chicago.

1 (2) One in Cook County outside the City of Chicago.

2 (3) A total of 2 in the area comprised of DuPage,
3 Kane, Lake, McHenry, and Will counties.

4 (4) A total of 2 in municipalities with a
5 population of 50,000 or more and not located in the
6 areas described in paragraphs (1), (2), or (3).

7 (5) A total of 2 in rural areas, as defined by the
8 Health Facilities Planning Board.

9 No more than one children's respite care model owned and
10 operated by a licensed skilled pediatric facility shall be
11 located in each of the areas designated in this subsection
12 (a-10).

13 (a-15) There shall be an authorized community-based
14 residential rehabilitation center alternative health care
15 model in the demonstration program. The community-based
16 residential rehabilitation center shall be located in the
17 area of Illinois south of Interstate Highway 70.

18 (a-20) There shall be an authorized Alzheimer's disease
19 management center alternative health care model in the
20 demonstration program. The Alzheimer's disease management
21 center shall be located in Will County, owned by a
22 not-for-profit entity, and endorsed by a resolution approved
23 by the county board before the effective date of this
24 amendatory Act of the 91st General Assembly.

25 (b) Alternative health care models, other than a model
26 authorized under subsection (a-20), shall obtain a
27 certificate of need from the Illinois Health Facilities
28 Planning Board under the Illinois Health Facilities Planning
29 Act before receiving a license by the Department. If, after
30 obtaining its initial certificate of need, an alternative
31 health care delivery model that is a community based
32 residential rehabilitation center seeks to increase the bed
33 capacity of that center, it must obtain a certificate of need
34 from the Illinois Health Facilities Planning Board before

1 increasing the bed capacity. Alternative health care models
2 in medically underserved areas shall receive priority in
3 obtaining a certificate of need.

4 (c) An alternative health care model license shall be
5 issued for a period of one year and shall be annually renewed
6 if the facility or program is in substantial compliance with
7 the Department's rules adopted under this Act. A licensed
8 alternative health care model that continues to be in
9 substantial compliance after the conclusion of the
10 demonstration program shall be eligible for annual renewals
11 unless and until a different licensure program for that type
12 of health care model is established by legislation. The
13 Department may issue a provisional license to any alternative
14 health care model that does not substantially comply with the
15 provisions of this Act and the rules adopted under this Act
16 if (i) the Department finds that the alternative health care
17 model has undertaken changes and corrections which upon
18 completion will render the alternative health care model in
19 substantial compliance with this Act and rules and (ii) the
20 health and safety of the patients of the alternative health
21 care model will be protected during the period for which the
22 provisional license is issued. The Department shall advise
23 the licensee of the conditions under which the provisional
24 license is issued, including the manner in which the
25 alternative health care model fails to comply with the
26 provisions of this Act and rules, and the time within which
27 the changes and corrections necessary for the alternative
28 health care model to substantially comply with this Act and
29 rules shall be completed.

30 (d) Alternative health care models shall seek
31 certification under Titles XVIII and XIX of the federal
32 Social Security Act. In addition, alternative health care
33 models shall provide charitable care consistent with that
34 provided by comparable health care providers in the

1 geographic area.

2 (d-5) The Illinois Department of Human Services Public
3 Aid, in cooperation with the Illinois Department of Public
4 Health, shall develop and implement a reimbursement
5 methodology for all facilities participating in the
6 demonstration program. The Illinois Department of Human
7 Services Public-Aid shall keep a record of services provided
8 under the demonstration program to recipients of medical
9 assistance under the Illinois Public Aid Code and shall
10 submit an annual report of that information to the Illinois
11 Department of Public Health.

12 (e) Alternative health care models shall, to the extent
13 possible, link and integrate their services with nearby
14 health care facilities.

15 (f) Each alternative health care model shall implement a
16 quality assurance program with measurable benefits and at
17 reasonable cost.

18 (Source: P.A. 91-65, eff. 7-9-99; 91-838, eff. 6-16-00.)

19 (210 ILCS 3/35)

20 Sec. 35. Alternative health care models authorized.
21 Notwithstanding any other law to the contrary, alternative
22 health care models described in this Section may be
23 established on a demonstration basis.

24 (1) Alternative health care model; subacute care
25 hospital. A subacute care hospital is a designated site
26 which provides medical specialty care for patients who
27 need a greater intensity or complexity of care than
28 generally provided in a skilled nursing facility but who
29 no longer require acute hospital care. The average length
30 of stay for patients treated in subacute care hospitals
31 shall not be less than 20 days, and for individual
32 patients, the expected length of stay at the time of
33 admission shall not be less than 10 days. Variations

1 from minimum lengths of stay shall be reported to the
2 Department. There shall be no more than 13 subacute care
3 hospitals authorized to operate by the Department.
4 Subacute care includes physician supervision, registered
5 nursing, and physiological monitoring on a continual
6 basis. A subacute care hospital is either a freestanding
7 building or a distinct physical and operational entity
8 within a hospital or nursing home building. A subacute
9 care hospital shall only consist of beds currently
10 existing in licensed hospitals or skilled nursing
11 facilities, except, in the City of Chicago, on a
12 designated site that was licensed as a hospital under the
13 Illinois Hospital Licensing Act within the 10 years
14 immediately before the application for an alternative
15 health care model license. During the period of operation
16 of the demonstration project, the existing licensed beds
17 shall remain licensed as hospital or skilled nursing
18 facility beds as well as being licensed under this Act.
19 In order to handle cases of complications, emergencies,
20 or exigent circumstances, a subacute care hospital shall
21 maintain a contractual relationship, including a transfer
22 agreement, with a general acute care hospital. If a
23 subacute care model is located in a general acute care
24 hospital, it shall utilize all or a portion of the bed
25 capacity of that existing hospital. In no event shall a
26 subacute care hospital use the word "hospital" in its
27 advertising or marketing activities or represent or hold
28 itself out to the public as a general acute care
29 hospital.

30 (2) Alternative health care delivery model;
31 postsurgical recovery care center. A postsurgical
32 recovery care center is a designated site which provides
33 postsurgical recovery care for generally healthy patients
34 undergoing surgical procedures that require overnight

1 nursing care, pain control, or observation that would
2 otherwise be provided in an inpatient setting. A
3 postsurgical recovery care center is either freestanding
4 or a defined unit of an ambulatory surgical treatment
5 center or hospital. No facility, or portion of a
6 facility, may participate in a demonstration program as a
7 postsurgical recovery care center unless the facility has
8 been licensed as an ambulatory surgical treatment center
9 or hospital for at least 2 years before August 20, 1993
10 (the effective date of Public Act 88-441). The maximum
11 length of stay for patients in a postsurgical recovery
12 care center is not to exceed 48 hours unless the treating
13 physician requests an extension of time from the recovery
14 center's medical director on the basis of medical or
15 clinical documentation that an additional care period is
16 required for the recovery of a patient and the medical
17 director approves the extension of time. In no case,
18 however, shall a patient's length of stay in a
19 postsurgical recovery care center be longer than 72
20 hours. If a patient requires an additional care period
21 after the expiration of the 72-hour limit, the patient
22 shall be transferred to an appropriate facility. Reports
23 on variances from the 48-hour limit shall be sent to the
24 Department for its evaluation. The reports shall, before
25 submission to the Department, have removed from them all
26 patient and physician identifiers. In order to handle
27 cases of complications, emergencies, or exigent
28 circumstances, every postsurgical recovery care center as
29 defined in this paragraph shall maintain a contractual
30 relationship, including a transfer agreement, with a
31 general acute care hospital. A postsurgical recovery
32 care center shall be no larger than 20 beds. A
33 postsurgical recovery care center shall be located within
34 15 minutes travel time from the general acute care

1 hospital with which the center maintains a contractual
2 relationship, including a transfer agreement, as required
3 under this paragraph.

4 No postsurgical recovery care center shall
5 discriminate against any patient requiring treatment
6 because of the source of payment for services, including
7 Medicare and Medicaid recipients.

8 The Department shall adopt rules to implement the
9 provisions of Public Act 88-441 concerning postsurgical
10 recovery care centers within 9 months after August 20,
11 1993.

12 (3) Alternative health care delivery model;
13 children's respite care center. A children's respite
14 care center model is a designated site that provides
15 respite for medically frail, technologically dependent,
16 clinically stable children, up to age 18, for a period of
17 one to 14 days. This care is to be provided in a
18 home-like environment that serves no more than 10
19 children at a time. Children's respite care center
20 services must be available through the model to all
21 families, including those whose care is paid for through
22 the Illinois Department of Human Services Public--Aid or
23 the Illinois Department of Children and Family Services.
24 Each respite care model location shall be a facility
25 physically separate and apart from any other facility
26 licensed by the Department of Public Health under this or
27 any other Act and shall provide, at a minimum, the
28 following services: out-of-home respite care; hospital to
29 home training for families and caregivers; short term
30 transitional care to facilitate placement and training
31 for foster care parents; parent and family support
32 groups.

33 Coverage for the services provided by the Illinois
34 Department of Human Services Public--Aid under this

1 paragraph (3) is contingent upon federal waiver approval
2 and is provided only to Medicaid eligible clients
3 participating in the home and community based services
4 waiver designated in Section 1915(c) of the Social
5 Security Act for medically frail and technologically
6 dependent children.

7 (4) Alternative health care delivery model;
8 community based residential rehabilitation center. A
9 community-based residential rehabilitation center model
10 is a designated site that provides rehabilitation or
11 support, or both, for persons who have experienced severe
12 brain injury, who are medically stable, and who no longer
13 require acute rehabilitative care or intense medical or
14 nursing services. The average length of stay in a
15 community-based residential rehabilitation center shall
16 not exceed 4 months. As an integral part of the services
17 provided, individuals are housed in a supervised living
18 setting while having immediate access to the community.
19 The residential rehabilitation center authorized by the
20 Department may have more than one residence included
21 under the license. A residence may be no larger than 12
22 beds and shall be located as an integral part of the
23 community. Day treatment or individualized outpatient
24 services shall be provided for persons who reside in
25 their own home. Functional outcome goals shall be
26 established for each individual. Services shall include,
27 but are not limited to, case management, training and
28 assistance with activities of daily living, nursing
29 consultation, traditional therapies (physical,
30 occupational, speech), functional interventions in the
31 residence and community (job placement, shopping,
32 banking, recreation), counseling, self-management
33 strategies, productive activities, and multiple
34 opportunities for skill acquisition and practice

1 throughout the day. The design of individualized program
2 plans shall be consistent with the outcome goals that are
3 established for each resident. The programs provided in
4 this setting shall be accredited by the Commission on
5 Accreditation of Rehabilitation Facilities (CARF). The
6 program shall have been accredited by CARF as a Brain
7 Injury Community-Integrative Program for at least 3
8 years.

9 (5) Alternative health care delivery model;
10 Alzheimer's disease management center. An Alzheimer's
11 disease management center model is a designated site that
12 provides a safe and secure setting for care of persons
13 diagnosed with Alzheimer's disease. An Alzheimer's
14 disease management center model shall be a facility
15 separate from any other facility licensed by the
16 Department of Public Health under this or any other Act.
17 An Alzheimer's disease management center shall conduct
18 and document an assessment of each resident every 6
19 months. The assessment shall include an evaluation of
20 daily functioning, cognitive status, other medical
21 conditions, and behavioral problems. An Alzheimer's
22 disease management center shall develop and implement an
23 ongoing treatment plan for each resident. The treatment
24 plan shall have defined goals. The Alzheimer's disease
25 management center shall treat behavioral problems and
26 mood disorders using nonpharmacologic approaches such as
27 environmental modification, task simplification, and
28 other appropriate activities. All staff must have
29 necessary training to care for all stages of Alzheimer's
30 Disease. An Alzheimer's disease management center shall
31 provide education and support for residents and
32 caregivers. The education and support shall include
33 referrals to support organizations for educational
34 materials on community resources, support groups, legal

1 and financial issues, respite care, and future care needs
2 and options. The education and support shall also
3 include a discussion of the resident's need to make
4 advance directives and to identify surrogates for medical
5 and legal decision-making. The provisions of this
6 paragraph establish the minimum level of services that
7 must be provided by an Alzheimer's disease management
8 center. An Alzheimer's disease management center model
9 shall have no more than 100 residents. Nothing in this
10 paragraph (5) shall be construed as prohibiting a person
11 or facility from providing services and care to persons
12 with Alzheimer's disease as otherwise authorized under
13 State law.

14 (Source: P.A. 91-65, eff. 7-9-99; 91-357, eff. 7-29-99;
15 91-838, eff. 6-16-00.)

16 Section 230. The Assisted Living and Shared Housing Act
17 is amended by changing Sections 125 and 130 as follows:

18 (210 ILCS 9/125)

19 Sec. 125. Assisted Living and Shared Housing Advisory
20 Board.

21 (a) The Governor shall appoint the Assisted Living and
22 Shared Housing Advisory Board which shall be responsible for
23 advising the Director in all aspects of the administration of
24 the Act.

25 (b) The Board shall be comprised of the following
26 persons:

27 (1) the Director who shall serve as chair, ex
28 officio and nonvoting;

29 (2) the Director of Aging who shall serve as
30 vice-chair, ex officio and nonvoting;

31 (3) one representative each of the Departments of
32 Public Health, ~~Public Aid~~, and Human Services, the

1 Department on Aging, the Office of the State Fire
2 Marshal, and the Illinois Housing Development Authority,
3 all nonvoting members;

4 (4) the State Ombudsman or his or her designee;

5 (5) one representative of the Association of Area
6 Agencies on Aging;

7 (6) four members selected from the recommendations
8 by provider organizations whose membership consist of
9 nursing care or assisted living establishments;

10 (7) one member selected from the recommendations of
11 provider organizations whose membership consists of home
12 health agencies;

13 (8) two residents of assisted living or shared
14 housing establishments;

15 (9) three members selected from the
16 recommendations of consumer organizations which engage
17 solely in advocacy or legal representation on behalf of
18 the senior population;

19 (10) one member who shall be a physician;

20 (11) one member who shall be a registered
21 professional nurse selected from the recommendations of
22 professional nursing associations; and

23 (12) two citizen members with expertise in the area
24 of gerontology research or legal research regarding
25 implementation of assisted living statutes.

26 (c) Members of the Board created by this Act shall be
27 appointed to serve for terms of 3 years. All members shall be
28 appointed by January 1, 2001. One third of the Board
29 members' initial terms shall expire in one year; one third in
30 2 years, and one third in 3 years. A member's term does not
31 expire until a successor is appointed by the Governor. Any
32 member appointed to fill a vacancy occurring prior to the
33 expiration of the term for which his or her predecessor was
34 appointed shall be appointed for the remainder of that term.

1 The Board shall meet at the call of the Director. The
2 affirmative vote of 9 members of the Board shall be
3 necessary for Board action. Members of this Board shall
4 receive no compensation for their services, however,
5 resident members shall be reimbursed for their actual
6 expenses.

7 (d) The Board shall be provided copies of all
8 administrative rules and changes to administrative rules for
9 review and comment prior to notice being given to the public.
10 If the Board, having been asked for its review, fails to
11 advise the Department within 90 days, the rules shall be
12 considered acted upon.

13 (Source: P.A. 91-656, eff. 1-1-01.)

14 (210 ILCS 9/130)

15 Sec. 130. Assisted Living and Shared Housing Quality of
16 Life Advisory Committee.

17 (a) For the purpose of this Section only, "Department"
18 means the Department on Aging and "Director" means the
19 Director of Aging.

20 (b) There shall be established within the Department on
21 Aging the Assisted Living and Shared Housing Quality of Life
22 Advisory Committee. The committee shall give advice to the
23 Department on activities of the assisted living ombudsman and
24 all other matters deemed relevant by the Director and to the
25 Director of Public Health on the delivery of personal care
26 services, the unique needs and concerns of seniors residing
27 in housing projects, and all other issues affecting the
28 quality of life of residents. At least 3 members of the
29 committee must serve on the Assisted Living and Shared
30 Housing Advisory Board. The committee shall be comprised of
31 19 members appointed by the Governor and composed of the
32 following persons or their designees: the State Ombudsman;
33 the Director of the Division of Long Term Care; the Director

1 of the Division of Older American Services; one member
2 representing the Department of Public Health; one member
3 representing the Area Agencies on Aging; one member
4 representing agencies providing case coordination services; 3
5 members each representing different provider organizations
6 whose membership consists of residential facilities serving
7 seniors; 2 members representing providers of community care
8 services; one member representing the Community Based
9 Residential Facility projects; one member representing the
10 ~~Department of Public Aid's~~ Supportive Living Facilities of
11 the Department of Human Services; two residents of assisted
12 living or shared housing establishments; 2 members
13 representing consumer groups that engage solely in advocacy
14 or legal representation on behalf of the senior population;
15 and 2 citizen members with expertise in either gerontology
16 research or legal research regarding the implementation of
17 assisted living statutes.

18 The Director or his or her designee shall serve as the ex
19 officio and nonvoting chair. The Director of Public Health
20 or his or her designee shall serve as the ex officio and
21 nonvoting vice-chair. A quorum shall consist of 10 voting
22 members and all decisions shall be made by simple majority.
23 Members of the committee shall serve for 3 years or until a
24 replacement has been named. Initial appointments shall have
25 staggered terms to permit no more than one-third of the
26 committee to be reappointed each year. Members of the
27 committee shall not receive compensation for their services
28 or expenses, except resident members, who shall be reimbursed
29 for actual expenses. The committee shall review and comment
30 on proposed rules to be promulgated pursuant to this Act by
31 the Director or the Director of Public Health. The Director
32 of Public Health shall provide copies of rules pursuant to
33 subsection (h) of Section 110. The Director shall provide
34 the committee copies of all administrative rules and changes

1 to administrative rules for review and comment prior to
2 notice being given to the public. If the committee, having
3 been asked for its review, fails to respond within 90 days,
4 the rules shall be considered acted upon.

5 (c) The Department shall conduct a study or contract for
6 the conducting of a study to review the effects of this Act
7 on the availability of housing for seniors. The study shall
8 evaluate whether (i) sufficient housing exists to meet the
9 needs of Illinois seniors for housing, (ii) the services
10 available under this Act meet the needs of Illinois seniors,
11 (iii) the private sector marketplace is an adequate supplier
12 of housing with services for seniors, and (iv) any other
13 consideration the Department and the Department of Public
14 Health deem relevant. The Department of Public Health
15 Assisted Living and Shared Housing Advisory Board shall serve
16 in an advisory capacity to the Department and the Committee
17 in the development of this report.

18 (d) The study mandated by subsection (c) shall be
19 completed and its findings and recommendations reported to
20 the General Assembly no later than January 1, 2003.

21 (Source: P.A. 91-656, eff. 1-1-01.)

22 Section 235. The Abused and Neglected Long Term Care
23 Facility Residents Reporting Act is amended by changing
24 Section 4 as follows:

25 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

26 Sec. 4. Any long term care facility administrator, agent
27 or employee or any physician, hospital, surgeon, dentist,
28 osteopath, chiropractor, podiatrist, Christian Science
29 practitioner, coroner, social worker, social services
30 administrator, registered nurse, law enforcement officer,
31 ~~field--personnel--of--the--Illinois-Department-of-Public-Aid,~~
32 field personnel of the Illinois Department of Public Health

1 and County or Municipal Health Departments, personnel of the
2 Department of Human Services (acting as the successor to the
3 Department of Mental Health and Developmental Disabilities or
4 the Department of Public Aid), personnel of the Guardianship
5 and Advocacy Commission, personnel of the State Fire Marshal,
6 local fire department inspectors or other personnel, or
7 personnel of the Illinois Department on Aging, or its
8 subsidiary Agencies on Aging, or employee of a facility
9 licensed under the Assisted Living and Shared Housing Act,
10 having reasonable cause to believe any resident with whom
11 they have direct contact has been subjected to abuse or
12 neglect shall immediately report or cause a report to be made
13 to the Department. Persons required to make reports or cause
14 reports to be made under this Section include all employees
15 of the State of Illinois who are involved in providing
16 services to residents, including professionals providing
17 medical or rehabilitation services and all other persons
18 having direct contact with residents; and further include all
19 employees of community service agencies who provide services
20 to a resident of a public or private long term care facility
21 outside of that facility. Any long term care surveyor of the
22 Illinois Department of Public Health who has reasonable cause
23 to believe in the course of a survey that a resident has been
24 abused or neglected and initiates an investigation while on
25 site at the facility shall be exempt from making a report
26 under this Section but the results of any such investigation
27 shall be forwarded to the central register in a manner and
28 form described by the Department.

29 The requirement of this Act shall not relieve any long
30 term care facility administrator, agent or employee of
31 responsibility to report the abuse or neglect of a resident
32 under Section 3-610 of the Nursing Home Care Act.

33 In addition to the above persons required to report
34 suspected resident abuse and neglect, any other person may

1 make a report to the Department, or to any law enforcement
2 officer, if such person has reasonable cause to suspect a
3 resident has been abused or neglected.

4 This Section also applies to residents whose death occurs
5 from suspected abuse or neglect before being found or brought
6 to a hospital.

7 A person required to make reports or cause reports to be
8 made under this Section who fails to comply with the
9 requirements of this Section is guilty of a Class A
10 misdemeanor.

11 (Source: P.A. 91-656, eff. 1-1-01.)

12 Section 240. The Nursing Home Care Act is amended by
13 changing Sections 2-202, 2-204, 2-205, 3-108, 3-208, 3-304,
14 3-401.1, 3-405, 3-406, 3-411, 3-414, 3-805, and 3A-101 as
15 follows:

16 (210 ILCS 45/2-202) (from Ch. 111 1/2, par. 4152-202)

17 Sec. 2-202. (a) Before a person is admitted to a
18 facility, or at the expiration of the period of previous
19 contract, or when the source of payment for the resident's
20 care changes from private to public funds or from public to
21 private funds, a written contract shall be executed between a
22 licensee and the following in order of priority:

23 (1) the person, or if the person is a minor, his
24 parent or guardian; or

25 (2) the person's guardian, if any, or agent, if
26 any, as defined in Section 2-3 of the Illinois Power of
27 Attorney Act; or

28 (3) a member of the person's immediate family.

29 An adult person shall be presumed to have the capacity to
30 contract for admission to a long term care facility unless he
31 has been adjudicated a "disabled person" within the meaning
32 of Section 11a-2 of the Probate Act of 1975, or unless a

1 petition for such an adjudication is pending in a circuit
2 court of Illinois.

3 If there is no guardian, agent or member of the person's
4 immediate family available, able or willing to execute the
5 contract required by this Section and a physician determines
6 that a person is so disabled as to be unable to consent to
7 placement in a facility, or if a person has already been
8 found to be a "disabled person", but no order has been
9 entered allowing residential placement of the person, that
10 person may be admitted to a facility before the execution of
11 a contract required by this Section; provided that a petition
12 for guardianship or for modification of guardianship is filed
13 within 15 days of the person's admission to a facility, and
14 provided further that such a contract is executed within 10
15 days of the disposition of the petition.

16 No adult shall be admitted to a facility if he objects,
17 orally or in writing, to such admission, except as otherwise
18 provided in Chapters III and IV of the Mental Health and
19 Developmental Disabilities Code or Section 11a-14.1 of the
20 Probate Act of 1975.

21 If a person has not executed a contract as required by
22 this Section, then such a contract shall be executed on or
23 before July 1, 1981, or within 10 days after the disposition
24 of a petition for guardianship or modification of
25 guardianship that was filed prior to July 1, 1981, whichever
26 is later.

27 Before a licensee enters a contract under this Section,
28 it shall provide the prospective resident and his guardian,
29 if any, with written notice of the licensee's policy
30 regarding discharge of a resident whose private funds for
31 payment of care are exhausted.

32 (b) A resident shall not be discharged or transferred at
33 the expiration of the term of a contract, except as provided
34 in Sections 3-401 through 3-423.

1 (c) At the time of the resident's admission to the
2 facility, a copy of the contract shall be given to the
3 resident, his guardian, if any, and any other person who
4 executed the contract.

5 (d) A copy of the contract for a resident who is
6 supported by nonpublic funds other than the resident's own
7 funds shall be made available to the person providing the
8 funds for the resident's support.

9 (e) The original or a copy of the contract shall be
10 maintained in the facility and be made available upon request
11 to representatives of the Department and the Department of
12 Human Services Public-Aid.

13 (f) The contract shall be written in clear and
14 unambiguous language and shall be printed in not less than
15 12-point type. The general form of the contract shall be
16 prescribed by the Department.

17 (g) The contract shall specify:

18 (1) the term of the contract;

19 (2) the services to be provided under the contract
20 and the charges for the services;

21 (3) the services that may be provided to supplement
22 the contract and the charges for the services;

23 (4) the sources liable for payments due under the
24 contract;

25 (5) the amount of deposit paid; and

26 (6) the rights, duties and obligations of the
27 resident, except that the specification of a resident's
28 rights may be furnished on a separate document which
29 complies with the requirements of Section 2-211.

30 (h) The contract shall designate the name of the
31 resident's representative, if any. The resident shall
32 provide the facility with a copy of the written agreement
33 between the resident and the resident's representative which
34 authorizes the resident's representative to inspect and copy

1 the resident's records and authorizes the resident's
2 representative to execute the contract on behalf of the
3 resident required by this Section.

4 (i) The contract shall provide that if the resident is
5 compelled by a change in physical or mental health to leave
6 the facility, the contract and all obligations under it shall
7 terminate on 7 days notice. No prior notice of termination
8 of the contract shall be required, however, in the case of a
9 resident's death. The contract shall also provide that in
10 all other situations, a resident may terminate the contract
11 and all obligations under it with 30 days notice. All charges
12 shall be prorated as of the date on which the contract
13 terminates, and, if any payments have been made in advance,
14 the excess shall be refunded to the resident. This provision
15 shall not apply to life-care contracts through which a
16 facility agrees to provide maintenance and care for a
17 resident throughout the remainder of his life nor to
18 continuing-care contracts through which a facility agrees to
19 supplement all available forms of financial support in
20 providing maintenance and care for a resident throughout the
21 remainder of his life.

22 (j) In addition to all other contract specifications
23 contained in this Section admission contracts shall also
24 specify:

- 25 (1) whether the facility accepts Medicaid clients;
- 26 (2) whether the facility requires a deposit of the
27 resident or his family prior to the establishment of
28 Medicaid eligibility;
- 29 (3) in the event that a deposit is required, a
30 clear and concise statement of the procedure to be
31 followed for the return of such deposit to the resident
32 or the appropriate family member or guardian of the
33 person;
- 34 (4) that all deposits made to a facility by a

1 resident, or on behalf of a resident, shall be returned
 2 by the facility within 30 days of the establishment of
 3 Medicaid eligibility, unless such deposits must be drawn
 4 upon or encumbered in accordance with Medicaid
 5 eligibility requirements established by the Illinois
 6 Department of Human Services Public-Aid.

7 (k) It shall be a business offense for a facility to
 8 knowingly and intentionally both retain a resident's deposit
 9 and accept Medicaid payments on behalf of that resident.

10 (Source: P.A. 87-225; 87-895; 88-154.)

11 (210 ILCS 45/2-204) (from Ch. 111 1/2, par. 4152-204)

12 Sec. 2-204. The Director shall appoint a Long-Term Care
 13 Facility Advisory Board to consult with the Department and
 14 the residents' advisory councils created under Section 2-203.

15 (a) The Board shall be comprised of the following
 16 persons:

17 (1) The Director who shall serve as chairman, ex
 18 officio and nonvoting; and

19 (2) One representative each of ~~the--Department--of~~
 20 ~~Public---Aid~~, the Department of Human Services, the
 21 Department on Aging, and the Office of the State Fire
 22 Marshal, all nonvoting members;

23 (3) One member who shall be a physician licensed to
 24 practice medicine in all its branches;

25 (4) One member who shall be a registered nurse
 26 selected from the recommendations of professional nursing
 27 associations;

28 (5) Four members who shall be selected from the
 29 recommendations by organizations whose membership
 30 consists of facilities;

31 (6) Two members who shall represent the general
 32 public who are not members of a residents' advisory
 33 council established under Section 2-203 and who have no

1 responsibility for management or formation of policy or
2 financial interest in a facility;

3 (7) One member who is a member of a residents'
4 advisory council established under Section 2-203 and is
5 capable of actively participating on the Board; and

6 (8) One member who shall be selected from the
7 recommendations of consumer organizations which engage
8 solely in advocacy or legal representation on behalf of
9 residents and their immediate families.

10 (b) The terms of those members of the Board appointed
11 prior to the effective date of this amendatory Act of 1988
12 shall expire on December 31, 1988. Members of the Board
13 created by this amendatory Act of 1988 shall be appointed to
14 serve for terms as follows: 3 for 2 years, 3 for 3 years and
15 3 for 4 years. The member of the Board added by this
16 amendatory Act of 1989 shall be appointed to serve for a term
17 of 4 years. Each successor member shall be appointed for a
18 term of 4 years. Any member appointed to fill a vacancy
19 occurring prior to the expiration of the term for which his
20 predecessor was appointed shall be appointed for the
21 remainder of such term. The Board shall meet as frequently
22 as the chairman deems necessary, but not less than 4 times
23 each year. Upon request by 4 or more members the chairman
24 shall call a meeting of the Board. The affirmative vote of 6
25 members of the Board shall be necessary for Board action. A
26 member of the Board can designate a replacement to serve at
27 the Board meeting and vote in place of the member by
28 submitting a letter of designation to the chairman prior to
29 or at the Board meeting. The Board members shall be
30 reimbursed for their actual expenses incurred in the
31 performance of their duties.

32 (c) The Advisory Board shall advise the Department of
33 Public Health on all aspects of its responsibilities under
34 this Act, including the format and content of any rules

1 promulgated by the Department of Public Health. Any such
2 rules, except emergency rules promulgated pursuant to Section
3 5-45 of the Illinois Administrative Procedure Act,
4 promulgated without obtaining the advice of the Advisory
5 Board are null and void. In the event that the Department
6 fails to follow the advice of the Board, the Department
7 shall, prior to the promulgation of such rules, transmit a
8 written explanation of the reason thereof to the Board.
9 During its review of rules, the Board shall analyze the
10 economic and regulatory impact of those rules. If the
11 Advisory Board, having been asked for its advice, fails to
12 advise the Department within 90 days, the rules shall be
13 considered acted upon.

14 (Source: P.A. 88-45; 89-507, eff. 7-1-97.)

15 (210 ILCS 45/2-205) (from Ch. 111 1/2, par. 4152-205)

16 Sec. 2-205. The following information is subject to
17 disclosure to the public from the Department or the
18 Department of Human Services Public Aid:

19 (1) Information submitted under Sections 3-103 and 3-207
20 except information concerning the remuneration of personnel
21 licensed, registered, or certified by the Department of
22 Professional Regulation and monthly charges for an individual
23 private resident;

24 (2) Records of license and certification inspections,
25 surveys, and evaluations of facilities, other reports of
26 inspections, surveys, and evaluations of resident care, and
27 reports concerning a facility prepared pursuant to Titles
28 XVIII and XIX of the Social Security Act, subject to the
29 provisions of the Social Security Act;

30 (3) Cost and reimbursement reports submitted by a
31 facility under Section 3-208, reports of audits of
32 facilities, and other public records concerning costs
33 incurred by, revenues received by, and reimbursement of

1 facilities; and

2 (4) Complaints filed against a facility and complaint
3 investigation reports, except that a complaint or complaint
4 investigation report shall not be disclosed to a person other
5 than the complainant or complainant's representative before
6 it is disclosed to a facility under Section 3-702, and,
7 further, except that a complainant or resident's name shall
8 not be disclosed except under Section 3-702.

9 The Department shall disclose information under this
10 Section in accordance with provisions for inspection and
11 copying of public records required by The Freedom of
12 Information Act.

13 However, the disclosure of information described in
14 subsection (1) shall not be restricted by any provision of
15 The Freedom of Information Act.

16 (Source: P.A. 85-1209; 85-1378.)

17 (210 ILCS 45/3-108) (from Ch. 111 1/2, par. 4153-108)

18 Sec. 3-108. The Department shall coordinate the functions
19 within State government affecting facilities licensed under
20 this Act and shall cooperate with other State agencies which
21 establish standards or requirements for facilities to assure
22 necessary, equitable, and consistent State supervision of
23 licensees without unnecessary duplication of survey,
24 evaluation, and consultation services or complaint
25 investigations. The Department shall cooperate with the
26 Department of Human Services in regard to facilities
27 containing more than 20% of residents for whom the Department
28 of Human Services has mandated follow-up responsibilities
29 under the Mental Health and Developmental Disabilities
30 Administrative Act.

31 The Department shall cooperate with the Department of
32 Human Services Public Aid in regard to facilities where
33 recipients of public aid are residents.

1 The Department shall immediately refer to the Department
 2 of Professional Regulation for investigation any credible
 3 evidence of which it has knowledge that an individual
 4 licensed by that Department has violated this Act or any rule
 5 issued under this Act.

6 The Department shall enter into agreements with other
 7 State Departments, agencies or commissions to effectuate the
 8 purpose of this Section.

9 (Source: P.A. 89-197, eff. 7-21-95; 89-507, eff. 7-1-97.)

10 (210 ILCS 45/3-208) (from Ch. 111 1/2, par. 4153-208)

11 Sec. 3-208. (a) Each licensee shall file annually, or
 12 more often as the Director shall by rule prescribe, an
 13 attested financial statement. The Director may order an
 14 audited financial statement of a particular facility by an
 15 auditor of the Director's choice, provided the cost of such
 16 audit is paid by the Department.

17 (b) No public funds shall be expended for the
 18 maintenance of any resident in a facility which has failed to
 19 file the financial statement required under this Section and
 20 no public funds shall be paid to or on behalf of a facility
 21 which has failed to file a statement.

22 (c) The Director of Public Health and the Secretary of
 23 Human Services ~~Director-of-Public-Aid~~ shall promulgate under
 24 Sections 3-801 and 3-802, one set of regulations for the
 25 filing of these financial statements, and shall provide in
 26 these regulations for forms, required information, intervals
 27 and dates of filing and such other provisions as they may
 28 deem necessary.

29 (d) The Director of Public Health and the Secretary of
 30 Human Services ~~Director-of-Public-Aid~~ shall seek the advice
 31 and comments of other State and federal agencies which
 32 require the submission of financial data from facilities
 33 licensed under this Act and shall incorporate the information

1 requirements of these agencies so as to impose the least
2 possible burden on licensees. No other State agency may
3 require submission of financial data except as expressly
4 authorized by law or as necessary to meet requirements of
5 federal statutes or regulations. Information obtained under
6 this Section shall be made available, upon request, by the
7 Department to any other State agency or legislative
8 commission to which such information is necessary for
9 investigations or required for the purposes of State or
10 federal law or regulation.

11 (Source: P.A. 81-1349.)

12 (210 ILCS 45/3-304) (from Ch. 111 1/2, par. 4153-304)

13 Sec. 3-304. (a) The Department shall prepare on a
14 quarterly basis a list containing the names and addresses of
15 all facilities against which the Department during the
16 previous quarter has:

17 (1) sent a notice under Section 3-307 regarding a
18 penalty assessment under subsection (1) of Section 3-305;

19 (2) sent a notice of license revocation under Section
20 3-119;

21 (3) sent a notice refusing renewal of a license under
22 Section 3-119;

23 (4) sent a notice to suspend a license under Section
24 3-119;

25 (5) issued a conditional license for violations that
26 have not been corrected under Section 3-303 or penalties or
27 fines described under Section 3-305 have been assessed under
28 Section 3-307 or 3-308;

29 (6) placed a monitor under subsections (a), (b) and (c)
30 of Section 3-501 and under subsection (d) of such Section
31 where license revocation or nonrenewal notices have also been
32 issued;

33 (7) initiated an action to appoint a receiver;

1 (8) recommended to the Secretary ~~Director--of--the~~
2 Department of Human Services ~~Public Aid~~, or the Secretary of
3 the United States Department of Health and Human Services,
4 the decertification for violations in relation to patient
5 care of a facility pursuant to Titles XVIII and XIX of the
6 federal Social Security Act. (b) In addition to the
7 name and address of the facility, the list shall include the
8 name and address of the person or licensee against whom the
9 action has been initiated, a self-explanatory summary of the
10 facts which warranted the initiation of each action, the type
11 of action initiated, the date of the initiation of the
12 action, the amount of the penalty sought to be assessed, if
13 any, and the final disposition of the action, if completed.

14 (c) The list shall be available to any member of the
15 public upon oral or written request without charge.

16 (Source: P.A. 85-1378.)

17 (210 ILCS 45/3-401.1) (from Ch. 111 1/2, par. 4153-401.1)
18 Sec. 3-401.1. (a) A facility participating in the
19 Medical Assistance Program is prohibited from failing or
20 refusing to retain as a resident any person because he or she
21 is a recipient of or an applicant for the Medical Assistance
22 Program.

23 (a-5) After the effective date of this amendatory Act of
24 1997, a facility of which only a distinct part is certified
25 to participate in the Medical Assistance Program may refuse
26 to retain as a resident any person who resides in a part of
27 the facility that does not participate in the Medical
28 Assistance Program and who is unable to pay for his or her
29 care in the facility without Medical Assistance only if:

30 (1) the facility, no later than at the time of
31 admission and at the time of the resident's contract
32 renewal, explains to the resident (unless he or she is
33 incompetent), and to the resident's representative, and

1 to the person making payment on behalf of the resident
2 for the resident's stay, in writing, that the facility
3 may discharge the resident if the resident is no longer
4 able to pay for his or her care in the facility without
5 Medical Assistance;

6 (2) the resident (unless he or she is incompetent),
7 the resident's representative, and the person making
8 payment on behalf of the resident for the resident's
9 stay, acknowledge in writing that they have received the
10 written explanation.

11 (a-10) For the purposes of this Section, a recipient or
12 applicant shall be considered a resident in the facility
13 during any hospital stay totaling 10 days or less following a
14 hospital admission. The Illinois Department of Human Services
15 ~~Public-Aid~~ shall recoup funds from a facility when, as a
16 result of the facility's refusal to readmit a recipient after
17 hospitalization for 10 days or less, the recipient incurs
18 hospital bills in an amount greater than the amount that
19 would have been paid by that Department for care of the
20 recipient in the facility. The amount of the recoupment shall
21 be the difference between the payment by the Illinois
22 Department of Human Services ~~Public--Aid's--payment~~ for
23 hospital care and the amount that Department would have paid
24 for care in the facility.

25 (b) A facility which violates this Section shall be
26 guilty of a business offense and fined not less than \$500 nor
27 more than \$1,000 for the first offense and not less than
28 \$1,000 nor more than \$5,000 for each subsequent offense.

29 (Source: P.A. 90-310, eff. 8-1-97.)

30 (210 ILCS 45/3-405) (from Ch. 111 1/2, par. 4153-405)

31 Sec. 3-405. A copy of the notice required by Section
32 3-402 shall be placed in the resident's clinical record and a
33 copy shall be transmitted to the Department, the resident,

1 the resident's representative, and, if the resident's care is
2 paid for in whole or part through Title XIX, to the
3 Department of Human Services Public-Aid.

4 (Source: P.A. 81-223.)

5 (210 ILCS 45/3-406) (from Ch. 111 1/2, par. 4153-406)

6 Sec. 3-406. When the basis for an involuntary transfer
7 or discharge is the result of an action by the Department of
8 Human Services Public-Aid with respect to a recipient of
9 Title XIX and a hearing request is filed with the Department
10 of Human Services Public--Aid, the 21-day written notice
11 period shall not begin until a final decision in the matter
12 is rendered by the Department of Human Services Public-Aid or
13 a court of competent jurisdiction and notice of that final
14 decision is received by the resident and the facility.

15 (Source: P.A. 81-223.)

16 (210 ILCS 45/3-411) (from Ch. 111 1/2, par. 4153-411)

17 Sec. 3-411. The Department of Public Health, when the
18 basis for involuntary transfer or discharge is other than
19 action by the Department of Human Services Public-Aid with
20 respect to the Title XIX Medicaid recipient, shall hold a
21 hearing at the resident's facility not later than 10 days
22 after a hearing request is filed, and render a decision
23 within 14 days after the filing of the hearing request.

24 (Source: P.A. 81-1349.)

25 (210 ILCS 45/3-414) (from Ch. 111 1/2, par. 4153-414)

26 Sec. 3-414. The Department of Human Services Public-Aid
27 shall continue Title XIX Medicaid funding during the appeal,
28 transfer, or discharge period for those residents who are
29 Title XIX recipients affected by Section 3-401.

30 (Source: P.A. 81-223.)

1 (210 ILCS 45/3-805) (from Ch. 111 1/2, par. 4153-805)

2 Sec. 3-805. (a) The Department shall conduct a pilot
3 project to examine, study and contrast the Joint Commission
4 on the Accreditation of Health Care Organizations
5 ("Commission") accreditation review process with the current
6 regulations and licensure surveys process conducted by the
7 Department for long-term care facilities. This pilot project
8 will enable qualified facilities to apply for participation
9 in the project, in which surveys completed by the Commission
10 are accepted by the Department in lieu of inspections
11 required by this Act, as provided in subsection (b) of this
12 Section. It is intended that this pilot project shall
13 commence on January 1, 1990, and shall conclude on December
14 31, 2000, with a final report to be submitted to the Governor
15 and the General Assembly by June 30, 2001.

16 (b) (1) In lieu of conducting an inspection for license
17 renewal under this Act, the Department may accept from a
18 facility that is accredited by the Commission under the
19 Commission's long-term care standards the facility's most
20 recent annual accreditation review by the Commission. In
21 addition to such review, the facility shall submit any fee or
22 other license renewal report or information required by law.
23 The Department may accept such review for so long as the
24 Commission maintains an annual inspection or review program.
25 If the Commission does not conduct an on-site annual
26 inspection or review, the Department shall conduct an
27 inspection as otherwise required by this Act. If the
28 Department determines that an annual on-site inspection or
29 review conducted by the Commission does not meet minimum
30 standards set by the Department, the Department shall not
31 accept the Commission's accreditation review and shall
32 conduct an inspection as otherwise required by this Act.

33 The Department shall establish procedures applicable to
34 the pilot project conducted pursuant to this Section. The

1 procedures shall provide for a review of the Commission's
2 survey findings that may be Type "A" or Type "B" violations
3 under this Act requiring immediate correction, the taking of
4 necessary and appropriate action to determine whether such
5 violations exist, and steps to effect corrective action in
6 cooperation with the Commission, or otherwise under this Act,
7 as may be necessary. The Department shall also establish
8 procedures to require the Commission to immediately report to
9 the Department any survey finding that constitutes a
10 condition or occurrence relating to the operation and
11 maintenance of a facility which presents a substantial
12 probability that death or serious mental or physical harm to
13 a resident will result therefrom, so as to enable the
14 Department to take necessary and appropriate action under
15 this Act.

16 (2) This subsection (b) does not limit the Department in
17 performing any inspections or other duties authorized by this
18 Act, or under any contract relating to the medical assistance
19 program administered by the Illinois Department of Human
20 Services Public-Aid, or under Title XVIII or Title XIX of the
21 Social Security Act.

22 (3) No facility shall be required to obtain
23 accreditation from the Commission.

24 (c) Participation in the pilot project shall be limited
25 to facilities selected at random by the Director, provided
26 that:

27 (1) facilities shall apply to the Director for
28 selection to participate;

29 (2) facilities which are currently accredited by
30 the Commission may apply to participate;

31 (3) any facility not accredited by the Commission
32 at the time of application to participate in the pilot
33 project shall apply for such accreditation;

34 (4) the number of facilities so selected shall be

1 no greater than 15% of the total number of long-term care
2 facilities licensed under this Act;

3 (5) the number of facilities so selected shall be
4 divided equally between facilities having fewer than 100
5 beds and facilities having 100 or more beds;

6 (6) facilities so selected shall have been licensed
7 for more than 2 years and shall not have been issued a
8 conditional license within 2 years before applying for
9 participation in the pilot project; and

10 (7) no facilities so selected shall have been
11 issued a notice of a Type "A" violation within one year
12 before applying for participation in the pilot project.

13 (d) Inspections and surveys conducted by the Commission
14 under the pilot project for initial or continued
15 accreditation shall not be announced in advance to the
16 facility being inspected or surveyed, and shall provide for
17 participation in the inspection or survey process by
18 residents of the facility and the public.

19 (e) With respect to any facility accredited by the
20 Commission, the Commission shall submit to the Department
21 copies of:

22 (1) the accreditation award letter;

23 (2) the accreditation report, including
24 recommendations and comments by the Commission; and

25 (3) any correspondence directly related to the
26 accreditation.

27 (f) No facility which is denied initial or continued
28 accreditation by the Commission shall participate in the
29 pilot project.

30 (g) The Director shall meet at least once every 6 months
31 with the director of the Commission's long-term care facility
32 accreditation program to review, coordinate and modify as
33 necessary the services performed by the Commission under the
34 pilot project. On or before June 30, 1993, the Director

1 shall submit to the Governor and to the General Assembly a
2 report evaluating the pilot project and making any
3 recommendations deemed necessary.

4 (h) This Section does not limit the Department in
5 performing any inspections or other duties authorized by this
6 Act, or under any contract relating to the medical assistance
7 program administered by the Illinois Department of Human
8 Services Public-Aid, or under Title XVIII or Title XIX of the
9 Social Security Act.

10 (Source: P.A. 89-171, eff. 7-19-95; 89-381, eff. 8-18-95;
11 89-626, eff. 8-9-96; 90-353, eff. 8-8-97.)

12 (210 ILCS 45/3A-101)

13 Sec. 3A-101. Cooperative arrangements. Not later than
14 June 30, 1996, the Department shall enter into one or more
15 cooperative arrangements with the Illinois Department of
16 Human Services Public--Aid, the Department on Aging, the
17 Office of the State Fire Marshal, and any other appropriate
18 entity for the purpose of developing a single survey for
19 nursing facilities, including but not limited to facilities
20 funded under Title XVIII or Title XIX of the federal Social
21 Security Act, or both, which shall be administered and
22 conducted solely by the Department. The Departments shall
23 test the single survey process on a pilot basis, with both
24 the Departments of Public Aid and Public Health represented
25 on the consolidated survey team. The pilot will sunset June
26 30, 1997. After June 30, 1997, unless otherwise determined
27 by the Governor, a single survey shall be implemented by the
28 Department of Public Health which would not preclude staff
29 from the Department of Human Services Public-Aid from going
30 on-site to nursing facilities to perform necessary audits and
31 reviews which shall not replicate the single State agency
32 survey required by this Act. This Article shall not apply to
33 community or intermediate care facilities for the

1 developmentally disabled.

2 (Source: P.A. 89-415, eff. 1-1-96.)

3 Section 245. The Home Health Agency Licensing Act is
4 amended by changing Section 11 as follows:

5 (210 ILCS 55/11) (from Ch. 111 1/2, par. 2811)

6 Sec. 11. (a) Each licensee shall file annually, or more
7 often as the Director shall by rule prescribe, an attested
8 financial statement. An audited financial statement may be
9 required of a particular facility, if the Director determines
10 that additional information is needed.

11 (b) No public funds shall be expended for the services
12 of a home health agency which has failed to file the
13 financial statement required by this Section.

14 (c) The Director of the Illinois Department of Public
15 Health and the ~~Secretary Director-of-the-Illinois--Department~~
16 of Human Services ~~Public--Aid~~ shall promulgate one set of
17 regulations for the filing of financial statements, and shall
18 provide in these regulations for forms, information required,
19 intervals and dates of filing, and such other provisions as
20 he may deem necessary. Regulations shall be published in
21 sufficient time to permit those licensees who must first file
22 financial statements time in which to do so.

23 (d) The Director shall seek the advice and comments of
24 other State and Federal agencies which require the submission
25 of financial data from home health agencies licensed under
26 this Act and shall incorporate the information requirements
27 of these agencies into the forms it adopts or issues under
28 this Act and shall otherwise coordinate its regulations with
29 the requirements of these agencies so as to impose the least
30 possible burden on licensees. No other State agency may
31 require submission of financial data except as expressly
32 authorized by law or as necessary to meet requirements of

1 federal law or regulation. Information obtained under this
2 Section shall be made available, upon request, by the
3 Department to any other State agency or legislative
4 commission to which such information is necessary for
5 investigations or to execute the intent of State or Federal
6 law or regulation.

7 (Source: P.A. 80-804.)

8 Section 250. The Illinois Insurance Code is amended by
9 changing Sections 238, 238.1, 299.1a, 299.1b, 337.1, 352,
10 356b, 356r, 367b, and 512-3 as follows:

11 (215 ILCS 5/238) (from Ch. 73, par. 850)

12 Sec. 238. Exemption.

13 (a) All proceeds payable because of the death of the
14 insured and the aggregate net cash value of any or all life
15 and endowment policies and annuity contracts payable to a
16 wife or husband of the insured, or to a child, parent or
17 other person dependent upon the insured, whether the power to
18 change the beneficiary is reserved to the insured or not, and
19 whether the insured or his estate is a contingent beneficiary
20 or not, shall be exempt from execution, attachment,
21 garnishment or other process, for the debts or liabilities of
22 the insured incurred subsequent to the effective date of this
23 Code, except as to premiums paid in fraud of creditors within
24 the period limited by law for the recovery thereof.

25 (b) Any insurance company doing business in this State
26 and governed by this Code shall encumber or surrender
27 accounts as defined in Section 10-24 of the Illinois Public
28 Aid Code held by the insurance company owned by any
29 responsible relative who is subject to a child support lien,
30 upon notice of the lien or levy by the Illinois Department of
31 Human Services Public Aid or its successor agency pursuant to
32 Section 10-25.5 of the Illinois Public Aid Code, or upon

1 notice of interstate lien from any other state's agency
2 responsible for implementing the child support enforcement
3 program set forth in Title IV, Part D of the Social Security
4 Act.

5 This Section does not prohibit the furnishing of
6 information in accordance with the federal Personal
7 Responsibility and Work Opportunity Reconciliation Act of
8 1996. Any insurance company governed by this Code shall
9 enter into an agreement for data exchanges with the
10 Department of Human Services Public Aid provided the
11 Department of Human Services Public Aid pays to the insurance
12 company a reasonable fee not to exceed its actual cost
13 incurred. An insurance company providing information in
14 accordance with this item shall not be liable to any owner of
15 an account as defined in Section 10-24 of the Illinois Public
16 Aid Code or other person for any disclosure of information to
17 the Department of Human Services Public Aid, for encumbering
18 or surrendering any accounts as defined in Section 10-24 of
19 the Illinois Public Aid Code held by the insurance company in
20 response to a lien or order to withhold and deliver issued by
21 a State agency, or for any other action taken pursuant to
22 this item, including individual or mechanical errors,
23 provided the action does not constitute gross negligence or
24 willful misconduct. An insurance company shall have no
25 obligation to hold, encumber, or surrender any accounts as
26 defined in Section 10-24 of the Illinois Public Aid Code
27 until it has been served with a subpoena, summons, warrant,
28 court or administrative order, lien, or levy requiring that
29 action.

30 (Source: P.A. 90-18, eff. 7-1-97.)

31 (215 ILCS 5/238.1)

32 Sec. 238.1. Data exchanges; administrative liens.

33 (a) Any insurance company doing business in the State

1 and governed by this Code shall enter into an agreement for
2 data exchanges with the Illinois Department of Human Services
3 Public-Aid for the purpose of locating accounts as defined in
4 Section 10-24 of the Illinois Public Aid Code of responsible
5 relatives to satisfy past-due child support owed by
6 responsible relatives under an order for support entered by a
7 court or administrative body of this or any other State on
8 behalf of resident or non-resident persons.

9 (b) Notwithstanding any provisions in this Code to the
10 contrary, an insurance company shall not be liable to any
11 person:

12 (1) for any disclosure of information to the
13 Illinois Department of Human Services Public-Aid under
14 subsection (a);

15 (2) for encumbering or surrendering any accounts as
16 defined in Section 10-24 of the Illinois Public Aid Code
17 held by such insurance company in response to a notice of
18 lien or levy issued by the Illinois Department of Human
19 Services Public--Aid, or by any other state's child
20 support enforcement agency, as provided for in Section
21 238 of this Code; or

22 (3) for any other action taken in good faith to
23 comply with the requirements of subsection (a).

24 (Source: P.A. 90-18, eff. 7-1-97.)

25 (215 ILCS 5/299.1a) (from Ch. 73, par. 911.1a)
26 Sec. 299.1a. Benefits not Attachable.

27 (a) No money or other charity, relief or aid to be paid,
28 provided or rendered by any society shall be liable to
29 attachment, garnishment or other process or to be seized,
30 taken, appropriated or applied by any legal or equitable
31 process or operation of law to pay any debt or liability of a
32 member or beneficiary, or any other person who may have a
33 right thereunder, either before or after payment by the

1 society.

2 (b) Any benefit association doing business in this State
3 and governed by this Article XVII shall encumber or surrender
4 accounts as defined in Section 10-24 of the Illinois Public
5 Aid Code held by the benefit association owned by any
6 responsible relative who is subject to a child support lien,
7 upon notice of the lien or levy by the Illinois Department of
8 Human Services Public Aid or its successor agency pursuant to
9 Section 10-25.5 of the Illinois Public Aid Code, or upon
10 notice of interstate lien from any other state's agency
11 responsible for implementing the child support enforcement
12 program set forth in Title IV, Part D of the Social Security
13 Act.

14 This Section shall not prohibit the furnishing of
15 information in accordance with the federal Personal
16 Responsibility and Work Opportunity Reconciliation Act of
17 1996. Any benefit association governed by this Article XVII
18 shall enter into an agreement for data exchanges with the
19 Department of Human Services Public Aid provided the
20 Department of Human Services Public Aid pays to the benefit
21 association a reasonable fee not to exceed its actual cost
22 incurred. A benefit association providing information in
23 accordance with this item shall not be liable to any account
24 holder or other person for any disclosure of information to a
25 State agency, for encumbering or surrendering any accounts as
26 defined in Section 10-24 of the Illinois Public Aid Code held
27 by the benefit association in response to a lien or order to
28 withhold and deliver issued by a State agency, or for any
29 other action taken pursuant to this item, including
30 individual or mechanical errors, provided the action does not
31 constitute gross negligence or willful misconduct. A benefit
32 association shall have no obligation to hold, encumber, or
33 surrender accounts until it has been served with a subpoena,
34 summons, warrant, court or administrative order, lien, or

1 levy requiring that action.

2 (Source: P.A. 90-18, eff. 7-1-97.)

3 (215 ILCS 5/299.1b)

4 Sec. 299.1b. Data exchanges; administrative liens.

5 (a) Any benefit association doing business in the State
6 and governed by this Code shall enter into an agreement for
7 data exchanges with the Illinois Department of Human Services
8 Public-Aid for the purpose of locating accounts as defined in
9 Section 10-24 of the Illinois Public Aid Code of responsible
10 relatives to satisfy past-due child support owed by
11 responsible relatives under an order for support entered by a
12 court or administrative body of this or any other State on
13 behalf of resident or non-resident persons.

14 (b) Notwithstanding any provisions in this Code to the
15 contrary, a benefit association shall not be liable to any
16 person:

17 (1) for any disclosure of information to the
18 Illinois Department of Human Services Public--Aid under
19 subsection (a);

20 (2) for encumbering or surrendering any accounts as
21 defined in Section 10-24 of the Illinois Public Aid Code
22 held by such benefit association in response to a notice
23 of lien or levy issued by the Illinois Department of
24 Human Services Public-Aid, or by any other state's child
25 support enforcement agency, as provided for in Section
26 299.1a of this Code; or

27 (3) for any other action taken in good faith to
28 comply with the requirements of subsection (a).

29 (Source: P.A. 90-18, eff. 7-1-97.)

30 (215 ILCS 5/337.1)

31 Sec. 337.1. Data exchanges; administrative liens.

32 (a) Any benefit association governed by this Article

1 XVIII shall encumber or surrender accounts as defined in
2 Section 10-24 of the Illinois Public Aid Code held by the
3 benefit association on behalf of any responsible relative who
4 is subject to a child support lien, upon notice of the lien
5 or levy by the Illinois Department of Human Services Public
6 Aid or its successor agency pursuant to Section 10-25.5 of
7 the Illinois Public Aid Code, or upon notice of interstate
8 lien from any other state's agency responsible for
9 implementing the child support enforcement program set forth
10 in Title IV, Part D of the Social Security Act.

11 (b) This Section shall not prohibit the furnishing of
12 information in accordance with the federal Personal
13 Responsibility and Work Opportunity Reconciliation Act of
14 1996. Any benefit association governed by this Article XVIII
15 shall enter into an agreement for data exchanges with the
16 Department of Human Services Public--Aid provided the
17 Department of Human Services Public-Aid pays to the benefit
18 association a reasonable fee not to exceed its actual cost
19 incurred. A benefit association providing information in
20 accordance with this item shall not be liable to any owner of
21 an account as defined in Section 10-24 of the Illinois Public
22 Aid Code or other person for any disclosure of information to
23 the Department of Human Services Public-Aid, for encumbering
24 or surrendering any accounts held by the benefit association
25 in response to a lien or order to withhold and deliver issued
26 by the Department of Human Services Public-Aid, or for any
27 other action taken pursuant to this item, including
28 individual or mechanical errors, provided the action does not
29 constitute gross negligence or willful misconduct. A benefit
30 association shall have no obligation to hold, encumber, or
31 surrender the accounts or portions thereof as defined in
32 Section 10-24 of the Illinois Public Aid Code until it has
33 been served with a subpoena, summons, warrant, court or
34 administrative order, lien, or levy.

1 (Source: P.A. 90-18, eff. 7-1-97.)

2 (215 ILCS 5/352) (from Ch. 73, par. 964)

3 Sec. 352. Scope of Article.

4 (a) Except as provided in subsections (b), (c), (d), and
5 (e), this Article shall apply to all companies transacting in
6 this State the kinds of business enumerated in clause (b) of
7 Class 1 and clause (a) of Class 2 of section 4. Nothing in
8 this Article shall apply to, or in any way affect policies or
9 contracts described in clause (a) of Class 1 of Section 4;
10 however, this Article shall apply to policies and contracts
11 which contain benefits providing reimbursement for the
12 expenses of long term health care which are certified or
13 ordered by a physician including but not limited to
14 professional nursing care, custodial nursing care, and
15 non-nursing custodial care provided in a nursing home or at a
16 residence of the insured.

17 (b) This Article does not apply to policies of accident
18 and health insurance issued in compliance with Article XIXB
19 of this Code.

20 (c) A policy issued and delivered in this State that
21 provides coverage under that policy for certificate holders
22 who are neither residents of nor employed in this State does
23 not need to provide to those nonresident certificate holders
24 who are not employed in this State the coverages or services
25 mandated by this Article.

26 (d) Stop-loss insurance is exempt from all Sections of
27 this Article, except this Section and Sections 353a, 354,
28 357.30, and 370. For purposes of this exemption, stop-loss
29 insurance is further defined as follows:

30 (1) The policy must be issued to and insure an
31 employer, trustee, or other sponsor of the plan, or the
32 plan itself, but not employees, members, or participants.

33 (2) Payments by the insurer must be made to the

1 employer, trustee, or other sponsors of the plan, or the
2 plan itself, but not to the employees, members,
3 participants, or health care providers.

4 (e) A policy issued or delivered in this State to the
5 Illinois Department of Human Services Public Aid and
6 providing coverage, under clause (b) of Class 1 or clause (a)
7 of Class 2 as described in Section 4, to persons who are
8 enrolled in the integrated health care program established
9 under Section 5-16.3 of the Illinois Public Aid Code is
10 exempt from all restrictions, limitations, standards, rules,
11 or regulations respecting benefits imposed by or under
12 authority of this Code, except those specified by subsection
13 (1) of Section 143. Nothing in this subsection, however,
14 affects the total medical services available to persons
15 eligible for medical assistance under the Illinois Public Aid
16 Code.

17 (Source: P.A. 87-435; 87-757; 87-938; 87-956; 88-364; 88-554,
18 eff. 7-26-94.)

19 (215 ILCS 5/356b) (from Ch. 73, par. 968b)

20 Sec. 356b. (a) This Section applies to the hospital and
21 medical expense provisions of an accident or health insurance
22 policy.

23 (b) If a policy provides that coverage of a dependent
24 person terminates upon attainment of the limiting age for
25 dependent persons specified in the policy, the attainment of
26 such limiting age does not operate to terminate the hospital
27 and medical coverage of a person who, because of a
28 handicapped condition that occurred before attainment of the
29 limiting age, is incapable of self-sustaining employment and
30 is dependent on his or her parents or other care providers
31 for lifetime care and supervision.

32 (c) For purposes of subsection (b), "dependent on other
33 care providers" is defined as requiring a Community

1 Integrated Living Arrangement, group home, supervised
2 apartment, or other residential services licensed or
3 certified by the Department of Human Services (as successor
4 to the Departments Department of Public Aid and Mental Health
5 and Developmental Disabilities), or the Department of Public
6 Health~~7-or-the-Department-of-Public-Aid.~~

7 (d) The insurer may inquire of the policyholder 2 months
8 prior to attainment by a dependent of the limiting age set
9 forth in the policy, or at any reasonable time thereafter,
10 whether such dependent is in fact a disabled and dependent
11 person and, in the absence of proof submitted within 60 days
12 of such inquiry that such dependent is a disabled and
13 dependent person may terminate coverage of such person at or
14 after attainment of the limiting age. In the absence of such
15 inquiry, coverage of any disabled and dependent person shall
16 continue through the term of such policy or any extension or
17 renewal thereof.

18 (e) This amendatory Act of 1969 is applicable to
19 policies issued or renewed more than 60 days after the
20 effective date of this amendatory Act of 1969.

21 (Source: P.A. 88-309; 89-507, eff. 7-1-97.)

22 (215 ILCS 5/356r)

23 Sec. 356r. Woman's principal health care provider.

24 (a) An individual or group policy of accident and health
25 insurance or a managed care plan amended, delivered, issued,
26 or renewed in this State after November 14, 1996 that
27 requires an insured or enrollee to designate an individual to
28 coordinate care or to control access to health care services
29 shall also permit a female insured or enrollee to designate a
30 participating woman's principal health care provider, and the
31 insurer or managed care plan shall provide the following
32 written notice to all female insureds or enrollees no later
33 than 120 days after the effective date of this amendatory Act

1 of 1998; to all new enrollees at the time of enrollment; and
2 thereafter to all existing enrollees at least annually, as a
3 part of a regular publication or informational mailing:

4 "NOTICE TO ALL FEMALE PLAN MEMBERS:

5 YOUR RIGHT TO SELECT A WOMAN'S PRINCIPAL
6 HEALTH CARE PROVIDER.

7 Illinois law allows you to select "a woman's
8 principal health care provider" in addition to your
9 selection of a primary care physician. A woman's
10 principal health care provider is a physician licensed to
11 practice medicine in all its branches specializing in
12 obstetrics or gynecology or specializing in family
13 practice. A woman's principal health care provider may
14 be seen for care without referrals from your primary care
15 physician. If you have not already selected a woman's
16 principal health care provider, you may do so now or at
17 any other time. You are not required to have or to
18 select a woman's principal health care provider.

19 Your woman's principal health care provider must be
20 a part of your plan. You may get the list of
21 participating obstetricians, gynecologists, and family
22 practice specialists from your employer's employee
23 benefits coordinator, or for your own copy of the current
24 list, you may call [insert plan's toll free number]. The
25 list will be sent to you within 10 days after your call.
26 To designate a woman's principal health care provider
27 from the list, call [insert plan's toll free number] and
28 tell our staff the name of the physician you have
29 selected."

30 If the insurer or managed care plan exercises the option set
31 forth in subsection (a-5), the notice shall also state:

32 "Your plan requires that your primary care physician
33 and your woman's principal health care provider have a
34 referral arrangement with one another. If the woman's

1 principal health care provider that you select does not
2 have a referral arrangement with your primary care
3 physician, you will have to select a new primary care
4 physician who has a referral arrangement with your
5 woman's principal health care provider or you may select
6 a woman's principal health care provider who has a
7 referral arrangement with your primary care physician.
8 The list of woman's principal health care providers will
9 also have the names of the primary care physicians and
10 their referral arrangements."

11 No later than 120 days after the effective date of this
12 amendatory Act of 1998, the insurer or managed care plan
13 shall provide each employer who has a policy of insurance or
14 a managed care plan with the insurer or managed care plan
15 with a list of physicians licensed to practice medicine in
16 all its branches specializing in obstetrics or gynecology or
17 specializing in family practice who have contracted with the
18 plan. At the time of enrollment and thereafter within 10 days
19 after a request by an insured or enrollee, the insurer or
20 managed care plan also shall provide this list directly to
21 the insured or enrollee. The list shall include each
22 physician's address, telephone number, and specialty. No
23 insurer or plan formal or informal policy may restrict a
24 female insured's or enrollee's right to designate a woman's
25 principal health care provider, except as set forth in
26 subsection (a-5). If the female enrollee is an enrollee of a
27 managed care plan under contract with the Department of Human
28 Services Public-Aid, the physician chosen by the enrollee as
29 her woman's principal health care provider must be a
30 Medicaid-enrolled provider. This requirement does not require
31 a female insured or enrollee to make a selection of a woman's
32 principal health care provider. The female insured or
33 enrollee may designate a physician licensed to practice
34 medicine in all its branches specializing in family practice

1 as her woman's principal health care provider.

2 (a-5) The insured or enrollee may be required by the
3 insurer or managed care plan to select a woman's principal
4 health care provider who has a referral arrangement with the
5 insured's or enrollee's individual who coordinates care or
6 controls access to health care services if such referral
7 arrangement exists or to select a new individual to
8 coordinate care or to control access to health care services
9 who has a referral arrangement with the woman's principal
10 health care provider chosen by the insured or enrollee, if
11 such referral arrangement exists. If an insurer or a managed
12 care plan requires an insured or enrollee to select a new
13 physician under this subsection (a-5), the insurer or managed
14 care plan must provide the insured or enrollee with both
15 options to select a new physician provided in this subsection
16 (a-5).

17 Notwithstanding a plan's restrictions of the frequency or
18 timing of making designations of primary care providers, a
19 female enrollee or insured who is subject to the selection
20 requirements of this subsection, may, at any time, effect a
21 change in primary care physicians in order to make a
22 selection of a woman's principal health care provider.

23 (a-6) If an insurer or managed care plan exercises the
24 option in subsection (a-5), the list to be provided under
25 subsection (a) shall identify the referral arrangements that
26 exist between the individual who coordinates care or controls
27 access to health care services and the woman's principal
28 health care provider in order to assist the female insured or
29 enrollee to make a selection within the insurer's or managed
30 care plan's requirement.

31 (b) If a female insured or enrollee has designated a
32 woman's principal health care provider, then the insured or
33 enrollee must be given direct access to the woman's principal
34 health care provider for services covered by the policy or

1 plan without the need for a referral or prior approval.
2 Nothing shall prohibit the insurer or managed care plan from
3 requiring prior authorization or approval from either a
4 primary care provider or the woman's principal health care
5 provider for referrals for additional care or services.

6 (c) For the purposes of this Section the following terms
7 are defined:

8 (1) "Woman's principal health care provider" means
9 a physician licensed to practice medicine in all of its
10 branches specializing in obstetrics or gynecology or
11 specializing in family practice.

12 (2) "Managed care entity" means any entity
13 including a licensed insurance company, hospital or
14 medical service plan, health maintenance organization,
15 limited health service organization, preferred provider
16 organization, third party administrator, an employer or
17 employee organization, or any person or entity that
18 establishes, operates, or maintains a network of
19 participating providers.

20 (3) "Managed care plan" means a plan operated by a
21 managed care entity that provides for the financing of
22 health care services to persons enrolled in the plan
23 through:

24 (A) organizational arrangements for ongoing
25 quality assurance, utilization review programs, or
26 dispute resolution; or

27 (B) financial incentives for persons enrolled
28 in the plan to use the participating providers and
29 procedures covered by the plan.

30 (4) "Participating provider" means a physician who
31 has contracted with an insurer or managed care plan to
32 provide services to insureds or enrollees as defined by
33 the contract.

34 (d) The original provisions of this Section became law

1 on July 17, 1996 and took effect November 14, 1996, which is
2 120 days after becoming law.

3 (Source: P.A. 89-514; 90-14, eff. 7-1-97; 90-741, eff.
4 8-13-98.)

5 (215 ILCS 5/367b) (from Ch. 73, par. 979b)

6 Sec. 367b. (a) This Section applies to the hospital and
7 medical expense provisions of a group accident or health
8 insurance policy.

9 (b) If a policy provides that coverage of a dependent of
10 an employee or other member of the covered group terminates
11 upon attainment of the limiting age for dependent persons
12 specified in the policy, the attainment of such limiting age
13 does not operate to terminate the hospital and medical
14 coverage of a person who, because of a handicapped condition
15 that occurred before attainment of the limiting age, is
16 incapable of self-sustaining employment and is dependent on
17 his or her parents or other care providers for lifetime care
18 and supervision.

19 (c) For purposes of subsection (b), "dependent on other
20 care providers" is defined as requiring a Community
21 Integrated Living Arrangement, group home, supervised
22 apartment, or other residential services licensed or
23 certified by the Department of Human Services (as successor
24 to the Departments Department of Public Aid and Mental Health
25 and Developmental Disabilities), or the Department of Public
26 Health~~7-or-the-Department-of-Public-Aid~~.

27 (d) The insurer may inquire of the person insured 2
28 months prior to attainment by a dependent of the limiting age
29 set forth in the policy, or at any reasonable time
30 thereafter, whether such dependent is in fact a disabled and
31 dependent person and, in the absence of proof submitted
32 within 31 days of such inquiry that such dependent is a
33 disabled and dependent person may terminate coverage of such

1 person at or after attainment of the limiting age. In the
2 absence of such inquiry, coverage of any disabled and
3 dependent person shall continue through the term of such
4 policy or any extension or renewal.

5 (e) This amendatory Act of 1969 is applicable to
6 policies issued or renewed more than 60 days after the
7 effective date of this amendatory Act of 1969.

8 (Source: P.A. 88-309; 89-507, eff. 7-1-97.)

9 (215 ILCS 5/512-3) (from Ch. 73, par. 1065.59-3)

10 Sec. 512-3. Definitions. For the purposes of this
11 Article, unless the context otherwise requires, the terms
12 defined in this Article have the meanings ascribed to them
13 herein:

14 (a) "Third party prescription program" or "program"
15 means any system of providing for the reimbursement of
16 pharmaceutical services and prescription drug products
17 offered or operated in this State under a contractual
18 arrangement or agreement between a provider of such services
19 and another party who is not the consumer of those services
20 and products. Such programs may include, but need not be
21 limited to, employee benefit plans whereby a consumer
22 receives prescription drugs or other pharmaceutical services
23 and those services are paid for by an agent of the employer
24 or others.

25 (b) "Third party program administrator" or
26 "administrator" means any person, partnership or corporation
27 who issues or causes to be issued any payment or
28 reimbursement to a provider for services rendered pursuant to
29 a third party prescription program, but does not include the
30 Secretary Director of Human Services Public-Aid or any agent
31 authorized by the Secretary Director to reimburse a provider
32 of services rendered pursuant to a program of which the
33 Department of Human Services Public-Aid is the third party.

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

2 Section 255. The Comprehensive Health Insurance Plan Act
3 is amended by changing Section 8 as follows:

4 (215 ILCS 105/8) (from Ch. 73, par. 1308)

5 Sec. 8. Minimum benefits.

6 a. Availability. The Plan shall offer in an annually
7 renewable policy major medical expense coverage to every
8 eligible person who is not eligible for Medicare. Major
9 medical expense coverage offered by the Plan shall pay an
10 eligible person's covered expenses, subject to limit on the
11 deductible and coinsurance payments authorized under
12 paragraph (4) of subsection d of this Section, up to a
13 lifetime benefit limit of \$1,000,000 per covered individual.
14 The maximum limit under this subsection shall not be altered
15 by the Board, and no actuarial equivalent benefit may be
16 substituted by the Board. Any person who otherwise would
17 qualify for coverage under the Plan, but is excluded because
18 he or she is eligible for Medicare, shall be eligible for any
19 separate Medicare supplement policy or policies which the
20 Board may offer.

21 b. Outline of benefits. Covered expenses shall be
22 limited to the usual and customary charge, including
23 negotiated fees, in the locality for the following services
24 and articles when prescribed by a physician and determined by
25 the Plan to be medically necessary for the following areas of
26 services, subject to such separate deductibles, co-payments,
27 exclusions, and other limitations on benefits as the Board
28 shall establish and approve, and the other provisions of this
29 Section:

30 (1) Hospital services, except that any services
31 provided by a hospital that is located more than 75 miles
32 outside the State of Illinois shall be covered only for a

1 maximum of 45 days in any calendar year. With respect to
2 covered expenses incurred during any calendar year ending
3 on or after December 31, 1999, inpatient hospitalization
4 of an eligible person for the treatment of mental illness
5 at a hospital located within the State of Illinois shall
6 be subject to the same terms and conditions as for any
7 other illness.

8 (2) Professional services for the diagnosis or
9 treatment of injuries, illnesses or conditions, other
10 than dental and mental and nervous disorders as described
11 in paragraph (17), which are rendered by a physician, or
12 by other licensed professionals at the physician's
13 direction. This includes reconstruction of the breast on
14 which a mastectomy was performed; surgery and
15 reconstruction of the other breast to produce a
16 symmetrical appearance; and prostheses and treatment of
17 physical complications at all stages of the mastectomy,
18 including lymphedemas.

19 (2.5) Professional services provided by a physician
20 to children under the age of 16 years for physical
21 examinations and age appropriate immunizations ordered by
22 a physician licensed to practice medicine in all its
23 branches.

24 (3) (Blank).

25 (4) Outpatient prescription drugs that by law
26 require a prescription written by a physician licensed to
27 practice medicine in all its branches subject to such
28 separate deductible, copayment, and other limitations or
29 restrictions as the Board shall approve, including the
30 use of a prescription drug card or any other program, or
31 both.

32 (5) Skilled nursing services of a licensed skilled
33 nursing facility for not more than 120 days during a
34 policy year.

1 (6) Services of a home health agency in accord with
2 a home health care plan, up to a maximum of 270 visits
3 per year.

4 (7) Services of a licensed hospice for not more
5 than 180 days during a policy year.

6 (8) Use of radium or other radioactive materials.

7 (9) Oxygen.

8 (10) Anesthetics.

9 (11) Orthoses and prostheses other than dental.

10 (12) Rental or purchase in accordance with Board
11 policies or procedures of durable medical equipment,
12 other than eyeglasses or hearing aids, for which there is
13 no personal use in the absence of the condition for which
14 it is prescribed.

15 (13) Diagnostic x-rays and laboratory tests.

16 (14) Oral surgery (i) for excision of partially or
17 completely unerupted impacted teeth when not performed in
18 connection with the routine extraction or repair of
19 teeth; (ii) for excision of tumors or cysts of the jaws,
20 cheeks, lips, tongue, and roof and floor of the mouth;
21 (iii) required for correction of cleft lip and palate and
22 other craniofacial and maxillofacial birth defects; or
23 (iv) for treatment of injuries to natural teeth or a
24 fractured jaw due to an accident.

25 (15) Physical, speech, and functional occupational
26 therapy as medically necessary and provided by
27 appropriate licensed professionals.

28 (16) Emergency and other medically necessary
29 transportation provided by a licensed ambulance service
30 to the nearest health care facility qualified to treat a
31 covered illness, injury, or condition, subject to the
32 provisions of the Emergency Medical Systems (EMS) Act.

33 (17) Outpatient services for diagnosis and
34 treatment of mental and nervous disorders provided that a

1 covered person shall be required to make a copayment not
2 to exceed 50% and that the Plan's payment shall not
3 exceed such amounts as are established by the Board.

4 (18) Human organ or tissue transplants specified by
5 the Board that are performed at a hospital designated by
6 the Board as a participating transplant center for that
7 specific organ or tissue transplant.

8 (19) Naprapathic services, as appropriate, provided
9 by a licensed naprapathic practitioner.

10 c. Exclusions. Covered expenses of the Plan shall not
11 include the following:

12 (1) Any charge for treatment for cosmetic purposes
13 other than for reconstructive surgery when the service is
14 incidental to or follows surgery resulting from injury,
15 sickness or other diseases of the involved part or
16 surgery for the repair or treatment of a congenital
17 bodily defect to restore normal bodily functions.

18 (2) Any charge for care that is primarily for rest,
19 custodial, educational, or domiciliary purposes.

20 (3) Any charge for services in a private room to
21 the extent it is in excess of the institution's charge
22 for its most common semiprivate room, unless a private
23 room is prescribed as medically necessary by a physician.

24 (4) That part of any charge for room and board or
25 for services rendered or articles prescribed by a
26 physician, dentist, or other health care personnel that
27 exceeds the reasonable and customary charge in the
28 locality or for any services or supplies not medically
29 necessary for the diagnosed injury or illness.

30 (5) Any charge for services or articles the
31 provision of which is not within the scope of licensure
32 of the institution or individual providing the services
33 or articles.

34 (6) Any expense incurred prior to the effective

1 date of coverage by the Plan for the person on whose
2 behalf the expense is incurred.

3 (7) Dental care, dental surgery, dental treatment,
4 any other dental procedure involving the teeth or
5 periodontium, or any dental appliances, including crowns,
6 bridges, implants, or partial or complete dentures,
7 except as specifically provided in paragraph (14) of
8 subsection b of this Section.

9 (8) Eyeglasses, contact lenses, hearing aids or
10 their fitting.

11 (9) Illness or injury due to acts of war.

12 (10) Services of blood donors and any fee for
13 failure to replace the first 3 pints of blood provided to
14 a covered person each policy year.

15 (11) Personal supplies or services provided by a
16 hospital or nursing home, or any other nonmedical or
17 nonprescribed supply or service.

18 (12) Routine maternity charges for a pregnancy,
19 except where added as optional coverage with payment of
20 an additional premium for pregnancy resulting from
21 conception occurring after the effective date of the
22 optional coverage.

23 (13) (Blank).

24 (14) Any expense or charge for services, drugs, or
25 supplies that are: (i) not provided in accord with
26 generally accepted standards of current medical practice;
27 (ii) for procedures, treatments, equipment, transplants,
28 or implants, any of which are investigational,
29 experimental, or for research purposes; (iii)
30 investigative and not proven safe and effective; or (iv)
31 for, or resulting from, a gender transformation
32 operation.

33 (15) Any expense or charge for routine physical
34 examinations or tests except as provided in item (2.5) of

1 subsection b of this Section.

2 (16) Any expense for which a charge is not made in
3 the absence of insurance or for which there is no legal
4 obligation on the part of the patient to pay.

5 (17) Any expense incurred for benefits provided
6 under the laws of the United States and this State,
7 including Medicare, Medicaid, and other medical
8 assistance, maternal and child health services and any
9 other program that is administered or funded by the
10 Department of Human Services, ~~Department of Public Aid,~~
11 or Department of Public Health, military
12 service-connected disability payments, medical services
13 provided for members of the armed forces and their
14 dependents or employees of the armed forces of the United
15 States, and medical services financed on behalf of all
16 citizens by the United States.

17 (18) Any expense or charge for in vitro
18 fertilization, artificial insemination, or any other
19 artificial means used to cause pregnancy.

20 (19) Any expense or charge for oral contraceptives
21 used for birth control or any other temporary birth
22 control measures.

23 (20) Any expense or charge for sterilization or
24 sterilization reversals.

25 (21) Any expense or charge for weight loss
26 programs, exercise equipment, or treatment of obesity,
27 except when certified by a physician as morbid obesity
28 (at least 2 times normal body weight).

29 (22) Any expense or charge for acupuncture
30 treatment unless used as an anesthetic agent for a
31 covered surgery.

32 (23) Any expense or charge for or related to organ
33 or tissue transplants other than those performed at a
34 hospital with a Board approved organ transplant program

1 that has been designated by the Board as a preferred or
2 exclusive provider organization for that specific organ
3 or tissue transplant.

4 (24) Any expense or charge for procedures,
5 treatments, equipment, or services that are provided in
6 special settings for research purposes or in a controlled
7 environment, are being studied for safety, efficiency,
8 and effectiveness, and are awaiting endorsement by the
9 appropriate national medical speciality college for
10 general use within the medical community.

11 d. Deductibles and coinsurance.

12 The Plan coverage defined in Section 6 shall provide for
13 a choice of deductibles per individual as authorized by the
14 Board. If 2 individual members of the same family household,
15 who are both covered persons under the Plan, satisfy the same
16 applicable deductibles, no other member of that family who is
17 also a covered person under the Plan shall be required to
18 meet any deductibles for the balance of that calendar year.
19 The deductibles must be applied first to the authorized
20 amount of covered expenses incurred by the covered person. A
21 mandatory coinsurance requirement shall be imposed at the
22 rate authorized by the Board in excess of the mandatory
23 deductible, the coinsurance in the aggregate not to exceed
24 such amounts as are authorized by the Board per annum. At
25 its discretion the Board may, however, offer catastrophic
26 coverages or other policies that provide for larger
27 deductibles with or without coinsurance requirements. The
28 deductibles and coinsurance factors may be adjusted annually
29 according to the Medical Component of the Consumer Price
30 Index.

31 e. Scope of coverage.

32 (1) In approving any of the benefit plans to be
33 offered by the Plan, the Board shall establish such
34 benefit levels, deductibles, coinsurance factors,

1 exclusions, and limitations as it may deem appropriate
2 and that it believes to be generally reflective of and
3 commensurate with health insurance coverage that is
4 provided in the individual market in this State.

5 (2) The benefit plans approved by the Board may
6 also provide for and employ various cost containment
7 measures and other requirements including, but not
8 limited to, preadmission certification, prior approval,
9 second surgical opinions, concurrent utilization review
10 programs, individual case management, preferred provider
11 organizations, health maintenance organizations, and
12 other cost effective arrangements for paying for covered
13 expenses.

14 f. Preexisting conditions.

15 (1) Except for federally eligible individuals
16 qualifying for Plan coverage under Section 15 of this
17 Act, plan coverage shall exclude charges or expenses
18 incurred during the first 6 months following the
19 effective date of coverage as to any condition for which
20 medical advice, care or treatment was recommended or
21 received during the 6 month period immediately preceding
22 the effective date of coverage.

23 (2) (Blank).

24 (3) (Blank).

25 g. Other sources primary; nonduplication of benefits.

26 (1) The Plan shall be the last payor of benefits
27 whenever any other benefit or source of third party
28 payment is available. Subject to the provisions of
29 subsection e of Section 7, benefits otherwise payable
30 under Plan coverage shall be reduced by all amounts paid
31 or payable by Medicare or any other government program or
32 through any health insurance coverage or group health
33 plan, whether by insurance, reimbursement, or otherwise,
34 or through any third party liability, settlement,

1 judgment, or award, regardless of the date of the
2 settlement, judgment, or award, whether the settlement,
3 judgment, or award is in the form of a contract,
4 agreement, or trust on behalf of a minor or otherwise and
5 whether the settlement, judgment, or award is payable to
6 the covered person, his or her dependent, estate,
7 personal representative, or guardian in a lump sum or
8 over time, and by all hospital or medical expense
9 benefits paid or payable under any worker's compensation
10 coverage, automobile medical payment, or liability
11 insurance, whether provided on the basis of fault or
12 nonfault, and by any hospital or medical benefits paid or
13 payable under or provided pursuant to any State or
14 federal law or program.

15 (2) The Plan shall have a cause of action against
16 any covered person or any other person or entity for the
17 recovery of any amount paid to the extent the amount was
18 for treatment, services, or supplies not covered in this
19 Section or in excess of benefits as set forth in this
20 Section.

21 (3) Whenever benefits are due from the Plan because
22 of sickness or an injury to a covered person resulting
23 from a third party's wrongful act or negligence and the
24 covered person has recovered or may recover damages from
25 a third party or its insurer, the Plan shall have the
26 right to reduce benefits or to refuse to pay benefits
27 that otherwise may be payable by the amount of damages
28 that the covered person has recovered or may recover
29 regardless of the date of the sickness or injury or the
30 date of any settlement, judgment, or award resulting from
31 that sickness or injury.

32 During the pendency of any action or claim that is
33 brought by or on behalf of a covered person against a
34 third party or its insurer, any benefits that would

1 otherwise be payable except for the provisions of this
2 paragraph (3) shall be paid if payment by or for the
3 third party has not yet been made and the covered person
4 or, if incapable, that person's legal representative
5 agrees in writing to pay back promptly the benefits paid
6 as a result of the sickness or injury to the extent of
7 any future payments made by or for the third party for
8 the sickness or injury. This agreement is to apply
9 whether or not liability for the payments is established
10 or admitted by the third party or whether those payments
11 are itemized.

12 Any amounts due the plan to repay benefits may be
13 deducted from other benefits payable by the Plan after
14 payments by or for the third party are made.

15 (4) Benefits due from the Plan may be reduced or
16 refused as an offset against any amount otherwise
17 recoverable under this Section.

18 h. Right of subrogation; recoveries.

19 (1) Whenever the Plan has paid benefits because of
20 sickness or an injury to any covered person resulting
21 from a third party's wrongful act or negligence, or for
22 which an insurer is liable in accordance with the
23 provisions of any policy of insurance, and the covered
24 person has recovered or may recover damages from a third
25 party that is liable for the damages, the Plan shall have
26 the right to recover the benefits it paid from any
27 amounts that the covered person has received or may
28 receive regardless of the date of the sickness or injury
29 or the date of any settlement, judgment, or award
30 resulting from that sickness or injury. The Plan shall
31 be subrogated to any right of recovery the covered person
32 may have under the terms of any private or public health
33 care coverage or liability coverage, including coverage
34 under the Workers' Compensation Act or the Workers'

1 Occupational Diseases Act, without the necessity of
2 assignment of claim or other authorization to secure the
3 right of recovery. To enforce its subrogation right, the
4 Plan may (i) intervene or join in an action or proceeding
5 brought by the covered person or his personal
6 representative, including his guardian, conservator,
7 estate, dependents, or survivors, against any third party
8 or the third party's insurer that may be liable or (ii)
9 institute and prosecute legal proceedings against any
10 third party or the third party's insurer that may be
11 liable for the sickness or injury in an appropriate court
12 either in the name of the Plan or in the name of the
13 covered person or his personal representative, including
14 his guardian, conservator, estate, dependents, or
15 survivors.

16 (2) If any action or claim is brought by or on
17 behalf of a covered person against a third party or the
18 third party's insurer, the covered person or his personal
19 representative, including his guardian, conservator,
20 estate, dependents, or survivors, shall notify the Plan
21 by personal service or registered mail of the action or
22 claim and of the name of the court in which the action or
23 claim is brought, filing proof thereof in the action or
24 claim. The Plan may, at any time thereafter, join in the
25 action or claim upon its motion so that all orders of
26 court after hearing and judgment shall be made for its
27 protection. No release or settlement of a claim for
28 damages and no satisfaction of judgment in the action
29 shall be valid without the written consent of the Plan to
30 the extent of its interest in the settlement or judgment
31 and of the covered person or his personal representative.

32 (3) In the event that the covered person or his
33 personal representative fails to institute a proceeding
34 against any appropriate third party before the fifth

1 month before the action would be barred, the Plan may, in
2 its own name or in the name of the covered person or
3 personal representative, commence a proceeding against
4 any appropriate third party for the recovery of damages
5 on account of any sickness, injury, or death to the
6 covered person. The covered person shall cooperate in
7 doing what is reasonably necessary to assist the Plan in
8 any recovery and shall not take any action that would
9 prejudice the Plan's right to recovery. The Plan shall
10 pay to the covered person or his personal representative
11 all sums collected from any third party by judgment or
12 otherwise in excess of amounts paid in benefits under the
13 Plan and amounts paid or to be paid as costs, attorneys
14 fees, and reasonable expenses incurred by the Plan in
15 making the collection or enforcing the judgment.

16 (4) In the event that a covered person or his
17 personal representative, including his guardian,
18 conservator, estate, dependents, or survivors, recovers
19 damages from a third party for sickness or injury caused
20 to the covered person, the covered person or the personal
21 representative shall pay to the Plan from the damages
22 recovered the amount of benefits paid or to be paid on
23 behalf of the covered person.

24 (5) When the action or claim is brought by the
25 covered person alone and the covered person incurs a
26 personal liability to pay attorney's fees and costs of
27 litigation, the Plan's claim for reimbursement of the
28 benefits provided to the covered person shall be the full
29 amount of benefits paid to or on behalf of the covered
30 person under this Act less a pro rata share that
31 represents the Plan's reasonable share of attorney's fees
32 paid by the covered person and that portion of the cost
33 of litigation expenses determined by multiplying by the
34 ratio of the full amount of the expenditures to the full

1 amount of the judgement, award, or settlement.

2 (6) In the event of judgment or award in a suit or
3 claim against a third party or insurer, the court shall
4 first order paid from any judgement or award the
5 reasonable litigation expenses incurred in preparation
6 and prosecution of the action or claim, together with
7 reasonable attorney's fees. After payment of those
8 expenses and attorney's fees, the court shall apply out
9 of the balance of the judgment or award an amount
10 sufficient to reimburse the Plan the full amount of
11 benefits paid on behalf of the covered person under this
12 Act, provided the court may reduce and apportion the
13 Plan's portion of the judgement proportionate to the
14 recovery of the covered person. The burden of producing
15 evidence sufficient to support the exercise by the court
16 of its discretion to reduce the amount of a proven charge
17 sought to be enforced against the recovery shall rest
18 with the party seeking the reduction. The court may
19 consider the nature and extent of the injury, economic
20 and non-economic loss, settlement offers, comparative
21 negligence as it applies to the case at hand, hospital
22 costs, physician costs, and all other appropriate costs.
23 The Plan shall pay its pro rata share of the attorney
24 fees based on the Plan's recovery as it compares to the
25 total judgment. Any reimbursement rights of the Plan
26 shall take priority over all other liens and charges
27 existing under the laws of this State with the exception
28 of any attorney liens filed under the Attorneys Lien Act.

29 (7) The Plan may compromise or settle and release
30 any claim for benefits provided under this Act or waive
31 any claims for benefits, in whole or in part, for the
32 convenience of the Plan or if the Plan determines that
33 collection would result in undue hardship upon the
34 covered person.

1 (Source: P.A. 90-7, eff. 6-10-97; 90-30, eff. 7-1-97; 90-655,
2 eff. 7-30-98; 91-639, eff. 8-20-99; 91-735, eff. 6-2-00.)

3 Section 260. The Children's Health Insurance Program Act
4 is amended by changing Section 10 and 15 as follows:

5 (215 ILCS 106/10)

6 (Section scheduled to be repealed on July 1, 2002)

7 Sec. 10. Definitions. As used in this Act:

8 "Benchmarking" means health benefits coverage as defined
9 in Section 2103 of the Social Security Act.

10 "Child" means a person under the age of 19.

11 "Department" means the Department of Human Services
12 Public-Aid.

13 "Medical assistance" means health care benefits provided
14 under Article V of the Illinois Public Aid Code.

15 "Medical visit" means a hospital, dental, physician,
16 optical, or other health care visit where services are
17 provided pursuant to this Act.

18 "Program" means the Children's Health Insurance Program,
19 which includes subsidizing the cost of privately sponsored
20 health insurance and purchasing or providing health care
21 benefits for eligible children.

22 "Resident" means a person who meets the residency
23 requirements as defined in Section 5-3 of the Illinois Public
24 Aid Code.

25 (Source: P.A. 90-736, eff. 8-12-98.)

26 (215 ILCS 106/15)

27 (Section scheduled to be repealed on July 1, 2002)

28 Sec. 15. Operation of the Program. There is hereby
29 created a Children's Health Insurance Program. The Program
30 shall operate subject to appropriation and shall be
31 administered by the Department of Human Services Public-Aid.

1 The Department shall have the powers and authority granted to
2 the Department under the Illinois Public Aid Code. The
3 Department may contract with a Third Party Administrator or
4 other entities to administer and oversee any portion of this
5 Program.

6 (Source: P.A. 90-736, eff. 8-12-98.)

7 Section 265. The Health Maintenance Organization Act is
8 amended by changing Section 2-1, 4-9.1, 4-17, and 6-8 as
9 follows:

10 (215 ILCS 125/2-1) (from Ch. 111 1/2, par. 1403)

11 Sec. 2-1. Certificate of authority - Exception for
12 corporate employee programs - Applications - Material
13 modification of operation.

14 (a) No organization shall establish or operate a Health
15 Maintenance Organization in this State without obtaining a
16 certificate of authority under this Act. No person other
17 than an organization may lawfully establish or operate a
18 Health Maintenance Organization in this State. This Act
19 shall not apply to the establishment and operation of a
20 Health Maintenance Organization exclusively providing or
21 arranging for health care services to employees of a
22 corporate affiliate of such Health Maintenance Organization.
23 This exclusion shall be available only to those Health
24 Maintenance Organizations which require employee
25 contributions which equal less than 50% of the total cost of
26 the health care plan, with the remainder of the cost being
27 paid by the corporate affiliate which is the employer of the
28 participants in the plan. This Act shall not apply to the
29 establishment and operation of a Health Maintenance
30 Organization exclusively providing or arranging health care
31 services under contract with the State to persons committed
32 to the custody of the Illinois Department of Corrections.

1 This Act does not apply to the establishment and operation of
2 (i) a managed care community network providing or arranging
3 health care services under contract with the State
4 exclusively to persons who are enrolled in the integrated
5 health care program established under Section 5-16.3 of the
6 Illinois Public Aid Code or (ii) a managed care community
7 network owned, operated, or governed by a county provider as
8 defined in Section 15-1 of that Code.

9 This Act does not apply to the establishment and
10 operation of managed care community networks that are
11 certified as risk-bearing entities under Section 5-11 of the
12 Illinois Public Aid Code and that contract with the Illinois
13 Department of Human Services ~~Public Aid~~ pursuant to that
14 Section.

15 (b) Any organization may apply to the Director for and
16 obtain a certificate of authority to establish and operate a
17 Health Maintenance Organization in compliance with this Act.
18 A foreign corporation may qualify under this Act, subject to
19 its registration to do business in this State as a foreign
20 corporation.

21 (c) Each application for a certificate of authority
22 shall be filed in triplicate and verified by an officer or
23 authorized representative of the applicant, shall be in a
24 form prescribed by the Director, and shall set forth, without
25 limiting what may be required by the Director, the following:

- 26 (1) A copy of the organizational document;
- 27 (2) A copy of the bylaws, rules and regulations, or
28 similar document regulating the conduct of the internal
29 affairs of the applicant, which shall include a mechanism
30 to afford the enrollees an opportunity to participate in
31 an advisory capacity in matters of policy and operations;
- 32 (3) A list of the names, addresses, and official
33 positions of the persons who are to be responsible for
34 the conduct of the affairs of the applicant; including,

1 but not limited to, all members of the board of
2 directors, executive committee, the principal officers,
3 and any person or entity owning or having the right to
4 acquire 10% or more of the voting securities or
5 subordinated debt of the applicant;

6 (4) A statement generally describing the applicant,
7 geographic area to be served, its facilities, personnel
8 and the health care services to be offered;

9 (5) A copy of the form of any contract made or to
10 be made between the applicant and any providers regarding
11 the provision of health care services to enrollees;

12 (6) A copy of the form of any contract made or to
13 be made between the applicant and any person listed in
14 paragraph (3) of this subsection;

15 (7) A copy of the form of any contract made or to
16 be made between the applicant and any person,
17 corporation, partnership or other entity for the
18 performance on the applicant's behalf of any functions
19 including, but not limited to, marketing, administration,
20 enrollment, investment management and subcontracting for
21 the provision of health services to enrollees;

22 (8) A copy of the form of any group contract which
23 is to be issued to employers, unions, trustees, or other
24 organizations and a copy of any form of evidence of
25 coverage to be issued to any enrollee or subscriber and
26 any advertising material;

27 (9) Descriptions of the applicant's procedures for
28 resolving enrollee grievances which must include
29 procedures providing for enrollees participation in the
30 resolution of grievances;

31 (10) A copy of the applicant's most recent
32 financial statements audited by an independent certified
33 public accountant. If the financial affairs of the
34 applicant's parent company are audited by an independent

1 certified public accountant but those of the applicant
2 are not, then a copy of the most recent audited financial
3 statement of the applicant's parent, attached to which
4 shall be consolidating financial statements of the parent
5 including separate unaudited financial statements of the
6 applicant, unless the Director determines that additional
7 or more recent financial information is required for the
8 proper administration of this Act;

9 (11) A copy of the applicant's financial plan,
10 including a three-year projection of anticipated
11 operating results, a statement of the sources of working
12 capital, and any other sources of funding and provisions
13 for contingencies;

14 (12) A description of rate methodology;

15 (13) A description of the proposed method of
16 marketing;

17 (14) A copy of every filing made with the Illinois
18 Secretary of State which relates to the applicant's
19 registered agent or registered office;

20 (15) A description of the complaint procedures to
21 be established and maintained as required under Section
22 4-6 of this Act;

23 (16) A description, in accordance with regulations
24 promulgated by the Illinois Department of Public Health,
25 of the quality assessment and utilization review
26 procedures to be utilized by the applicant;

27 (17) The fee for filing an application for issuance
28 of a certificate of authority provided in Section 408 of
29 the Illinois Insurance Code, as now or hereafter amended;
30 and

31 (18) Such other information as the Director may
32 reasonably require to make the determinations required by
33 this Act.

34 (Source: P.A. 90-618, eff. 7-10-98.)

1 (215 ILCS 125/4-9.1) (from Ch. 111 1/2, par. 1409.2-1)

2 Sec. 4-9.1. Dependent Coverage Termination.

3 (a) The attainment of a limiting age under a group
4 contract or evidence of coverage which provides that coverage
5 of a dependent person of an enrollee shall terminate upon
6 attainment of the limiting age for dependent persons does not
7 operate to terminate the coverage of a person who, because of
8 a handicapped condition that occurred before attainment of
9 the limiting age, is incapable of self-sustaining employment
10 and is dependent on his or her parents or other care
11 providers for lifetime care and supervision.

12 (b) For purposes of subsection (a), "dependent on other
13 care providers" is defined as requiring a Community
14 Integrated Living Arrangement, group home, supervised
15 apartment, or other residential services licensed or
16 certified by the Department of Human Services (as successor
17 to the Departments Department of Public Aid and Mental Health
18 and Developmental Disabilities) or the Department of Public
19 Health~~7-or-the-Department-of-Public-Aid.~~

20 (c) Proof of such incapacity and dependency shall be
21 furnished to the health maintenance organization by the
22 enrollee within 31 days of a request for the information by
23 the health maintenance organization and subsequently as may
24 be required by the health maintenance organization, but not
25 more frequently than annually. In the absence of proof
26 submitted within 31 days of such inquiry that such dependent
27 is a disabled and dependent person, the health maintenance
28 organization may terminate coverage of such person at or
29 after attainment of the limiting age. In the absence of such
30 inquiry, coverage of any disabled and dependent person shall
31 continue through the term of the group contract or evidence
32 of coverage or any extension or renewal thereof.

33 (Source: P.A. 88-309; 89-507, eff. 7-1-97.)

1 (215 ILCS 125/4-17)

2 Sec. 4-17. Basic outpatient preventive and primary health
3 care services for children. In order to attempt to address
4 the needs of children in Illinois (i) without health care
5 coverage, either through a parent's employment, through
6 medical assistance under the Illinois Public Aid Code, or any
7 other health plan or (ii) who lose medical assistance if and
8 when their parents move from welfare to work and do not find
9 employment that offers health care coverage, a health
10 maintenance organization may undertake to provide or arrange
11 for and to pay for or reimburse the cost of basic outpatient
12 preventive and primary health care services. The Department
13 shall promulgate rules to establish minimum coverage and
14 disclosure requirements. These requirements at a minimum
15 shall include routine physical examinations and
16 immunizations, sick visits, diagnostic x-rays and laboratory
17 services, and emergency outpatient services. Coverage may
18 also include preventive dental services, vision screening and
19 one pair of eyeglasses, prescription drugs, and mental health
20 services. The coverage may include any reasonable
21 co-payments, deductibles, and benefit maximums subject to
22 limitations established by the Director by rule. Coverage
23 shall be limited to children who are 18 years of age or
24 under, who have resided in the State of Illinois for at least
25 30 days, and who do not qualify for medical assistance under
26 the Illinois Public Aid Code. Any such coverage shall be
27 made available to an adult on behalf of such children and
28 shall not be funded through State appropriations. In
29 counties with populations in excess of 3,000,000, the
30 Director shall not approve any arrangement under this Section
31 unless and until an arrangement for at least one health
32 maintenance organization under contract with the Illinois
33 Department of Human Services Public-Aid for furnishing health
34 services pursuant to Section 5-11 of the Illinois Public Aid

1 Code and for which the requirements of 42 CFR 434.26(a) have
2 been waived is approved.

3 (Source: P.A. 90-376, eff. 8-14-97; 90-655, eff. 7-30-98.)

4 (215 ILCS 125/6-8) (from Ch. 111 1/2, par. 1418.8)

5 Sec. 6-8. Powers and duties of the Association. In
6 addition to the powers and duties enumerated in other
7 Sections of this Article, the Association shall have the
8 powers set forth in this Section.

9 (1) If a domestic organization is an impaired
10 organization, the Association may, subject to any conditions
11 imposed by the Association other than those which impair the
12 contractual obligations of the impaired organization, and
13 approved by the impaired organization and the Director:

14 (a) guarantee or reinsure, or cause to be
15 guaranteed, assumed or reinsured, any or all of the
16 covered health care plan certificates of covered persons
17 of the impaired organization;

18 (b) provide such monies, pledges, notes,
19 guarantees, or other means as are proper to effectuate
20 paragraph (a), and assure payment of the contractual
21 obligations of the impaired organization pending action
22 under paragraph (a); and

23 (c) loan money to the impaired organization.

24 (2) If a domestic, foreign, or alien organization is an
25 insolvent organization, the Association shall, subject to the
26 approval of the Director:

27 (a) guarantee, assume, indemnify or reinsure or
28 cause to be guaranteed, assumed, indemnified or reinsured
29 the covered health care plan benefits of covered persons
30 of the insolvent organization; however, in the event that
31 the Secretary ~~Director--of--the--Department~~ of Human
32 Services ~~Public--Aid~~ assigns individuals that are
33 recipients of public aid from an insolvent organization

1 to another organization, the Secretary ~~Director~~ of the
2 Department of Human Services ~~Public Aid~~ shall, before
3 fixing the rates to be paid by the Department of Human
4 Services ~~Public Aid~~ to the transferee organization on
5 account of such individuals, consult with the Director of
6 the Department of Insurance as to the reasonableness of
7 such rates in light of the health care needs of such
8 individuals and the costs of providing health care
9 services to such individuals;

10 (b) assure payment of the contractual obligations
11 of the insolvent organization to covered persons;

12 (c) make payments to providers of health care, or
13 indemnity payments to covered persons, so as to assure
14 the continued payment of benefits substantially similar
15 to those provided for under covered health care plan
16 certificate issued by the insolvent organization to
17 covered persons; and

18 (d) provide such monies, pledges, notes,
19 guaranties, or other means as are reasonably necessary to
20 discharge such duties.

21 This subsection (2) shall not apply when the Director has
22 determined that the foreign or alien organization's
23 domiciliary jurisdiction or state of entry provides, by
24 statute, protection substantially similar to that provided by
25 this Article for residents of this State and such protection
26 will be provided in a timely manner.

27 (3) There shall be no liability on the part of and no
28 cause of action shall arise against the Association or
29 against any transferee from the Association in connection
30 with the transfer by reinsurance or otherwise of all or any
31 part of an impaired or insolvent organization's business by
32 reason of any action taken or any failure to take any action
33 by the impaired or insolvent organization at any time.

34 (4) If the Association fails to act within a reasonable

1 period of time as provided in subsection (2) of this Section
2 with respect to an insolvent organization, the Director shall
3 have the powers and duties of the Association under this
4 Article with regard to such insolvent organization.

5 (5) The Association or its designated representatives
6 may render assistance and advice to the Director, upon his
7 request, concerning rehabilitation, payment of claims,
8 continuations of coverage, or the performance of other
9 contractual obligations of any impaired or insolvent
10 organization.

11 (6) The Association has standing to appear before any
12 court concerning all matters germane to the powers and duties
13 of the Association, including, but not limited to, proposals
14 for reinsuring or guaranteeing the covered health care plan
15 certificates of the impaired or insolvent organization and
16 the determination of the covered health care plan
17 certificates and contractual obligations.

18 (7) (a) Any person receiving benefits under this Article
19 is deemed to have assigned the rights under the covered
20 health care plan certificates to the Association to the
21 extent of the benefits received because of this Article
22 whether the benefits are payments of contractual obligations
23 or continuation of coverage. The Association may require an
24 assignment to it of such rights by any payee, enrollee or
25 beneficiary as a condition precedent to the receipt of any
26 rights or benefits conferred by this Article upon such
27 person. The Association is subrogated to these rights
28 against the assets of any insolvent organization and against
29 any other party who may be liable to such payee, enrollee or
30 beneficiary.

31 (b) The subrogation rights of the Association under this
32 subsection have the same priority against the assets of the
33 insolvent organization as that possessed by the person
34 entitled to receive benefits under this Article.

1 (8) (a) The contractual obligations of the insolvent
2 organization for which the Association becomes or may become
3 liable are as great as but no greater than the contractual
4 obligations of the insolvent organization would have been in
5 the absence of an insolvency unless such obligations are
6 reduced as permitted by subsection (3), but the aggregate
7 liability of the Association shall not exceed \$300,000 with
8 respect to any one natural person.

9 (b) Furthermore, the Association shall not be required
10 to pay, and shall have no liability to, any provider of
11 health care services to an enrollee:

12 (i) if such provider, or his or its affiliates or
13 members of his immediate family, at any time within the
14 one year prior to the date of the issuance of the first
15 order, by a court of competent jurisdiction, of
16 conservation, rehabilitation or liquidation pertaining to
17 the health maintenance organization:

18 (A) was a securityholder of such organization
19 (but excluding any securityholder holding an equity
20 interest of 5% or less);

21 (B) exercised control over the organization by
22 means such as serving as an officer or director,
23 through a management agreement or as a principal
24 member of a not-for-profit organization;

25 (C) had a representative serving by virtue or
26 his or her official position as a representative of
27 such provider on the board of any entity which
28 exercised control over the organization;

29 (D) received provider payments made by such
30 organization pursuant to a contract which was not a
31 product of arms-length bargaining; or

32 (E) received distributions other than for
33 physician services from a not-for-profit
34 organization on account of such provider's status as

1 a member of such organization.

2 For purposes of this subparagraph (i), the terms
3 "affiliate," "person," "control" and "securityholder"
4 shall have the meanings ascribed to such terms in Section
5 131.1 of the Illinois Insurance Code; or

6 (ii) if and to the extent such a provider has
7 agreed by contract not to seek payment from the enrollee
8 for services provided to such enrollee or if, and to the
9 extent, as a matter of law such provider may not seek
10 payment from the enrollee for services provided to such
11 enrollee.

12 (c) In no event shall the Association be required to pay
13 any provider participating in the insolvent organization any
14 amount for in-plan services rendered by such provider prior
15 to the insolvency of the organization in excess of (1) the
16 amount provided by a capitation contract between a physician
17 provider and the insolvent organization for such services; or
18 (2) the amounts provided by contract between a hospital
19 provider and the Department of Human Services Public-Aid for
20 similar services to recipients of public aid; or (3) in the
21 event neither (1) nor (2) above is applicable, then the
22 amounts paid under the Medicare area prevailing rate for the
23 area where the services were provided, or if no such rate
24 exists with respect to such services, then 80% of the usual
25 and customary rates established by the Health Insurance
26 Association of America. The payments required to be made by
27 the Association under this Section shall constitute full and
28 complete payment for such provider services to the enrollee.

29 (d) The Association shall not be required to pay more
30 than an aggregate of \$300,000 for any organization which is
31 declared to be insolvent prior to July 1, 1987, and such
32 funds shall be distributed first to enrollees who are not
33 public aid recipients pursuant to a plan recommended by the
34 Association and approved by the Director and the court having

1 jurisdiction over the liquidation.

2 (9) The Association may:

3 (a) Enter into such contracts as are necessary or
4 proper to carry out the provisions and purposes of this
5 Article.

6 (b) Sue or be sued, including taking any legal
7 actions necessary or proper for recovery of any unpaid
8 assessments under Section 6-9. The Association shall not
9 be liable for punitive or exemplary damages.

10 (c) Borrow money to effect the purposes of this
11 Article. Any notes or other evidence of indebtedness of
12 the Association not in default are legal investments for
13 domestic organizations and may be carried as admitted
14 assets.

15 (d) Employ or retain such persons as are necessary
16 to handle the financial transactions of the Association,
17 and to perform such other functions as become necessary
18 or proper under this Article.

19 (e) Negotiate and contract with any liquidator,
20 rehabilitator, conservator, or ancillary receiver to
21 carry out the powers and duties of the Association.

22 (f) Take such legal action as may be necessary to
23 avoid payment of improper claims.

24 (g) Exercise, for the purposes of this Article and
25 to the extent approved by the Director, the powers of a
26 domestic organization, but in no case may the Association
27 issue evidence of coverage other than that issued to
28 perform the contractual obligations of the impaired or
29 insolvent organization.

30 (h) Exercise all the rights of the Director under
31 Section 193(4) of the Illinois Insurance Code with
32 respect to covered health care plan certificates after
33 the association becomes obligated by statute.

34 (10) The obligations of the Association under this

1 Article shall not relieve any reinsurer, insurer or other
2 person of its obligations to the insolvent organization (or
3 its conservator, rehabilitator, liquidator or similar
4 official) or its enrollees, including without limitation any
5 reinsurer, insurer or other person liable to the insolvent
6 insurer (or its conservator, rehabilitator, liquidator or
7 similar official) or its enrollees under any contract of
8 reinsurance, any contract providing stop loss coverage or
9 similar coverage or any health care contract. With respect to
10 covered health care plan certificates for which the
11 Association becomes obligated after an entry of an order of
12 liquidation or rehabilitation, the Association may elect to
13 succeed to the rights of the insolvent organization arising
14 after the date of the order of liquidation or rehabilitation
15 under any contract of reinsurance, any contract providing
16 stop loss coverage or similar coverages or any health care
17 service contract to which the insolvent organization was a
18 party, on the terms set forth under such contract, to the
19 extent that such contract provides coverage for health care
20 services provided after the date of the order of liquidation
21 or rehabilitation. As a condition to making this election,
22 the Association must pay premiums for coverage relating to
23 periods after the date of the order of liquidation or
24 rehabilitation.

25 (11) The Association shall be entitled to collect
26 premiums due under or with respect to covered health care
27 certificates for a period from the date on which the
28 domestic, foreign, or alien organization became an insolvent
29 organization until the Association no longer has obligations
30 under subsection (2) of this Section with respect to such
31 certificates. The Association's obligations under subsection
32 (2) of this Section with respect to any covered health care
33 plan certificates shall terminate in the event that all such
34 premiums due under or with respect to such covered health

1 care plan certificates are not paid to the Association (i)
2 within 30 days of the Association's demand therefor, or (ii)
3 in the event that such certificates provide for a longer
4 grace period for payment of premiums after notice of
5 non-payment or demand therefor, within the lesser of (A) the
6 period provided for in such certificates or (B) 60 days.

7 (Source: P.A. 90-655, eff. 7-30-98.)

8 Section 270. The Voluntary Health Services Plans Act is
9 amended by changing Sections 2, 15a, and 25 as follows:

10 (215 ILCS 165/2) (from Ch. 32, par. 596)

11 Sec. 2. For the purposes of this Act, the following terms
12 have the respective meanings set forth in this section,
13 unless different meanings are plainly indicated by the
14 context:

15 (a) "Health Services Plan Corporation" means a
16 corporation organized under the terms of this Act for the
17 purpose of establishing and operating a voluntary health
18 services plan and providing other medically related services.

19 (b) "Voluntary health services plan" means either a plan
20 or system under which medical, hospital, nursing and relating
21 health services may be rendered to a subscriber or
22 beneficiary at the expense of a health services plan
23 corporation, or any contractual arrangement to provide,
24 either directly or through arrangements with others, dental
25 care services to subscribers and beneficiaries.

26 (c) "Subscriber" means a natural person to whom a
27 subscription certificate has been issued by a health services
28 plan corporation. Persons eligible under Section 5-2 of the
29 Illinois Public Aid Code may be subscribers if a written
30 agreement exists, as specified in Section 25 of this Act,
31 between the Health Services Plan Corporation and the
32 Department of Human Services Public--Aid. A subscription

1 certificate may be issued to such persons at no cost.

2 (d) "Beneficiary" means a person designated in a
3 subscription certificate as one entitled to receive health
4 services.

5 (e) "Health services" means those services ordinarily
6 rendered by physicians licensed in Illinois to practice
7 medicine in all of its branches, by podiatrists licensed in
8 Illinois to practice podiatric medicine, by dentists and
9 dental surgeons licensed to practice in Illinois, by nurses
10 registered in Illinois, by dental hygienists licensed to
11 practice in Illinois, and by assistants and technicians
12 acting under professional supervision; it likewise means
13 hospital services as usually and customarily rendered in
14 Illinois, and the compounding and dispensing of drugs and
15 medicines by pharmacists and assistant pharmacists registered
16 in Illinois.

17 (f) "Subscription certificate" means a certificate
18 issued to a subscriber by a health services plan corporation,
19 setting forth the terms and conditions upon which health
20 services shall be rendered to a subscriber or a beneficiary.

21 (g) "Physician rendering service for a plan" means a
22 physician licensed in Illinois to practice medicine in all of
23 its branches who has undertaken or agreed, upon terms and
24 conditions acceptable both to himself and to the health
25 services plan corporation involved, to furnish medical
26 service to the plan's subscribers and beneficiaries.

27 (h) "Dentist or dental surgeon rendering service for a
28 plan" means a dentist or dental surgeon licensed in Illinois
29 to practice dentistry or dental surgery who has undertaken or
30 agreed, upon terms and conditions acceptable both to himself
31 and to the health services plan corporation involved, to
32 furnish dental or dental surgical services to the plan's
33 subscribers and beneficiaries.

34 (i) "Director" means the Director of Insurance of the

1 State of Illinois.

2 (j) "Person" means any of the following: a natural
3 person, corporation, partnership or unincorporated
4 association.

5 (k) "Podiatrist or podiatric surgeon rendering service
6 for a plan" means any podiatrist or podiatric surgeon
7 licensed in Illinois to practice podiatry, who has undertaken
8 or agreed, upon terms and conditions acceptable both to
9 himself and to the health services plan corporation involved,
10 to furnish podiatric or podiatric surgical services to the
11 plan's subscribers and beneficiaries.

12 (Source: P.A. 83-254.)

13 (215 ILCS 165/15a) (from Ch. 32, par. 609a)

14 Sec. 15a. Dependent Coverage Termination.

15 (a) The attainment of a limiting age under a voluntary
16 health services plan which provides that coverage of a
17 dependent of a subscriber terminates upon attainment of the
18 limiting age for dependent persons specified in the
19 subscription certificate does not operate to terminate the
20 coverage of a person who, because of a handicapped condition
21 that occurred before attainment of the limiting age, is
22 incapable of self-sustaining employment and is dependent on
23 his or her parents or other care providers for lifetime care
24 and supervision.

25 (b) For purposes of subsection (a), "dependent on other
26 care providers" is defined as requiring a Community
27 Integrated Living Arrangement, group home, supervised
28 apartment, or other residential services licensed or
29 certified by the Department of Human Services (as successor
30 to the Departments Department of Public Aid and Mental Health
31 and Developmental Disabilities), or the Department of Public
32 Health~~7-or-the-Department-of-Public-Aid~~.

33 (c) The corporation may require, at reasonable intervals

1 from the date of the first claim filed on behalf of the
2 disabled and dependent person or from the date the
3 corporation receives notice of a covered person's disability
4 and dependency, proof of the person's disability and
5 dependency.

6 (d) This amendatory Act of 1969 is applicable to
7 subscription certificates issued or renewed after October 27,
8 1969.

9 (Source: P.A. 88-309; 89-507, eff. 7-1-97.)

10 (215 ILCS 165/25) (from Ch. 32, par. 619)

11 Sec. 25. A health services plan corporation may receive
12 and accept from governmental or private agencies or from
13 other persons as defined in this Act, payments covering all
14 or part of the cost of subscriptions to provide health
15 services for needy and other individuals. However, all
16 contracts for health services concerning persons other than
17 recipients of public aid shall be between the corporation and
18 the person to receive such services. No payments shall be
19 made by the Department of Human Services Public-Aid to any
20 Health Services Plan Corporation except where the payment is
21 made for a covered service included in the Medical Assistance
22 Program at the rate established by the Department of Human
23 Services Public-Aid, and where the service was rendered to a
24 public aid recipient, and where there was in full force and
25 effect, at the time the service was rendered, a written
26 agreement governing such provision of services between such
27 Health Services Plan Corporation and the Department.

28 (Source: P.A. 81-1203.)

29 Section 275. The Illinois Dental Practice Act is amended
30 by changing Sections 23 and 23a as follows:

31 (225 ILCS 25/23) (from Ch. 111, par. 2323)

1 Sec. 23. Refusal, revocation or suspension of dental
2 licenses. The Department may refuse to issue or renew, or
3 may revoke, suspend, place on probation, reprimand or take
4 other disciplinary action as the Department may deem proper,
5 including fines not to exceed \$10,000 per violation, with
6 regard to any license for any one or any combination of the
7 following causes:

8 1. Fraud in procuring the license.

9 2. Habitual intoxication or addiction to the use of
10 drugs.

11 3. Wilful or repeated violations of the rules of the
12 Department of Public Health or Department of Nuclear Safety.

13 4. Acceptance of a fee for service as a witness, without
14 the knowledge of the court, in addition to the fee allowed by
15 the court.

16 5. Division of fees or agreeing to split or divide the
17 fees received for dental services with any person for
18 bringing or referring a patient, except in regard to referral
19 services as provided for under Section 45, or assisting in
20 the care or treatment of a patient, without the knowledge of
21 the patient or his legal representative.

22 6. Employing, procuring, inducing, aiding or abetting a
23 person not licensed or registered as a dentist to engage in
24 the practice of dentistry. The person practiced upon is not
25 an accomplice, employer, procurer, inducer, aider, or abetter
26 within the meaning of this Act.

27 7. Making any misrepresentations or false promises,
28 directly or indirectly, to influence, persuade or induce
29 dental patronage.

30 8. Professional connection or association with or
31 lending his name to another for the illegal practice of
32 dentistry by another, or professional connection or
33 association with any person, firm or corporation holding
34 himself, herself, themselves, or itself out in any manner

1 contrary to this Act.

2 9. Obtaining or seeking to obtain practice, money, or
3 any other things of value by false or fraudulent
4 representations, but not limited to, engaging in such
5 fraudulent practice to defraud the medical assistance program
6 of the Department of Human Services Public-Aid.

7 10. Practicing under a name other than his or her own.

8 11. Engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud, or harm the public.

11 12. Conviction in this or another State of any crime
12 which is a felony under the laws of this State or conviction
13 of a felony in a federal court, conviction of a misdemeanor,
14 an essential element of which is dishonesty, or conviction of
15 any crime which is directly related to the practice of
16 dentistry or dental hygiene.

17 13. Permitting a dental hygienist, dental assistant or
18 other person under his or her supervision to perform any
19 operation not authorized by this Act.

20 14. Permitting more than 4 dental hygienists to be
21 employed under his supervision at any one time.

22 15. A violation of any provision of this Act or any
23 rules promulgated under this Act.

24 16. Taking impressions for or using the services of any
25 person, firm or corporation violating this Act.

26 17. Violating any provision of Section 45 relating to
27 advertising.

28 18. Discipline by another U.S. jurisdiction or foreign
29 nation, if at least one of the grounds for the discipline is
30 the same or substantially equivalent to those set forth
31 within this Act.

32 19. Willfully failing to report an instance of suspected
33 child abuse or neglect as required by the Abused and
34 Neglected Child Reporting Act.

1 20. Gross or repeated malpractice resulting in injury or
2 death of a patient.

3 21. The use or prescription for use of narcotics or
4 controlled substances or designated products as listed in the
5 Illinois Controlled Substances Act, in any way other than for
6 therapeutic purposes.

7 22. Willfully making or filing false records or reports
8 in his practice as a dentist, including, but not limited to,
9 false records to support claims against the dental assistance
10 program of the Illinois Department of Human Services Public
11 Aid.

12 23. Professional incompetence as manifested by poor
13 standards of care.

14 24. Physical or mental illness, including, but not
15 limited to, deterioration through the aging process, or loss
16 of motor skills which results in a dentist's inability to
17 practice dentistry with reasonable judgment, skill or safety.
18 In enforcing this paragraph, the Department may compel a
19 person licensed to practice under this Act to submit to a
20 mental or physical examination pursuant to the terms and
21 conditions of Section 23b.

22 25. Repeated irregularities in billing a third party for
23 services rendered to a patient. For purposes of this
24 paragraph 25, "irregularities in billing" shall include:

25 (a) Reporting excessive charges for the purpose of
26 obtaining a total payment in excess of that usually
27 received by the dentist for the services rendered.

28 (b) Reporting charges for services not rendered.

29 (c) Incorrectly reporting services rendered for the
30 purpose of obtaining payment not earned.

31 26. Continuing the active practice of dentistry while
32 knowingly having any infectious, communicable, or contagious
33 disease proscribed by rule or regulation of the Department.

34 27. Being named as a perpetrator in an indicated report

1 by the Department of Children and Family Services pursuant to
2 the Abused and Neglected Child Reporting Act, and upon proof
3 by clear and convincing evidence that the licensee has caused
4 a child to be an abused child or neglected child as defined
5 in the Abused and Neglected Child Reporting Act.

6 28. Violating the Health Care Worker Self-Referral Act.

7 29. Abandonment of a patient.

8 30. Mental incompetency as declared by a court of
9 competent jurisdiction.

10 All proceedings to suspend, revoke, place on probationary
11 status, or take any other disciplinary action as the
12 Department may deem proper, with regard to a license on any
13 of the foregoing grounds, must be commenced within 3 years
14 after receipt by the Department of a complaint alleging the
15 commission of or notice of the conviction order for any of
16 the acts described herein. Except for fraud in procuring a
17 license, no action shall be commenced more than 5 years after
18 the date of the incident or act alleged to have violated this
19 Section. The time during which the holder of the license was
20 outside the State of Illinois shall not be included within
21 any period of time limiting the commencement of disciplinary
22 action by the Department.

23 The Department may refuse to issue or may suspend the
24 license of any person who fails to file a return, or to pay
25 the tax, penalty or interest shown in a filed return, or to
26 pay any final assessment of tax, penalty or interest, as
27 required by any tax Act administered by the Illinois
28 Department of Revenue, until such time as the requirements of
29 any such tax Act are satisfied.

30 (Source: P.A. 91-357, eff. 7-29-99; 91-689, eff. 1-1-01.)

31 (225 ILCS 25/23a) (from Ch. 111, par. 2323a)

32 Sec. 23a. The Director of the Department may, upon
33 receipt of a written communication from the Secretary of

1 Human Services or the Director of the ~~Department of Public~~
2 ~~Aid or Department of~~ Public Health, that continuation of
3 practice of a person licensed under this Act constitutes an
4 immediate danger to the public, immediately suspend the
5 license of such person without a hearing. In instances in
6 which the Director immediately suspends a license under this
7 Section, a hearing upon such person's license must be
8 convened by the Board within 15 days after such suspension
9 and completed without appreciable delay, such hearing held to
10 determine whether to recommend to the Director that the
11 person's license be revoked, suspended, placed on
12 probationary status or reinstated, or such person be subject
13 to other disciplinary action. In such hearing, the written
14 communication and any other evidence submitted therewith may
15 be introduced as evidence against such person; provided
16 however, the person, or his counsel, shall have the
17 opportunity to discredit or impeach such evidence and submit
18 evidence rebutting same.

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

20 Section 280. The Illinois Funeral or Burial Funds Act is
21 amended by changing Section 4 as follows:

22 (225 ILCS 45/4) (from Ch. 111 1/2, par. 73.104)

23 Sec. 4. Withdrawal of funds; revocability of contract.

24 (a) The amount or amounts so deposited into trust, with
25 interest thereon, if any, shall not be withdrawn until the
26 death of the person or persons for whose funeral or burial
27 such funds were paid, unless sooner withdrawn and repaid to
28 the person who originally paid the money under or in
29 connection with the pre-need contract or to his or her legal
30 representative. The life insurance policies or tax-deferred
31 annuities shall not be surrendered until the death of the
32 person or persons for whose funeral or burial the policies or

1 annuities were purchased, unless sooner surrendered and
2 repaid to the owner of the policy purchased under or in
3 connection with the pre-need contract or to his or her legal
4 representative. If, however, the agreement or series of
5 agreements provides for forfeiture and retention of any or
6 all payments as and for liquidated damages as provided in
7 Section 6, then the trustee may withdraw the deposits. In
8 addition, nothing in this Section (i) prohibits the change of
9 depository by the trustee and the transfer of trust funds
10 from one depository to another or (ii) prohibits a contract
11 purchaser who is or may become eligible for public assistance
12 under any applicable federal or State law or local ordinance
13 including, but not limited to, eligibility under 24 C.F.R.,
14 Part 913 relating to family insurance under federal Housing
15 and Urban Development Policy from irrevocably waiving, in
16 writing, and renouncing the right to cancel a pre-need
17 contract for funeral services in an amount prescribed by rule
18 of the Illinois Department of Human Services Public-Aid. No
19 guaranteed price pre-need funeral contract may prohibit a
20 purchaser from making a contract irrevocable to the extent
21 that federal law or regulations require that such a contract
22 be irrevocable for purposes of the purchaser's eligibility
23 for Supplemental Security Income benefits, Medicaid, or
24 another public assistance program, as permitted under federal
25 law.

26 (b) If for any reason a seller or provider who has
27 engaged in pre-need sales has refused, cannot, or does not
28 comply with the terms of the pre-need contract within a
29 reasonable time after he or she is required to do so, the
30 purchaser or his or her heirs or assigns or duly authorized
31 representative shall have the right to a refund of an amount
32 equal to the sales price paid for undelivered merchandise or
33 services plus otherwise earned undistributed interest amounts
34 held in trust attributable to the contract, within 30 days of

1 the filing of a sworn affidavit with the trustee setting
2 forth the existence of the contract and the fact of breach.
3 A copy of this affidavit shall be filed with the Comptroller
4 and the seller. In the event a seller is prevented from
5 performing by strike, shortage of materials, civil disorder,
6 natural disaster, or any like occurrence beyond the control
7 of the seller or provider, the seller or provider's time for
8 performance shall be extended by the length of the delay.
9 Nothing in this Section shall relieve the seller or provider
10 from any liability for non-performance of his or her
11 obligations under the pre-need contract.

12 (c) After final payment on a pre-need contract, any
13 purchaser may, upon written demand to a seller, demand that
14 the pre-need contract with the seller be terminated. The
15 seller shall, within 30 days, initiate a refund to the
16 purchaser of the entire amount held in trust attributable to
17 undelivered merchandise and unperformed services, including
18 otherwise earned undistributed interest earned thereon or the
19 cash surrender value of a life insurance policy or
20 tax-deferred annuity.

21 If no funeral merchandise or services are provided or if
22 the funeral is conducted by another person, the seller may
23 keep no more than 10% of the payments made under the pre-need
24 contract or \$300, whichever sum is less. The remainder of
25 the trust funds or insurance or annuity proceeds shall be
26 forwarded to the legal heirs of the deceased or as determined
27 by probate action.

28 (d) The placement and retention of all or a portion of a
29 casket, combination casket-vault, urn, or outer burial
30 container comprised of materials which are designed to
31 withstand prolonged storage in the manner set forth in this
32 paragraph without adversely affecting the structural
33 integrity or aesthetic characteristics of such merchandise in
34 a specific burial space in which the person or persons for

1 whose funeral or burial the merchandise was intended has a
2 right of interment, or the placement of the merchandise in a
3 specific mausoleum crypt or lawn crypt in which such person
4 has a right of entombment, or the placement of the
5 merchandise in a specific niche in which such person has a
6 right of inurnment, or delivery to such person and retention
7 by such person until the time of need shall constitute actual
8 delivery to the person who originally paid the money under or
9 in connection with said agreement or series of agreements.
10 Actual delivery shall eliminate, from and after the date of
11 actual delivery, any requirement under this Act to place or
12 retain in trust any funds received for the sale of such
13 merchandise. The delivery, prior to the time of need, of any
14 funeral or burial merchandise in any manner other than
15 authorized by this Section shall not constitute actual
16 delivery and shall not eliminate any requirement under this
17 Act to place or retain in trust any funds received for the
18 sale of such merchandise.

19 (Source: P.A. 87-1091; 88-477.)

20 Section 285. The Medical Practice Act of 1987 is amended
21 by changing Sections 22 and 25 as follows:

22 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

23 Sec. 22. Disciplinary action.

24 (A) The Department may revoke, suspend, place on
25 probationary status, or take any other disciplinary action as
26 the Department may deem proper with regard to the license or
27 visiting professor permit of any person issued under this Act
28 to practice medicine, or to treat human ailments without the
29 use of drugs and without operative surgery upon any of the
30 following grounds:

31 (1) Performance of an elective abortion in any
32 place, locale, facility, or institution other than:

1 (a) a facility licensed pursuant to the
2 Ambulatory Surgical Treatment Center Act;

3 (b) an institution licensed under the Hospital
4 Licensing Act; or

5 (c) an ambulatory surgical treatment center or
6 hospitalization or care facility maintained by the
7 State or any agency thereof, where such department
8 or agency has authority under law to establish and
9 enforce standards for the ambulatory surgical
10 treatment centers, hospitalization, or care
11 facilities under its management and control; or

12 (d) ambulatory surgical treatment centers,
13 hospitalization or care facilities maintained by the
14 Federal Government; or

15 (e) ambulatory surgical treatment centers,
16 hospitalization or care facilities maintained by any
17 university or college established under the laws of
18 this State and supported principally by public funds
19 raised by taxation.

20 (2) Performance of an abortion procedure in a
21 wilful and wanton manner on a woman who was not pregnant
22 at the time the abortion procedure was performed.

23 (3) The conviction of a felony in this or any other
24 jurisdiction, except as otherwise provided in subsection
25 B of this Section, whether or not related to practice
26 under this Act, or the entry of a guilty or nolo
27 contendere plea to a felony charge.

28 (4) Gross negligence in practice under this Act.

29 (5) Engaging in dishonorable, unethical or
30 unprofessional conduct of a character likely to deceive,
31 defraud or harm the public.

32 (6) Obtaining any fee by fraud, deceit, or
33 misrepresentation.

34 (7) Habitual or excessive use or abuse of drugs

1 defined in law as controlled substances, of alcohol, or
2 of any other substances which results in the inability to
3 practice with reasonable judgment, skill or safety.

4 (8) Practicing under a false or, except as provided
5 by law, an assumed name.

6 (9) Fraud or misrepresentation in applying for, or
7 procuring, a license under this Act or in connection with
8 applying for renewal of a license under this Act.

9 (10) Making a false or misleading statement
10 regarding their skill or the efficacy or value of the
11 medicine, treatment, or remedy prescribed by them at
12 their direction in the treatment of any disease or other
13 condition of the body or mind.

14 (11) Allowing another person or organization to use
15 their license, procured under this Act, to practice.

16 (12) Disciplinary action of another state or
17 jurisdiction against a license or other authorization to
18 practice as a medical doctor, doctor of osteopathy,
19 doctor of osteopathic medicine or doctor of chiropractic,
20 a certified copy of the record of the action taken by the
21 other state or jurisdiction being prima facie evidence
22 thereof.

23 (13) Violation of any provision of this Act or of
24 the Medical Practice Act prior to the repeal of that Act,
25 or violation of the rules, or a final administrative
26 action of the Director, after consideration of the
27 recommendation of the Disciplinary Board.

28 (14) Dividing with anyone other than physicians
29 with whom the licensee practices in a partnership,
30 Professional Association, limited liability company, or
31 Medical or Professional Corporation any fee, commission,
32 rebate or other form of compensation for any professional
33 services not actually and personally rendered. Nothing
34 contained in this subsection prohibits persons holding

1 valid and current licenses under this Act from practicing
2 medicine in partnership under a partnership agreement,
3 including a limited liability partnership, in a limited
4 liability company under the Limited Liability Company
5 Act, in a corporation authorized by the Medical
6 Corporation Act, as an association authorized by the
7 Professional Association Act, or in a corporation under
8 the Professional Corporation Act or from pooling,
9 sharing, dividing or apportioning the fees and monies
10 received by them or by the partnership, corporation or
11 association in accordance with the partnership agreement
12 or the policies of the Board of Directors of the
13 corporation or association. Nothing contained in this
14 subsection prohibits 2 or more corporations authorized by
15 the Medical Corporation Act, from forming a partnership
16 or joint venture of such corporations, and providing
17 medical, surgical and scientific research and knowledge
18 by employees of these corporations if such employees are
19 licensed under this Act, or from pooling, sharing,
20 dividing, or apportioning the fees and monies received by
21 the partnership or joint venture in accordance with the
22 partnership or joint venture agreement. Nothing
23 contained in this subsection shall abrogate the right of
24 2 or more persons, holding valid and current licenses
25 under this Act, to each receive adequate compensation for
26 concurrently rendering professional services to a patient
27 and divide a fee; provided, the patient has full
28 knowledge of the division, and, provided, that the
29 division is made in proportion to the services performed
30 and responsibility assumed by each.

31 (15) A finding by the Medical Disciplinary Board
32 that the registrant after having his or her license
33 placed on probationary status or subjected to conditions
34 or restrictions violated the terms of the probation or

1 failed to comply with such terms or conditions.

2 (16) Abandonment of a patient.

3 (17) Prescribing, selling, administering,
4 distributing, giving or self-administering any drug
5 classified as a controlled substance (designated product)
6 or narcotic for other than medically accepted therapeutic
7 purposes.

8 (18) Promotion of the sale of drugs, devices,
9 appliances or goods provided for a patient in such manner
10 as to exploit the patient for financial gain of the
11 physician.

12 (19) Offering, undertaking or agreeing to cure or
13 treat disease by a secret method, procedure, treatment or
14 medicine, or the treating, operating or prescribing for
15 any human condition by a method, means or procedure which
16 the licensee refuses to divulge upon demand of the
17 Department.

18 (20) Immoral conduct in the commission of any act
19 including, but not limited to, commission of an act of
20 sexual misconduct related to the licensee's practice.

21 (21) Wilfully making or filing false records or
22 reports in his or her practice as a physician, including,
23 but not limited to, false records to support claims
24 against the medical assistance program of the Department
25 of Human Services Public Aid under the Illinois Public
26 Aid Code.

27 (22) Wilful omission to file or record, or wilfully
28 impeding the filing or recording, or inducing another
29 person to omit to file or record, medical reports as
30 required by law, or wilfully failing to report an
31 instance of suspected abuse or neglect as required by
32 law.

33 (23) Being named as a perpetrator in an indicated
34 report by the Department of Children and Family Services

1 under the Abused and Neglected Child Reporting Act, and
2 upon proof by clear and convincing evidence that the
3 licensee has caused a child to be an abused child or
4 neglected child as defined in the Abused and Neglected
5 Child Reporting Act.

6 (24) Solicitation of professional patronage by any
7 corporation, agents or persons, or profiting from those
8 representing themselves to be agents of the licensee.

9 (25) Gross and wilful and continued overcharging
10 for professional services, including filing false
11 statements for collection of fees for which services are
12 not rendered, including, but not limited to, filing such
13 false statements for collection of monies for services
14 not rendered from the medical assistance program of the
15 Department of Human Services ~~Public--Aid~~ under the
16 Illinois Public Aid Code.

17 (26) A pattern of practice or other behavior which
18 demonstrates incapacity or incompetence to practice under
19 this Act.

20 (27) Mental illness or disability which results in
21 the inability to practice under this Act with reasonable
22 judgment, skill or safety.

23 (28) Physical illness, including, but not limited
24 to, deterioration through the aging process, or loss of
25 motor skill which results in a physician's inability to
26 practice under this Act with reasonable judgment, skill
27 or safety.

28 (29) Cheating on or attempt to subvert the
29 licensing examinations administered under this Act.

30 (30) Wilfully or negligently violating the
31 confidentiality between physician and patient except as
32 required by law.

33 (31) The use of any false, fraudulent, or deceptive
34 statement in any document connected with practice under

1 this Act.

2 (32) Aiding and abetting an individual not licensed
3 under this Act in the practice of a profession licensed
4 under this Act.

5 (33) Violating state or federal laws or regulations
6 relating to controlled substances.

7 (34) Failure to report to the Department any
8 adverse final action taken against them by another
9 licensing jurisdiction (any other state or any territory
10 of the United States or any foreign state or country), by
11 any peer review body, by any health care institution, by
12 any professional society or association related to
13 practice under this Act, by any governmental agency, by
14 any law enforcement agency, or by any court for acts or
15 conduct similar to acts or conduct which would constitute
16 grounds for action as defined in this Section.

17 (35) Failure to report to the Department surrender
18 of a license or authorization to practice as a medical
19 doctor, a doctor of osteopathy, a doctor of osteopathic
20 medicine, or doctor of chiropractic in another state or
21 jurisdiction, or surrender of membership on any medical
22 staff or in any medical or professional association or
23 society, while under disciplinary investigation by any of
24 those authorities or bodies, for acts or conduct similar
25 to acts or conduct which would constitute grounds for
26 action as defined in this Section.

27 (36) Failure to report to the Department any
28 adverse judgment, settlement, or award arising from a
29 liability claim related to acts or conduct similar to
30 acts or conduct which would constitute grounds for action
31 as defined in this Section.

32 (37) Failure to transfer copies of medical records
33 as required by law.

34 (38) Failure to furnish the Department, its

1 investigators or representatives, relevant information,
2 legally requested by the Department after consultation
3 with the Chief Medical Coordinator or the Deputy Medical
4 Coordinator.

5 (39) Violating the Health Care Worker Self-Referral
6 Act.

7 (40) Willful failure to provide notice when notice
8 is required under the Parental Notice of Abortion Act of
9 1995.

10 (41) Failure to establish and maintain records of
11 patient care and treatment as required by this law.

12 (42) Entering into an excessive number of written
13 collaborative agreements with licensed advanced practice
14 nurses resulting in an inability to adequately
15 collaborate and provide medical direction.

16 (43) Repeated failure to adequately collaborate
17 with or provide medical direction to a licensed advanced
18 practice nurse.

19 All proceedings to suspend, revoke, place on probationary
20 status, or take any other disciplinary action as the
21 Department may deem proper, with regard to a license on any
22 of the foregoing grounds, must be commenced within 3 years
23 next after receipt by the Department of a complaint alleging
24 the commission of or notice of the conviction order for any
25 of the acts described herein. Except for the grounds
26 numbered (8), (9) and (29), no action shall be commenced more
27 than 5 years after the date of the incident or act alleged to
28 have violated this Section. In the event of the settlement
29 of any claim or cause of action in favor of the claimant or
30 the reduction to final judgment of any civil action in favor
31 of the plaintiff, such claim, cause of action or civil action
32 being grounded on the allegation that a person licensed under
33 this Act was negligent in providing care, the Department
34 shall have an additional period of one year from the date of

1 notification to the Department under Section 23 of this Act
2 of such settlement or final judgment in which to investigate
3 and commence formal disciplinary proceedings under Section 36
4 of this Act, except as otherwise provided by law. The time
5 during which the holder of the license was outside the State
6 of Illinois shall not be included within any period of time
7 limiting the commencement of disciplinary action by the
8 Department.

9 The entry of an order or judgment by any circuit court
10 establishing that any person holding a license under this Act
11 is a person in need of mental treatment operates as a
12 suspension of that license. That person may resume their
13 practice only upon the entry of a Departmental order based
14 upon a finding by the Medical Disciplinary Board that they
15 have been determined to be recovered from mental illness by
16 the court and upon the Disciplinary Board's recommendation
17 that they be permitted to resume their practice.

18 The Department may refuse to issue or take disciplinary
19 action concerning the license of any person who fails to file
20 a return, or to pay the tax, penalty or interest shown in a
21 filed return, or to pay any final assessment of tax, penalty
22 or interest, as required by any tax Act administered by the
23 Illinois Department of Revenue, until such time as the
24 requirements of any such tax Act are satisfied as determined
25 by the Illinois Department of Revenue.

26 The Department, upon the recommendation of the
27 Disciplinary Board, shall adopt rules which set forth
28 standards to be used in determining:

29 (a) when a person will be deemed sufficiently
30 rehabilitated to warrant the public trust;

31 (b) what constitutes dishonorable, unethical or
32 unprofessional conduct of a character likely to deceive,
33 defraud, or harm the public;

34 (c) what constitutes immoral conduct in the

1 commission of any act, including, but not limited to,
2 commission of an act of sexual misconduct related to the
3 licensee's practice; and

4 (d) what constitutes gross negligence in the
5 practice of medicine.

6 However, no such rule shall be admissible into evidence
7 in any civil action except for review of a licensing or other
8 disciplinary action under this Act.

9 In enforcing this Section, the Medical Disciplinary
10 Board, upon a showing of a possible violation, may compel any
11 individual licensed to practice under this Act, or who has
12 applied for licensure or a permit pursuant to this Act, to
13 submit to a mental or physical examination, or both, as
14 required by and at the expense of the Department. The
15 examining physician or physicians shall be those specifically
16 designated by the Disciplinary Board. The Medical
17 Disciplinary Board or the Department may order the examining
18 physician to present testimony concerning this mental or
19 physical examination of the licensee or applicant. No
20 information shall be excluded by reason of any common law or
21 statutory privilege relating to communication between the
22 licensee or applicant and the examining physician. The
23 individual to be examined may have, at his or her own
24 expense, another physician of his or her choice present
25 during all aspects of the examination. Failure of any
26 individual to submit to mental or physical examination, when
27 directed, shall be grounds for suspension of his or her
28 license until such time as the individual submits to the
29 examination if the Disciplinary Board finds, after notice and
30 hearing, that the refusal to submit to the examination was
31 without reasonable cause. If the Disciplinary Board finds a
32 physician unable to practice because of the reasons set forth
33 in this Section, the Disciplinary Board shall require such
34 physician to submit to care, counseling, or treatment by

1 physicians approved or designated by the Disciplinary Board,
2 as a condition for continued, reinstated, or renewed
3 licensure to practice. Any physician, whose license was
4 granted pursuant to Sections 9, 17, or 19 of this Act, or,
5 continued, reinstated, renewed, disciplined or supervised,
6 subject to such terms, conditions or restrictions who shall
7 fail to comply with such terms, conditions or restrictions,
8 or to complete a required program of care, counseling, or
9 treatment, as determined by the Chief Medical Coordinator or
10 Deputy Medical Coordinators, shall be referred to the
11 Director for a determination as to whether the licensee shall
12 have their license suspended immediately, pending a hearing
13 by the Disciplinary Board. In instances in which the
14 Director immediately suspends a license under this Section, a
15 hearing upon such person's license must be convened by the
16 Disciplinary Board within 15 days after such suspension and
17 completed without appreciable delay. The Disciplinary Board
18 shall have the authority to review the subject physician's
19 record of treatment and counseling regarding the impairment,
20 to the extent permitted by applicable federal statutes and
21 regulations safeguarding the confidentiality of medical
22 records.

23 An individual licensed under this Act, affected under
24 this Section, shall be afforded an opportunity to demonstrate
25 to the Disciplinary Board that they can resume practice in
26 compliance with acceptable and prevailing standards under the
27 provisions of their license.

28 The Department may promulgate rules for the imposition of
29 fines in disciplinary cases, not to exceed \$5,000 for each
30 violation of this Act. Fines may be imposed in conjunction
31 with other forms of disciplinary action, but shall not be the
32 exclusive disposition of any disciplinary action arising out
33 of conduct resulting in death or injury to a patient. Any
34 funds collected from such fines shall be deposited in the

1 Medical Disciplinary Fund.

2 (B) The Department shall revoke the license or visiting
3 permit of any person issued under this Act to practice
4 medicine or to treat human ailments without the use of drugs
5 and without operative surgery, who has been convicted a
6 second time of committing any felony under the Illinois
7 Controlled Substances Act, or who has been convicted a second
8 time of committing a Class 1 felony under Sections 8A-3 and
9 8A-6 of the Illinois Public Aid Code. A person whose license
10 or visiting permit is revoked under this subsection B of
11 Section 22 of this Act shall be prohibited from practicing
12 medicine or treating human ailments without the use of drugs
13 and without operative surgery.

14 (C) The Medical Disciplinary Board shall recommend to
15 the Department civil penalties and any other appropriate
16 discipline in disciplinary cases when the Board finds that a
17 physician willfully performed an abortion with actual
18 knowledge that the person upon whom the abortion has been
19 performed is a minor or an incompetent person without notice
20 as required under the Parental Notice of Abortion Act of
21 1995. Upon the Board's recommendation, the Department shall
22 impose, for the first violation, a civil penalty of \$1,000
23 and for a second or subsequent violation, a civil penalty of
24 \$5,000.

25 (Source: P.A. 89-18, eff. 6-1-95; 89-201, eff. 1-1-96;
26 89-626, eff. 8-9-96; 89-702, eff. 7-1-97; 90-742, eff.
27 8-13-98.)

28 (225 ILCS 60/25) (from Ch. 111, par. 4400-25)

29 Sec. 25. The Director of the Department may, upon
30 receipt of a written communication from the Secretary of
31 Human Services, ~~the Director of Public Aid,~~ or the Director
32 of Public Health that continuation of practice of a person
33 licensed under this Act constitutes an immediate danger to

1 the public, and after consultation with the Chief Medical
2 Coordinator or Deputy Medical Coordinator, immediately
3 suspend the license of such person without a hearing. In
4 instances in which the Director immediately suspends a
5 license under this Section, a hearing upon such person's
6 license must be convened by the Disciplinary Board within 15
7 days after such suspension and completed without appreciable
8 delay. Such hearing is to be held to determine whether to
9 recommend to the Director that the person's license be
10 revoked, suspended, placed on probationary status or
11 reinstated, or whether such person should be subject to other
12 disciplinary action. In the hearing, the written
13 communication and any other evidence submitted therewith may
14 be introduced as evidence against such person; provided
15 however, the person, or their counsel, shall have the
16 opportunity to discredit, impeach and submit evidence
17 rebutting such evidence.

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

19 Section 290. The Naprapathic Practice Act is amended by
20 changing Section 110 as follows:

21 (225 ILCS 63/110)

22 Sec. 110. Grounds for disciplinary action; refusal,
23 revocation, suspension.

24 (a) The Department may refuse to issue or to renew, or
25 may revoke, suspend, place on probation, reprimand or take
26 other disciplinary action as the Department may deem proper,
27 including fines not to exceed \$5,000 for each violation, with
28 regard to any licensee or license for any one or combination
29 of the following causes:

30 (1) Violations of this Act or its rules.

31 (2) Material misstatement in furnishing information
32 to the Department.

1 (3) Conviction of any crime under the laws of any
2 U.S. jurisdiction that is (i) a felony, (ii) a
3 misdemeanor, an essential element of which is dishonesty,
4 or (iii) directly related to the practice of the
5 profession.

6 (4) Making any misrepresentation for the purpose of
7 obtaining a license.

8 (5) Professional incompetence or gross negligence.

9 (6) Gross malpractice.

10 (7) Aiding or assisting another person in violating
11 any provision of this Act or its rules.

12 (8) Failing to provide information within 60 days
13 in response to a written request made by the Department.

14 (9) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public.

17 (10) Habitual or excessive use or addiction to
18 alcohol, narcotics, stimulants, or any other chemical
19 agent or drug that results in the inability to practice
20 with reasonable judgment, skill, or safety.

21 (11) Discipline by another U.S. jurisdiction or
22 foreign nation if at least one of the grounds for the
23 discipline is the same or substantially equivalent to
24 those set forth in this Act.

25 (12) Directly or indirectly giving to or receiving
26 from any person, firm, corporation, partnership, or
27 association any fee, commission, rebate, or other form of
28 compensation for any professional services not actually
29 or personally rendered. This shall not be deemed to
30 include rent or other remunerations paid to an
31 individual, partnership, or corporation by a naprapath
32 for the lease, rental, or use of space, owned or
33 controlled by the individual, partnership, corporation or
34 association.

1 (13) Using the title "Doctor" or its abbreviation
2 without further clarifying that title or abbreviation
3 with the word "naprapath" or "naprapathy" or the
4 designation "D.N."

5 (14) A finding by the Department that the licensee,
6 after having his or her license placed on probationary
7 status, has violated the terms of probation.

8 (15) Abandonment of a patient without cause.

9 (16) Willfully making or filing false records or
10 reports relating to a licensee's practice, including but
11 not limited to, false records filed with State agencies
12 or departments.

13 (17) Willfully failing to report an instance of
14 suspected child abuse or neglect as required by the
15 Abused and Neglected Child Reporting Act.

16 (18) Physical illness, including but not limited
17 to, deterioration through the aging process or loss of
18 motor skill that results in the inability to practice the
19 profession with reasonable judgment, skill, or safety.

20 (19) Solicitation of professional services by means
21 other than permitted advertising.

22 (20) Failure to provide a patient with a copy of
23 his or her record upon the written request of the
24 patient.

25 (21) Conviction by any court of competent
26 jurisdiction, either within or without this State, of any
27 violation of any law governing the practice of
28 naprapathy, conviction in this or another state of any
29 crime which is a felony under the laws of this State or
30 conviction of a felony in a federal court, if the
31 Department determines, after investigation, that the
32 person has not been sufficiently rehabilitated to warrant
33 the public trust.

34 (22) A finding that licensure has been applied for

1 or obtained by fraudulent means.

2 (23) Continued practice by a person knowingly
3 having an infectious or contagious disease.

4 (24) Being named as a perpetrator in an indicated
5 report by the Department of Children and Family Services
6 under the Abused and Neglected Child Reporting Act and
7 upon proof by clear and convincing evidence that the
8 licensee has caused a child to be an abused child or a
9 neglected child as defined in the Abused and Neglected
10 Child Reporting Act.

11 (25) Practicing or attempting to practice under a
12 name other than the full name shown on the license.

13 (26) Immoral conduct in the commission of any act,
14 such as sexual abuse, sexual misconduct, or sexual
15 exploitation, related to the licensee's practice.

16 (27) Maintaining a professional relationship with
17 any person, firm, or corporation when the naprapath
18 knows, or should know, that the person, firm, or
19 corporation is violating this Act.

20 (28) Promotion of the sale of food supplements,
21 devices, appliances, or goods provided for a client or
22 patient in such manner as to exploit the patient or
23 client for financial gain of the licensee.

24 (29) Having treated ailments of human beings other
25 than by the practice of naprapathy as defined in this
26 Act, or having treated ailments of human beings as a
27 licensed naprapath independent of a documented referral
28 or documented current and relevant diagnosis from a
29 physician, dentist, or podiatrist, or having failed to
30 notify the physician, dentist, or podiatrist who
31 established a documented current and relevant diagnosis
32 that the patient is receiving naprapathic treatment
33 pursuant to that diagnosis.

34 (30) Use by a registered naprapath of the word

1 "infirmary", "hospital", "school", "university", in
2 English or any other language, in connection with the
3 place where naprapathy may be practiced or demonstrated.

4 (31) Continuance of a naprapath in the employ of
5 any person, firm, or corporation, or as an assistant to
6 any naprapath or naprapaths, directly or indirectly,
7 after his or her employer or superior has been found
8 guilty of violating or has been enjoined from violating
9 the laws of the State of Illinois relating to the
10 practice of naprapathy when the employer or superior
11 persists in that violation.

12 (32) The performance of naprapathic service in
13 conjunction with a scheme or plan with another person,
14 firm, or corporation known to be advertising in a manner
15 contrary to this Act or otherwise violating the laws of
16 the State of Illinois concerning the practice of
17 naprapathy.

18 (33) Failure to provide satisfactory proof of
19 having participated in approved continuing education
20 programs as determined by the Committee and approved by
21 the Director. Exceptions for extreme hardships are to be
22 defined by the rules of the Department.

23 (34) Willfully making or filing false records or
24 reports in the practice of naprapathy, including, but not
25 limited to, false records to support claims against the
26 medical assistance program of the Department of Human
27 Services Public-Aid under the Illinois Public Aid Code.

28 (35) Gross or willful overcharging for professional
29 services including filing false statements for collection
30 of fees for which services are not rendered, including,
31 but not limited to, filing false statements for
32 collection of monies for services not rendered from the
33 medical assistance program of the Department of Human
34 Services Public-Aid under the Illinois Public Aid Code.

1 (36) Mental illness, including, but not limited to,
2 deterioration through the aging process or loss of motor
3 skill that results in the inability to practice the
4 profession with reasonable judgment, skill, or safety.

5 The Department may refuse to issue or may suspend the
6 license of any person who fails to (i) file a return or to
7 pay the tax, penalty or interest shown in a filed return or
8 (ii) pay any final assessment of the tax, penalty, or
9 interest as required by any tax Act administered by the
10 Illinois Department of Revenue, until the time that the
11 requirements of that tax Act are satisfied.

12 (b) The determination by a circuit court that a licensee
13 is subject to involuntary admission or judicial admission as
14 provided in the Mental Health and Developmental Disabilities
15 Code operates as an automatic suspension. The suspension
16 will end only upon a finding by a court that the patient is
17 no longer subject to involuntary admission or judicial
18 admission, the issuance of an order so finding and
19 discharging the patient, and the recommendation of the
20 Committee to the Director that the licensee be allowed to
21 resume his or her practice.

22 (Source: P.A. 89-61, eff. 6-30-95.)

23 Section 300. The Nursing and Advanced Practice Nursing
24 Act is amended by changing Sections 10-45 and 20-55 as
25 follows:

26 (225 ILCS 65/10-45)

27 Sec. 10-45. Grounds for disciplinary action.

28 (a) The Department may, upon recommendation of the
29 Board, refuse to issue or to renew, or may revoke, suspend,
30 place on probation, reprimand, or take other disciplinary
31 action as the Department may deem appropriate with regard to
32 a license for any one or combination of the causes set forth

1 in subsection (b) below. Fines up to \$2,500 may be imposed
2 in conjunction with other forms of disciplinary action for
3 those violations that result in monetary gain for the
4 licensee. Fines shall not be the exclusive disposition of any
5 disciplinary action arising out of conduct resulting in death
6 or injury to a patient. Fines shall not be assessed in
7 disciplinary actions involving mental or physical illness or
8 impairment. All fines collected under this Section shall be
9 deposited in the Nursing Dedicated and Professional Fund.

10 (b) Grounds for disciplinary action include the
11 following:

12 (1) Material deception in furnishing information to
13 the Department.

14 (2) Material violations of any provision of this
15 Act or violation of the rules of or final administrative
16 action of the Director, after consideration of the
17 recommendation of the Board.

18 (3) Conviction of any crime under the laws of any
19 jurisdiction of the United States: (i) which is a felony;
20 or (ii) which is a misdemeanor, an essential element of
21 which is dishonesty, or (iii) of any crime which is
22 directly related to the practice of the profession.

23 (4) A pattern of practice or other behavior which
24 demonstrates incapacity or incompetency to practice under
25 this Act.

26 (5) Knowingly aiding or assisting another person in
27 violating any provision of this Act or rules.

28 (6) Failing, within 90 days, to provide a response
29 to a request for information in response to a written
30 request made by the Department by certified mail.

31 (7) Engaging in dishonorable, unethical or
32 unprofessional conduct of a character likely to deceive,
33 defraud or harm the public, as defined by rule.

34 (8) Unlawful sale or distribution of any drug,

1 narcotic, or prescription device, or unlawful conversion
2 of any drug, narcotic or prescription device.

3 (9) Habitual or excessive use or addiction to
4 alcohol, narcotics, stimulants, or any other chemical
5 agent or drug which results in a licensee's inability to
6 practice with reasonable judgment, skill or safety.

7 (10) Discipline by another U.S. jurisdiction or
8 foreign nation, if at least one of the grounds for the
9 discipline is the same or substantially equivalent to
10 those set forth in this Section.

11 (11) A finding that the licensee, after having her
12 or his license placed on probationary status, has
13 violated the terms of probation.

14 (12) Being named as a perpetrator in an indicated
15 report by the Department of Children and Family Services
16 and under the Abused and Neglected Child Reporting Act,
17 and upon proof by clear and convincing evidence that the
18 licensee has caused a child to be an abused child or
19 neglected child as defined in the Abused and Neglected
20 Child Reporting Act.

21 (13) Willful omission to file or record, or
22 willfully impeding the filing or recording or inducing
23 another person to omit to file or record medical reports
24 as required by law or willfully failing to report an
25 instance of suspected child abuse or neglect as required
26 by the Abused and Neglected Child Reporting Act.

27 (14) Gross negligence in the practice of nursing.

28 (15) Holding oneself out to be practicing nursing
29 under any name other than one's own.

30 (16) Fraud, deceit or misrepresentation in applying
31 for or procuring a license under this Act or in
32 connection with applying for renewal of a license under
33 this Act.

34 (17) Allowing another person or organization to use

1 the licensees' license to deceive the public.

2 (18) Willfully making or filing false records or
3 reports in the licensee's practice, including but not
4 limited to false records to support claims against the
5 medical assistance program of the Department of Human
6 Services Public-Aid under the Illinois Public Aid Code.

7 (19) Attempting to subvert or cheat on a nurse
8 licensing examination administered under this Act.

9 (20) Immoral conduct in the commission of an act,
10 such as sexual abuse, sexual misconduct, or sexual
11 exploitation, related to the licensee's practice.

12 (21) Willfully or negligently violating the
13 confidentiality between nurse and patient except as
14 required by law.

15 (22) Practicing under a false or assumed name,
16 except as provided by law.

17 (23) The use of any false, fraudulent, or deceptive
18 statement in any document connected with the licensee's
19 practice.

20 (24) Directly or indirectly giving to or receiving
21 from a person, firm, corporation, partnership, or
22 association a fee, commission, rebate, or other form of
23 compensation for professional services not actually or
24 personally rendered.

25 (25) Failure of a licensee to report to the
26 Department any adverse final action taken against such
27 licensee by another licensing jurisdiction (any other
28 jurisdiction of the United States or any foreign state or
29 country), by any peer review body, by any health care
30 institution, by any professional or nursing society or
31 association, by any governmental agency, by any law
32 enforcement agency, or by any court or a nursing
33 liability claim related to acts or conduct similar to
34 acts or conduct that would constitute grounds for action

1 as defined in this Section.

2 (26) Failure of a licensee to report to the
3 Department surrender by the licensee of a license or
4 authorization to practice nursing in another state or
5 jurisdiction, or current surrender by the licensee of
6 membership on any nursing staff or in any nursing or
7 professional association or society while under
8 disciplinary investigation by any of those authorities or
9 bodies for acts or conduct similar to acts or conduct
10 that would constitute grounds for action as defined by
11 this Section.

12 (27) A violation of the Health Care Worker
13 Self-Referral Act.

14 (28) Physical illness, including but not limited to
15 deterioration through the aging process or loss of motor
16 skill, mental illness, or disability that results in the
17 inability to practice the profession with reasonable
18 judgment, skill, or safety.

19 (c) The determination by a circuit court that a licensee
20 is subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code, as amended, operates as an automatic suspension. The
23 suspension will end only upon a finding by a court that the
24 patient is no longer subject to involuntary admission or
25 judicial admission and issues an order so finding and
26 discharging the patient; and upon the recommendation of the
27 Board to the Director that the licensee be allowed to resume
28 his or her practice.

29 (d) The Department may refuse to issue or may suspend
30 the license of any person who fails to file a return, or to
31 pay the tax, penalty or interest shown in a filed return, or
32 to pay any final assessment of the tax, penalty, or interest
33 as required by any tax Act administered by the Illinois
34 Department of Revenue, until such time as the requirements of

1 any such tax Act are satisfied.

2 (e) In enforcing this Section, the Department or Board
3 upon a showing of a possible violation may compel an
4 individual licensed to practice under this Act, or who has
5 applied for licensure under this Act, to submit to a mental
6 or physical examination, or both, as required by and at the
7 expense of the Department. The Department or Board may order
8 the examining physician to present testimony concerning the
9 mental or physical examination of the licensee or applicant.
10 No information shall be excluded by reason of any common law
11 or statutory privilege relating to communications between the
12 licensee or applicant and the examining physician. The
13 examining physicians shall be specifically designated by the
14 Board or Department. The individual to be examined may have,
15 at his or her own expense, another physician of his or her
16 choice present during all aspects of this examination.
17 Failure of an individual to submit to a mental or physical
18 examination, when directed, shall be grounds for suspension
19 of his or her license until the individual submits to the
20 examination if the Department finds, after notice and
21 hearing, that the refusal to submit to the examination was
22 without reasonable cause.

23 If the Department or Board finds an individual unable to
24 practice because of the reasons set forth in this Section,
25 the Department or Board may require that individual to submit
26 to care, counseling, or treatment by physicians approved or
27 designated by the Department or Board, as a condition, term,
28 or restriction for continued, reinstated, or renewed
29 licensure to practice; or, in lieu of care, counseling, or
30 treatment, the Department may file, or the Board may
31 recommend to the Department to file, a complaint to
32 immediately suspend, revoke, or otherwise discipline the
33 license of the individual. An individual whose license was
34 granted, continued, reinstated, renewed, disciplined or

1 supervised subject to such terms, conditions, or
 2 restrictions, and who fails to comply with such terms,
 3 conditions, or restrictions, shall be referred to the
 4 Director for a determination as to whether the individual
 5 shall have his or her license suspended immediately, pending
 6 a hearing by the Department.

7 In instances in which the Director immediately suspends a
 8 person's license under this Section, a hearing on that
 9 person's license must be convened by the Department within 15
 10 days after the suspension and completed without appreciable
 11 delay. The Department and Board shall have the authority to
 12 review the subject individual's record of treatment and
 13 counseling regarding the impairment to the extent permitted
 14 by applicable federal statutes and regulations safeguarding
 15 the confidentiality of medical records.

16 An individual licensed under this Act and affected under
 17 this Section shall be afforded an opportunity to demonstrate
 18 to the Department or Board that he or she can resume practice
 19 in compliance with acceptable and prevailing standards under
 20 the provisions of his or her license.

21 (Source: P.A. 90-742, eff. 8-13-98.)

22 (225 ILCS 65/20-55)

23 Sec. 20-55. Suspension for imminent danger. The Director
 24 of the Department may, upon receipt of a written
 25 communication from the Secretary of Human Services, ~~the~~
 26 ~~Director of Public Aid,~~ or the Director of Public Health that
 27 continuation of practice of a person licensed under this Act
 28 constitutes an immediate danger to the public, immediately
 29 suspend the license of such person without a hearing. In
 30 instances in which the Director immediately suspends a
 31 license under this Section, a hearing upon such person's
 32 license must be convened by the Department within 30 days
 33 after such suspension and completed without appreciable

1 delay, such hearing held to determine whether to recommend to
2 the Director that the person's license be revoked, suspended,
3 placed on probationary status or reinstated, or such person
4 be subject to other disciplinary action. In such hearing,
5 the written communication and any other evidence submitted
6 therewith may be introduced as evidence against such person;
7 provided, however, the person, or his or her counsel, shall
8 have the opportunity to discredit or impeach and submit
9 evidence rebutting such evidence.

10 (Source: P.A. 89-507, eff. 7-1-97; 90-61, eff. 12-30-97;
11 90-742, eff. 8-13-98.)

12 Section 305. The Illinois Optometric Practice Act of
13 1987 is amended by changing Section 24 as follows:

14 (225 ILCS 80/24) (from Ch. 111, par. 3924)

15 Sec. 24. Grounds for disciplinary action.

16 (a) The Department may refuse to issue or to renew, or
17 may revoke, suspend, place on probation, reprimand or take
18 other disciplinary action as the Department may deem proper,
19 including fines not to exceed \$5,000 for each violation, with
20 regard to any license or certificate for any one or
21 combination of the following causes:

22 (1) Violations of this Act, or of the rules
23 promulgated hereunder.

24 (2) Conviction of any crime under the laws of any
25 U.S. jurisdiction thereof that is a felony or that is a
26 misdemeanor of which an essential element is dishonesty,
27 or of any crime that is directly related to the practice
28 of the profession.

29 (3) Making any misrepresentation for the purpose of
30 obtaining a license or certificate.

31 (4) Professional incompetence or gross negligence
32 in the practice of optometry.

1 (5) Gross malpractice, prima facie evidence of
2 which may be a conviction or judgment of malpractice in
3 any court of competent jurisdiction.

4 (6) Aiding or assisting another person in violating
5 any provision of this Act or rules.

6 (7) Failing, within 60 days, to provide information
7 in response to a written request made by the Department
8 that has been sent by certified or registered mail to the
9 licensee's last known address.

10 (8) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public.

13 (9) Habitual or excessive use or addiction to
14 alcohol, narcotics, stimulants or any other chemical
15 agent or drug that results in the inability to practice
16 with reasonable judgment, skill, or safety.

17 (10) Discipline by another U.S. jurisdiction or
18 foreign nation, if at least one of the grounds for the
19 discipline is the same or substantially equivalent to
20 those set forth herein.

21 (11) Directly or indirectly giving to or receiving
22 from any person, firm, corporation, partnership, or
23 association any fee, commission, rebate, or other form of
24 compensation for any professional services not actually
25 or personally rendered. This shall not be deemed to
26 include (i) rent or other remunerations paid to an
27 individual, partnership, or corporation by an optometrist
28 for the lease, rental, or use of space, owned or
29 controlled, by the individual, partnership, corporation
30 or association, and (ii) the division of fees between an
31 optometrist and related professional service providers
32 with whom the optometrist practices in a professional
33 corporation organized under Section 3.6 of the
34 Professional Service Corporation Act.

1 (12) A finding by the Department that the licensee,
2 after having his or her license placed on probationary
3 status has violated the terms of probation.

4 (13) Abandonment of a patient.

5 (14) Willfully making or filing false records or
6 reports in his or her practice, including but not limited
7 to false records filed with State agencies or
8 departments.

9 (15) Willfully failing to report an instance of
10 suspected child abuse or neglect as required by the
11 Abused and Neglected Child Reporting Act.

12 (16) Physical illness, including but not limited
13 to, deterioration through the aging process, or loss of
14 motor skill, mental illness, or disability that results
15 in the inability to practice the profession with
16 reasonable judgment, skill, or safety.

17 (17) Solicitation of professional services other
18 than permitted advertising.

19 (18) Failure to provide a patient with a copy of
20 his or her record or prescription upon the written
21 request of the patient.

22 (19) Conviction by any court of competent
23 jurisdiction, either within or without this State, of any
24 violation of any law governing the practice of optometry,
25 conviction in this or another State of any crime that is
26 a felony under the laws of this State or conviction of a
27 felony in a federal court, if the Department determines,
28 after investigation, that such person has not been
29 sufficiently rehabilitated to warrant the public trust.

30 (20) A finding that licensure has been applied for
31 or obtained by fraudulent means.

32 (21) Continued practice by a person knowingly
33 having an infectious or contagious disease.

34 (22) Being named as a perpetrator in an indicated

1 report by the Department of Children and Family Services
2 under the Abused and Neglected Child Reporting Act, and
3 upon proof by clear and convincing evidence that the
4 licensee has caused a child to be an abused child or a
5 neglected child as defined in the Abused and Neglected
6 Child Reporting Act.

7 (23) Practicing or attempting to practice under a
8 name other than the full name as shown on his or her
9 license.

10 (24) Immoral conduct in the commission of any act,
11 such as sexual abuse, sexual misconduct or sexual
12 exploitation, related to the licensee's practice.

13 (25) Maintaining a professional relationship with
14 any person, firm, or corporation when the optometrist
15 knows, or should know, that such person, firm, or
16 corporation is violating this Act.

17 (26) Promotion of the sale of drugs, devices,
18 appliances or goods provided for a client or patient in
19 such manner as to exploit the patient or client for
20 financial gain of the licensee.

21 (27) Using the title "Doctor" or its abbreviation
22 without further qualifying that title or abbreviation
23 with the word "optometry" or "optometrist".

24 (28) Use by a licensed optometrist of the word
25 "infirmary", "hospital", "school", "university", in
26 English or any other language, in connection with the
27 place where optometry may be practiced or demonstrated.

28 (29) Continuance of an optometrist in the employ of
29 any person, firm or corporation, or as an assistant to
30 any optometrist or optometrists, directly or indirectly,
31 after his or her employer or superior has been found
32 guilty of violating or has been enjoined from violating
33 the laws of the State of Illinois relating to the
34 practice of optometry, when the employer or superior

1 persists in that violation.

2 (30) The performance of optometric service in
3 conjunction with a scheme or plan with another person,
4 firm or corporation known to be advertising in a manner
5 contrary to this Act or otherwise violating the laws of
6 the State of Illinois concerning the practice of
7 optometry.

8 (31) Failure to provide satisfactory proof of
9 having participated in approved continuing education
10 programs as determined by the Board and approved by the
11 Director. Exceptions for extreme hardships are to be
12 defined by the rules of the Department.

13 (32) Willfully making or filing false records or
14 reports in the practice of optometry, including, but not
15 limited to false records to support claims against the
16 medical assistance program of the Department of Human
17 Services Public-Aid under the Illinois Public Aid Code.

18 (33) Gross and willful overcharging for
19 professional services including filing false statements
20 for collection of fees for which services are not
21 rendered, including, but not limited to filing false
22 statements for collection of monies for services not
23 rendered from the medical assistance program of the
24 Department of Human Services Public--Aid under the
25 Illinois Public Aid Code.

26 (34) In the absence of good reasons to the
27 contrary, failure to perform a minimum eye examination as
28 required by the rules of the Department.

29 (35) Violation of the Health Care Worker
30 Self-Referral Act.

31 The Department may refuse to issue or may suspend the
32 license or certificate of any person who fails to file a
33 return, or to pay the tax, penalty or interest shown in a
34 filed return, or to pay any final assessment of the tax,

1 penalty or interest, as required by any tax Act administered
2 by the Illinois Department of Revenue, until such time as the
3 requirements of any such tax Act are satisfied.

4 (a-5) In enforcing this Section, the Board upon a
5 showing of a possible violation, may compel any individual
6 licensed to practice under this Act, or who has applied for
7 licensure or certification pursuant to this Act, to submit to
8 a mental or physical examination, or both, as required by and
9 at the expense of the Department. The examining physicians
10 or clinical psychologists shall be those specifically
11 designated by the Board. The Board or the Department may
12 order the examining physician or clinical psychologist to
13 present testimony concerning this mental or physical
14 examination of the licensee or applicant. No information
15 shall be excluded by reason of any common law or statutory
16 privilege relating to communications between the licensee or
17 applicant and the examining physician or clinical
18 psychologist. Eye examinations may be provided by a licensed
19 and certified therapeutic optometrist. The individual to be
20 examined may have, at his or her own expense, another
21 physician of his or her choice present during all aspects of
22 the examination. Failure of any individual to submit to a
23 mental or physical examination, when directed, shall be
24 grounds for suspension of a license until such time as the
25 individual submits to the examination if the Board finds,
26 after notice and hearing, that the refusal to submit to the
27 examination was without reasonable cause.

28 If the Board finds an individual unable to practice
29 because of the reasons set forth in this Section, the Board
30 shall require such individual to submit to care, counseling,
31 or treatment by physicians or clinical psychologists approved
32 or designated by the Board, as a condition, term, or
33 restriction for continued, reinstated, or renewed licensure
34 to practice, or in lieu of care, counseling, or treatment,

1 the Board may recommend to the Department to file a complaint
2 to immediately suspend, revoke, or otherwise discipline the
3 license of the individual, or the Board may recommend to the
4 Department to file a complaint to suspend, revoke, or
5 otherwise discipline the license of the individual. Any
6 individual whose license was granted pursuant to this Act, or
7 continued, reinstated, renewed, disciplined, or supervised,
8 subject to such conditions, terms, or restrictions, who shall
9 fail to comply with such conditions, terms, or restrictions,
10 shall be referred to the Director for a determination as to
11 whether the individual shall have his or her license
12 suspended immediately, pending a hearing by the Board.

13 (b) The determination by a circuit court that a licensee
14 is subject to involuntary admission or judicial admission as
15 provided in the Mental Health and Developmental Disabilities
16 Code operates as an automatic suspension. The suspension
17 will end only upon a finding by a court that the patient is
18 no longer subject to involuntary admission or judicial
19 admission and issues an order so finding and discharging the
20 patient; and upon the recommendation of the Board to the
21 Director that the licensee be allowed to resume his or her
22 practice.

23 (Source: P.A. 89-702, eff. 7-1-97; 90-230, eff. 1-1-98;
24 90-655, eff. 7-30-98.)

25 Section 310. The Pharmacy Practice Act of 1987 is
26 amended by changing Sections 30 and 33 as follows:

27 (225 ILCS 85/30) (from Ch. 111, par. 4150)

28 Sec. 30. (a) In accordance with Section 11 of this Act,
29 the Department may refuse to issue, restore, or renew, or may
30 revoke, suspend, place on probation, reprimand or take other
31 disciplinary action as the Department may deem proper with
32 regard to any license or certificate of registration for any

1 one or combination of the following causes:

2 1. Material misstatement in furnishing information
3 to the Department.

4 2. Violations of this Act, or the rules promulgated
5 hereunder.

6 3. Making any misrepresentation for the purpose of
7 obtaining licenses.

8 4. A pattern of conduct which demonstrates
9 incompetence or unfitness to practice.

10 5. Aiding or assisting another person in violating
11 any provision of this Act or rules.

12 6. Failing, within 60 days, to respond to a written
13 request made by the Department for information.

14 7. Engaging in dishonorable, unethical or
15 unprofessional conduct of a character likely to deceive,
16 defraud or harm the public.

17 8. Discipline by another U.S. jurisdiction or
18 foreign nation, if at least one of the grounds for the
19 discipline is the same or substantially equivalent to
20 those set forth herein.

21 9. Directly or indirectly giving to or receiving
22 from any person, firm, corporation, partnership or
23 association any fee, commission, rebate or other form of
24 compensation for any professional services not actually
25 or personally rendered.

26 10. A finding by the Department that the licensee,
27 after having his license placed on probationary status
28 has violated the terms of probation.

29 11. Selling or engaging in the sale of drug samples
30 provided at no cost by drug manufacturers.

31 12. Physical illness, including but not limited to,
32 deterioration through the aging process, or loss of motor
33 skill which results in the inability to practice the
34 profession with reasonable judgment, skill or safety.

1 13. A finding that licensure or registration has
2 been applied for or obtained by fraudulent means.

3 14. The applicant, or licensee has been convicted
4 in state or federal court of any crime which is a felony
5 or any misdemeanor related to the practice of pharmacy,
6 of which an essential element is dishonesty.

7 15. Habitual or excessive use or addiction to
8 alcohol, narcotics, stimulants or any other chemical
9 agent or drug which results in the inability to practice
10 with reasonable judgment, skill or safety.

11 16. Willfully making or filing false records or
12 reports in the practice of pharmacy, including, but not
13 limited to false records to support claims against the
14 medical assistance program of the Department of Human
15 Services Public-Aid under the Public Aid Code.

16 17. Gross and willful overcharging for professional
17 services including filing false statements for collection
18 of fees for which services are not rendered, including,
19 but not limited to, filing false statements for
20 collection of monies for services not rendered from the
21 medical assistance program of the Department of Human
22 Services Public-Aid under the Public Aid Code.

23 18. Repetitiously dispensing prescription drugs
24 without receiving a written or oral prescription.

25 19. Upon a finding of a substantial discrepancy in
26 a Department audit of a prescription drug, including
27 controlled substances, as that term is defined in this
28 Act or in the Illinois Controlled Substances Act.

29 20. Physical illness which results in the inability
30 to practice with reasonable judgment, skill or safety, or
31 mental incompetency as declared by a court of competent
32 jurisdiction.

33 21. Violation of the Health Care Worker
34 Self-Referral Act.

1 (b) The Department may refuse to issue or may suspend
2 the license or registration of any person who fails to file a
3 return, or to pay the tax, penalty or interest shown in a
4 filed return, or to pay any final assessment of tax, penalty
5 or interest, as required by any tax Act administered by the
6 Illinois Department of Revenue, until such time as the
7 requirements of any such tax Act are satisfied.

8 (c) The Department shall revoke the license or
9 certificate of registration issued under the provisions of
10 this Act or any prior Act of this State of any person who has
11 been convicted a second time of committing any felony under
12 the Illinois Controlled Substances Act, or who has been
13 convicted a second time of committing a Class 1 felony under
14 Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
15 person whose license or certificate of registration issued
16 under the provisions of this Act or any prior Act of this
17 State is revoked under this subsection (c) shall be
18 prohibited from engaging in the practice of pharmacy in this
19 State.

20 (d) In any order issued in resolution of a disciplinary
21 proceeding, the Board may request any licensee found guilty
22 of a charge involving a significant violation of subsection
23 (a) of Section 5, or paragraph 19 of Section 30 as it
24 pertains to controlled substances, to pay to the Department a
25 fine not to exceed \$2,000.

26 (e) In any order issued in resolution of a disciplinary
27 proceeding, in addition to any other disciplinary action, the
28 Board may request any licensee found guilty of noncompliance
29 with the continuing education requirements of Section 12 to
30 pay the Department a fine not to exceed \$1000.

31 (f) The Department shall issue quarterly to the Board a
32 status of all complaints related to the profession received
33 by the Department.

34 (Source: P.A. 86-596; 86-1434; 86-1472; 87-1207.)

1 (225 ILCS 85/33) (from Ch. 111, par. 4153)

2 Sec. 33. The Director of the Department may, upon
3 receipt of a written communication from the Secretary of
4 Human Services, ~~the Director of Public Aid,~~ or the Director
5 of Public Health that continuation of practice of a person
6 licensed or registered under this Act constitutes an
7 immediate danger to the public, immediately suspend the
8 license or registration of such person without a hearing. In
9 instances in which the Director immediately suspends a
10 license or registration under this Act, a hearing upon such
11 person's license must be convened by the Board within 15 days
12 after such suspension and completed without appreciable
13 delay, such hearing held to determine whether to recommend to
14 the Director that the person's license be revoked, suspended,
15 placed on probationary status or reinstated, or such person
16 be subject to other disciplinary action. In such hearing,
17 the written communication and any other evidence submitted
18 therewith may be introduced as evidence against such person;
19 provided however, the person, or his counsel, shall have the
20 opportunity to discredit or impeach such evidence and submit
21 evidence rebutting same.

22 (Source: P.A. 89-507, eff. 7-1-97; 90-655, eff. 7-30-98.)

23 Section 315. The Podiatric Medical Practice Act of 1987
24 is amended by changing Section 24 as follows:

25 (225 ILCS 100/24) (from Ch. 111, par. 4824)

26 Sec. 24. Refusal to issue or suspension or revocation of
27 license; grounds. The Department may refuse to issue, may
28 refuse to renew, may refuse to restore, may suspend, or may
29 revoke any license, or may place on probation, reprimand or
30 take other disciplinary action as the Department may deem
31 proper, including fines not to exceed \$5,000 for each
32 violation upon anyone licensed under this Act for any of the

1 following reasons:

2 (1) Making a material misstatement in furnishing
3 information to the Department.

4 (2) Violations of this Act, or of the rules or
5 regulations promulgated hereunder.

6 (3) Conviction of any crime under the laws of any United
7 States jurisdiction that is a felony or a misdemeanor, of
8 which an essential element is dishonesty, or of any crime
9 that is directly related to the practice of the profession.

10 (4) Making any misrepresentation for the purpose of
11 obtaining licenses, or violating any provision of this Act or
12 the rules promulgated thereunder pertaining to advertising.

13 (5) Professional incompetence.

14 (6) Gross or repeated malpractice or negligence.

15 (7) Aiding or assisting another person in violating any
16 provision of this Act or rules.

17 (8) Failing, within 60 days, to provide information in
18 response to a written request made by the Department.

19 (9) Engaging in dishonorable, unethical or
20 unprofessional conduct of a character likely to deceive,
21 defraud or harm the public.

22 (10) Habitual or excessive use of alcohol, narcotics,
23 stimulants or other chemical agent or drug that results in
24 the inability to practice podiatric medicine with reasonable
25 judgment, skill or safety.

26 (11) Discipline by another United States jurisdiction if
27 at least one of the grounds for the discipline is the same or
28 substantially equivalent to those set forth in this Section.

29 (12) Directly or indirectly giving to or receiving from
30 any person, firm, corporation, partnership or association any
31 fee, commission, rebate or other form of compensation for any
32 professional services not actually or personally rendered.
33 This shall not be deemed to include rent or other
34 remunerations paid to an individual, partnership, or

1 corporation, by a licensee, for the lease, rental or use of
2 space, owned or controlled, by the individual, partnership or
3 corporation.

4 (13) A finding by the Podiatric Medical Licensing Board
5 that the licensee, after having his or her license placed on
6 probationary status, has violated the terms of probation.

7 (14) Abandonment of a patient.

8 (15) Willfully making or filing false records or reports
9 in his or her practice, including but not limited to false
10 records filed with state agencies or departments.

11 (16) Willfully failing to report an instance of
12 suspected child abuse or neglect as required by the Abused
13 and Neglected Child Report Act.

14 (17) Physical illness, including but not limited to,
15 deterioration through the aging process, or loss of motor
16 skill that results in the inability to practice the
17 profession with reasonable judgment, skill or safety.

18 (18) Solicitation of professional services other than
19 permitted advertising.

20 (19) The determination by a circuit court that a
21 licensed podiatric physician is subject to involuntary
22 admission or judicial admission as provided in the Mental
23 Health and Developmental Disabilities Code operates as an
24 automatic suspension. Such suspension will end only upon a
25 finding by a court that the patient is no longer subject to
26 involuntary admission or judicial admission and issues an
27 order so finding and discharging the patient; and upon the
28 recommendation of the Podiatric Medical Licensing Board to
29 the Director that the licensee be allowed to resume his or
30 her practice.

31 (20) Holding oneself out to treat human ailments under
32 any name other than his or her own, or the impersonation of
33 any other physician.

34 (21) Revocation or suspension or other action taken with

1 respect to a podiatric medical license in another
2 jurisdiction that would constitute disciplinary action under
3 this Act.

4 (22) Promotion of the sale of drugs, devices, appliances
5 or goods provided for a patient in such manner as to exploit
6 the patient for financial gain of the podiatric physician.

7 (23) Gross, willful, and continued overcharging for
8 professional services including filing false statements for
9 collection of fees for those services, including, but not
10 limited to, filing false statement for collection of monies
11 for services not rendered from the medical assistance program
12 of the Department of Human Services Public Aid under the
13 Illinois Public Aid Code or other private or public third
14 party payor.

15 (24) Being named as a perpetrator in an indicated report
16 by the Department of Children and Family Services under the
17 Abused and Neglected Child Reporting Act, and upon proof by
18 clear and convincing evidence that the licensee has caused a
19 child to be an abused child or neglected child as defined in
20 the Abused and Neglected Child Reporting Act.

21 (25) Willfully making or filing false records or reports
22 in the practice of podiatric medicine, including, but not
23 limited to, false records to support claims against the
24 medical assistance program of the Department of Human
25 Services Public Aid under the Illinois Public Aid Code.

26 (26) Mental illness or disability that results in the
27 inability to practice with reasonable judgment, skill or
28 safety.

29 (27) Immoral conduct in the commission of any act
30 including, sexual abuse, sexual misconduct, or sexual
31 exploitation, related to the licensee's practice.

32 (28) Violation of the Health Care Worker Self-Referral
33 Act.

34 (29) Failure to report to the Department any adverse

1 final action taken against him or her by another licensing
2 jurisdiction (another state or a territory of the United
3 States or a foreign state or country) by a peer review body,
4 by any health care institution, by a professional society or
5 association related to practice under this Act, by a
6 governmental agency, by a law enforcement agency, or by a
7 court for acts or conduct similar to acts or conduct that
8 would constitute grounds for action as defined in this
9 Section.

10 The Department may refuse to issue or may suspend the
11 license of any person who fails to file a return, or to pay
12 the tax, penalty or interest shown in a filed return, or to
13 pay any final assessment of tax, penalty or interest, as
14 required by any tax Act administered by the Illinois
15 Department of Revenue, until such time as the requirements of
16 any such tax Act are satisfied.

17 Upon receipt of a written communication from the
18 Secretary of Human Services, ~~the Director of Public Aid,~~ or
19 the Director of Public Health that continuation of practice
20 of a person licensed under this Act constitutes an immediate
21 danger to the public, the Director may immediately suspend
22 the license of such person without a hearing. In instances
23 in which the Director immediately suspends a license under
24 this Section, a hearing upon such person's license must be
25 convened by the Board within 15 days after such suspension
26 and completed without appreciable delay, such hearing held to
27 determine whether to recommend to the Director that the
28 person's license be revoked, suspended, placed on
29 probationary status or reinstated, or such person be subject
30 to other disciplinary action. In such hearing, the written
31 communication and any other evidence submitted therewith may
32 be introduced as evidence against such person; provided,
33 however, the person or his counsel shall have the opportunity
34 to discredit or impeach such evidence and submit evidence

1 rebutting the same.

2 All proceedings to suspend, revoke, place on probationary
3 status, or take any other disciplinary action as the
4 Department may deem proper, with regard to a license on any
5 of the foregoing grounds, must be commenced within 3 years
6 after receipt by the Department of a complaint alleging the
7 commission of or notice of the conviction order for any of
8 the acts described in this Section. Except for fraud in
9 procuring a license, no action shall be commenced more than 5
10 years after the date of the incident or act alleged to have
11 been a violation of this Section. In the event of the
12 settlement of any claim or cause of action in favor of the
13 claimant or the reduction to final judgment of any civil
14 action in favor of the plaintiff, such claim, cause of
15 action, or civil action being grounded on the allegation that
16 a person licensed under this Act was negligent in providing
17 care, the Department shall have an additional period of one
18 year from the date of notification to the Department under
19 Section 26 of this Act of such settlement or final judgment
20 in which to investigate and commence formal disciplinary
21 proceedings under Section 24 of this Act, except as otherwise
22 provided by law. The time during which the holder of the
23 license was outside the State of Illinois shall not be
24 included within any period of time limiting the commencement
25 of disciplinary action by the Department.

26 In enforcing this Section, the Department or Board upon a
27 showing of a possible violation may compel an individual
28 licensed to practice under this Act, or who has applied for
29 licensure under this Act, to submit to a mental or physical
30 examination, or both, as required by and at the expense of
31 the Department. The Department or Board may order the
32 examining physician to present testimony concerning the
33 mental or physical examination of the licensee or applicant.
34 No information shall be excluded by reason of any common law

1 or statutory privilege relating to communications between the
2 licensee or applicant and the examining physician. The
3 examining physicians shall be specifically designated by the
4 Board or Department. The individual to be examined may have,
5 at his or her own expense, another physician of his or her
6 choice present during all aspects of this examination.
7 Failure of an individual to submit to a mental or physical
8 examination, when directed, shall be grounds for suspension
9 of his or her license until the individual submits to the
10 examination if the Department finds, after notice and
11 hearing, that the refusal to submit to the examination was
12 without reasonable cause.

13 If the Department or Board finds an individual unable to
14 practice because of the reasons set forth in this Section,
15 the Department or Board may require that individual to submit
16 to care, counseling, or treatment by physicians approved or
17 designated by the Department or Board, as a condition, term,
18 or restriction for continued, reinstated, or renewed
19 licensure to practice; or, in lieu of care, counseling, or
20 treatment, the Department may file, or the Board may
21 recommend to the Department to file, a complaint to
22 immediately suspend, revoke, or otherwise discipline the
23 license of the individual. An individual whose license was
24 granted, continued, reinstated, renewed, disciplined or
25 supervised subject to such terms, conditions, or
26 restrictions, and who fails to comply with such terms,
27 conditions, or restrictions, shall be referred to the
28 Director for a determination as to whether the individual
29 shall have his or her license suspended immediately, pending
30 a hearing by the Department.

31 In instances in which the Director immediately suspends a
32 person's license under this Section, a hearing on that
33 person's license must be convened by the Department within 15
34 days after the suspension and completed without appreciable

1 delay. The Department and Board shall have the authority to
2 review the subject individual's record of treatment and
3 counseling regarding the impairment to the extent permitted
4 by applicable federal statutes and regulations safeguarding
5 the confidentiality of medical records.

6 An individual licensed under this Act and affected under
7 this Section shall be afforded an opportunity to demonstrate
8 to the Department or Board that he or she can resume practice
9 in compliance with acceptable and prevailing standards under
10 the provisions of his or her license.

11 (Source: P.A. 89-507, eff. 7-1-97; 90-76, eff. 12-30-97.)

12 Section 320. The Illinois Speech-Language Pathology and
13 Audiology Practice Act is amended by changing Section 16 as
14 follows:

15 (225 ILCS 110/16) (from Ch. 111, par. 7916)

16 Sec. 16. Refusal, revocation or suspension of licenses.

17 (1) The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, censure, reprimand or
19 take other disciplinary action as the Department may deem
20 proper, including fines not to exceed \$5,000 for each
21 violation, with regard to any license for any one or
22 combination of the following causes:

23 (a) Fraud in procuring the license.

24 (b) Habitual intoxication or addiction to the use
25 of drugs.

26 (c) Willful or repeated violations of the rules of
27 the Department of Public Health.

28 (d) Division of fees or agreeing to split or divide
29 the fees received for speech-language pathology or
30 audiology services with any person for referring an
31 individual, or assisting in the care or treatment of an
32 individual, without the knowledge of the individual or

1 his or her legal representative.

2 (e) Employing, procuring, inducing, aiding or
3 abetting a person not licensed as a speech-language
4 pathologist or audiologist to engage in the unauthorized
5 practice of speech-language pathology or audiology.

6 (f) Making any misrepresentations or false
7 promises, directly or indirectly, to influence, persuade
8 or induce patronage.

9 (g) Professional connection or association with, or
10 lending his or her name to another for the illegal
11 practice of speech-language pathology or audiology by
12 another, or professional connection or association with
13 any person, firm or corporation holding itself out in any
14 manner contrary to this Act.

15 (h) Obtaining or seeking to obtain checks, money,
16 or any other things of value by false or fraudulent
17 representations, including but not limited to, engaging
18 in such fraudulent practice to defraud the medical
19 assistance program of the Department of Human Services
20 Public-Aid.

21 (i) Practicing under a name other than his or her
22 own.

23 (j) Improper, unprofessional or dishonorable
24 conduct of a character likely to deceive, defraud or harm
25 the public.

26 (k) Conviction in this or another state of any
27 crime which is a felony under the laws of this State or
28 conviction of a felony in a federal court, if the
29 Department determines, after investigation, that such
30 person has not been sufficiently rehabilitated to warrant
31 the public trust.

32 (l) Permitting a person under his or her
33 supervision to perform any function not authorized by
34 this Act.

1 (m) A violation of any provision of this Act or
2 rules promulgated thereunder.

3 (n) Revocation by another state, the District of
4 Columbia, territory, or foreign nation of a license to
5 practice speech-language pathology or audiology in its
6 jurisdiction if at least one of the grounds for that
7 revocation is the same as or the equivalent of one of the
8 grounds for revocation set forth herein.

9 (o) Willfully failing to report an instance of
10 suspected child abuse or neglect as required by the
11 Abused and Neglected Child Reporting Act.

12 (p) Gross or repeated malpractice resulting in
13 injury or death of an individual.

14 (q) Willfully making or filing false records or
15 reports in his or her practice as a speech-language
16 pathologist or audiologist, including, but not limited
17 to, false records to support claims against the public
18 assistance program of the Illinois Department of Human
19 Services Public-Aid.

20 (r) Professional incompetence as manifested by poor
21 standards of care or mental incompetence as declared by a
22 court of competent jurisdiction.

23 (s) Repeated irregularities in billing a third
24 party for services rendered to an individual. For
25 purposes of this Section, "irregularities in billing"
26 shall include:

27 (i) reporting excessive charges for the
28 purpose of obtaining a total payment in excess of
29 that usually received by the speech-language
30 pathologist or audiologist for the services
31 rendered;

32 (ii) reporting charges for services not
33 rendered; or

34 (iii) incorrectly reporting services rendered

1 for the purpose of obtaining payment not earned.

2 (t) (Blank).

3 (u) Violation of the Health Care Worker
4 Self-Referral Act.

5 (v) Physical illness, including but not limited to
6 deterioration through the aging process or loss of motor
7 skill, mental illness, or disability that results in the
8 inability to practice the profession with reasonable
9 judgment, skill, or safety.

10 (2) The Department shall deny a license or renewal
11 authorized by this Act to any person who has defaulted on an
12 educational loan guaranteed by the Illinois State Scholarship
13 Commission; however, the Department may issue a license or
14 renewal if the aforementioned persons have established a
15 satisfactory repayment record as determined by the Illinois
16 State Scholarship Commission.

17 (3) The entry of an order by a circuit court
18 establishing that any person holding a license under this Act
19 is subject to involuntary admission or judicial admission as
20 provided for in the Mental Health and Developmental
21 Disabilities Code, operates as an automatic suspension of
22 that license. That person may have his or her license
23 restored only upon the determination by a circuit court that
24 the patient is no longer subject to involuntary admission or
25 judicial admission and the issuance of an order so finding
26 and discharging the patient, and upon the Board's
27 recommendation to the Department that the license be
28 restored. Where the circumstances so indicate, the Board may
29 recommend to the Department that it require an examination
30 prior to restoring any license automatically suspended under
31 this subsection.

32 (4) The Department may refuse to issue or may suspend
33 the license of any person who fails to file a return, or to
34 pay the tax, penalty, or interest shown in a filed return, or

1 to pay any final assessment of the tax penalty or interest,
2 as required by any tax Act administered by the Department of
3 Revenue, until such time as the requirements of any such tax
4 Act are satisfied.

5 (5) In enforcing this Section, the Board upon a showing
6 of a possible violation may compel an individual licensed to
7 practice under this Act, or who has applied for licensure
8 pursuant to this Act, to submit to a mental or physical
9 examination, or both, as required by and at the expense of
10 the Department. The examining physicians or clinical
11 psychologists shall be those specifically designated by the
12 Board. The individual to be examined may have, at his or her
13 own expense, another physician or clinical psychologist of
14 his or her choice present during all aspects of this
15 examination. Failure of any individual to submit to a mental
16 or physical examination, when directed, shall be grounds for
17 suspension of his or her license until the individual submits
18 to the examination if the Board finds, after notice and
19 hearing, that the refusal to submit to the examination was
20 without reasonable cause.

21 If the Board finds an individual unable to practice
22 because of the reasons set forth in this Section, the Board
23 may require that individual to submit to care, counseling, or
24 treatment by physicians or clinical psychologists approved or
25 designated by the Board, as a condition, term, or restriction
26 for continued, reinstated, or renewed licensure to practice;
27 or, in lieu of care, counseling, or treatment, the Board may
28 recommend to the Department to file a complaint to
29 immediately suspend, revoke, or otherwise discipline the
30 license of the individual. Any individual whose license was
31 granted, continued, reinstated, renewed, disciplined or
32 supervised subject to such terms, conditions, or
33 restrictions, and who fails to comply with such terms,
34 conditions, or restrictions, shall be referred to the

1 Director for a determination as to whether the individual
2 shall have his or her license suspended immediately, pending
3 a hearing by the Board.

4 In instances in which the Director immediately suspends a
5 person's license under this Section, a hearing on that
6 person's license must be convened by the Board within 15 days
7 after the suspension and completed without appreciable delay.
8 The Board shall have the authority to review the subject
9 individual's record of treatment and counseling regarding the
10 impairment to the extent permitted by applicable federal
11 statutes and regulations safeguarding the confidentiality of
12 medical records.

13 An individual licensed under this Act and affected under
14 this Section shall be afforded an opportunity to demonstrate
15 to the Board that he or she can resume practice in compliance
16 with acceptable and prevailing standards under the provisions
17 of his or her license.

18 (Source: P.A. 90-69, eff. 7-8-97.)

19 Section 325. The Auction License Act is amended by
20 changing Section 20-20 as follows:

21 (225 ILCS 407/20-20)

22 Sec. 20-20. Termination without hearing for failure to
23 pay taxes, child support, or a student loan. OBRE may
24 terminate or otherwise discipline any license issued under
25 this Act without hearing if the appropriate administering
26 agency provides adequate information and proof that the
27 licensee has:

28 (1) failed to file a return, to pay the tax,
29 penalty, or interest shown in a filed return, or to pay
30 any final assessment of tax, penalty, or interest, as
31 required by any tax act administered by the Illinois
32 Department of Revenue until the requirements of the tax

1 act are satisfied;

2 (2) failed to pay any court ordered child support
3 as determined by a court order or by referral from the
4 Illinois Department of Human Services Public-Aid; or

5 (3) failed to repay any student loan or assistance
6 as determined by the Illinois Student Assistance
7 Commission. If a license is terminated or otherwise
8 disciplined pursuant to this Section, the licensee may
9 request a hearing as provided by this Act within 30 days
10 of notice of termination or discipline.

11 (Source: P.A. 91-603, eff. 1-1-00.)

12 Section 330. The Real Estate License Act of 2000 is
13 amended by changing Section 20-45 as follows:

14 (225 ILCS 454/20-45)

15 Sec. 20-45. Nonpayment of child support. In cases in
16 which the Department of Human Services Public--Aid has
17 previously determined that a licensee or a potential licensee
18 is more than 30 days delinquent in the payment of child
19 support and has subsequently certified the delinquency to
20 OBRE, OBRE may refuse to issue or renew or may revoke or
21 suspend that person's license or may take other disciplinary
22 action against that person based solely upon the
23 certification of delinquency made by the Department of Human
24 Services Public-Aid. Redetermination of the delinquency by
25 OBRE shall not be required. In cases regarding the renewal
26 of a license, OBRE shall not renew any license if the
27 Department of Human Services Public-Aid has certified the
28 licensee to be more than 30 days delinquent in the payment of
29 child support unless the licensee has arranged for payment of
30 past and current child support obligations in a manner
31 satisfactory to the Department of Human Services Public-Aid.
32 OBRE may impose conditions, restrictions, or disciplinary

1 action upon that renewal.

2 (Source: P.A. 91-245, eff. 12-31-99.)

3 Section 335. The Illinois Public Aid Code is amended by
4 changing Sections 2-12, 2-12.5, 2-14, 3-10.7, 3-10.9, 3-13,
5 4-1.7, 4-2, 4-4.1, 5-1.1, 5-4, 5-4.23, 5-4.33, 5-5, 5-5.01,
6 5-5.1, 5-5.3, 5-5.4, 5-5.4a, 5-5.5, 5-5.5a, 5-5.7, 5-5.8a,
7 5-5.8b, 5-9, 5-11, 5-11.1, 5-15.5, 5-16.1, 5-16.4, 5-21,
8 5A-7, 5B-7, 5C-6, 6-11, 8A-7.1, 8A-9, 9-1, 10-1, 10-13.4,
9 10-15, 10-17.9, 10-24.35, 10-24.40, 10-24.50, 11-8.3, 11-9,
10 11-27, 12-1, 12-4.7c, 12-4.9, 12-4.17, 12-4.20c, 12-4.20d,
11 12-4.25, 12-4.35, 12-4.201, 12-8.1, 12-9, 12-10.1, 12-10.4,
12 12-13.1, 12-16, 12-20, and 14-7 as follows:

13 (305 ILCS 5/2-12) (from Ch. 23, par. 2-12)

14 Sec. 2-12. "Illinois Department"; "Department". In this
15 Code, "Illinois Department" or "Department"~~7---when---a~~
16 ~~particular-entity-is-not-specified7~~ means the following:

17 (1)~~--In--the--case--of--a--function--performed--before--July--17~~
18 ~~1997--(the--effective--date--of--the--Department--of--Human--Services~~
19 ~~Act)7--the--term--means--the--Department--of--Public--Aid.~~

20 (2)~~--In--the--case--of--a--function--to--be--performed--on--or~~
21 ~~after--July--17--1997--under--Article--III7--IV7--VI7--IX7--or--IXA7--the~~
22 ~~term--means--the--Department--of--Human--Services--as--successor--to~~
23 ~~the--Illinois--Department--of--Public--Aid.~~

24 (3)~~--In--the--case--of--a--function--to--be--performed--on--or~~
25 ~~after--July--17--1997--under--Article--V7--V-A7--V-B7--V-C7--V-D7--V-E7~~
26 ~~X7--XIV7--or--XV7--the--term--means--the--Illinois--Department--of~~
27 ~~Public--Aid.~~

28 (4)~~--In--the--case--of--a--function--to--be--performed--on--or~~
29 ~~after--July--17--1997--under--Article--I7--II7--VIII-A7--XI7--XII7--or~~
30 ~~XIII7--the--term--means--the--Department--of--Human--Services--(acting~~
31 ~~as--successor--to--the--Illinois--Department--of--Public--Aid)--or--the~~
32 ~~Illinois--Department--of--Public--Aid--or--both7--according--to~~

1 whether--that--function,--in--the--specific--context,--has--been
2 allocated--to--the--Department--of--Human--Services--or--the
3 Department--of--Public--Aid--or--both--of--those--departments.

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

5 (305 ILCS 5/2-12.5)

6 Sec. 2-12.5. Secretary. "Director--of--the--Illinois
7 Department"; "Director--of--the--Department"; "Director". In
8 this Code, "Secretary" "Director--of--the--Illinois--Department",
9 "Director--of--the--Department",--or--"Director",--when--a
10 particular--official--is--not--specified, means the following:

11 (1)--In--the--case--of--a--function--performed--before--July--1,
12 1997--(the--effective--date--of--the--Department--of--Human--Services
13 Act),--the--term--means--the--Director--of--Public--Aid.

14 (2)--In--the--case--of--a--function--to--be--performed--on--or
15 after--July--1,--1997--under--Article--III,--IV,--VI,--IX,--or--IXA,--the
16 term--means--the Secretary of Human Services. "Director", when
17 used in connection with an occurrence before the effective
18 date of this amendatory Act of the 92nd General Assembly,
19 means the former Director of Public Aid.

20 (3)--In--the--case--of--a--function--to--be--performed--on--or
21 after--July--1,--1997--under--Article--V,--V-A,--V-B,--V-C,--V-D,--V-E,
22 X,--XIV,--or--XV,--the--term--means--the--Director--of--Public--Aid.

23 (4)--In--the--case--of--a--function--to--be--performed--on--or
24 after--July--1,--1997--under--Article--I,--II,--VIII,--XI,--XII,--or
25 XIII,--the--term--means--the--Secretary--of--Human--Services--or--the
26 Director--of--Public--Aid--or--both,--according--to--whether--that
27 function,--in--the--specific--context,--has--been--allocated--to--the
28 Department--of--Human--Services--or--the--Department--of--Public--Aid
29 or--both--of--those--departments.

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

31 (305 ILCS 5/2-14) (from Ch. 23, par. 2-14)

32 Sec. 2-14. "Local governmental unit". Every county, city,

1 village, incorporated town or township charged with the duty
2 of providing public aid under Article VI; and County Veterans
3 Assistance Commissions providing general assistance to
4 indigent war veterans and their families under Section
5 12-21.13 of Article XII.

6 However, should any Section of this Code impose the
7 obligation of providing medical assistance to persons who are
8 non-residents of the State of Illinois upon a local
9 governmental unit, the term "local governmental unit" shall
10 not include townships. In such case the obligation for
11 providing medical assistance to non-residents which would
12 otherwise be the duty of a township shall become the
13 obligation of the Illinois Department of Public Aid.

14 (Source: P.A. 81-519; 81-1085; 81-1509.)

15 (305 ILCS 5/3-10.7) (from Ch. 23, par. 3-10.7)

16 Sec. 3-10.7. Foreclosure of lien. Upon the death of the
17 recipient, or prior thereto in cases of fraud if the Illinois
18 Department deems such action necessary to preserve the
19 security of the lien, the Illinois Department, acting in
20 behalf of the State, may foreclose the lien in a judicial
21 proceeding to the same extent and in the same manner as in
22 the enforcement of other liens. The process, practice and
23 procedure for such foreclosure shall be the same as provided
24 in the Civil Practice Law, as amended.

25 If the amount bid for the property at the sale is less
26 than the amount of the lien, or if there are no bidders, the
27 Illinois Department may purchase the property for the use of
28 the People of the State of Illinois. Property so acquired may
29 be sold to the highest bidder, after advertisement in the
30 State official newspaper, the sale to be not less than 10
31 days after the advertisement. Upon a sale, the deed shall be
32 executed by the Illinois Department for the use of the People
33 of the State of Illinois, and shall be signed by the

1 Secretary Director.

2 Except in cases of fraud, the Illinois Department shall
3 defer foreclosure proceedings on property occupied as a
4 homestead by the recipient, his surviving spouse, or a
5 relative of the recipient as defined by the rules and
6 regulations of the Illinois Department.

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

8 (305 ILCS 5/3-10.9) (from Ch. 23, par. 3-10.9)

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

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

30 (305 ILCS 5/3-13) (from Ch. 23, par. 3-13)

31 Sec. 3-13. Federal program - Declaration of
32 responsibilities: It is the position of this State that the

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

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

30 (b) The Illinois Department shall institute a State
31 program to fully supplement the federal Supplemental Security
32 Income grants of all persons in the aged, blind, or disabled
33 categories who meet the eligibility and need requirements of
34 this Code, after having given prior notice to and having

1 consulted with the Citizens Assembly/Council on Public Aid
2 under the procedures established by Section 12-4.11 hereof.
3 The amount or amounts of such supplementary payments shall be
4 established by the Secretary ~~Director~~ of the Illinois
5 Department in a manner consistent with the other provisions
6 of this Article III.

7 (c) The Illinois Department, the Comptroller and the
8 Treasurer, are authorized to disburse to the Federal
9 Government amounts appropriated to the Illinois Department
10 for use in furnishing aid to persons eligible under Article
11 III of this Code, to receive reimbursements from the Federal
12 Government therefor, and to establish administrative
13 procedures necessary for the accomplishment of such a payment
14 system.

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

16 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

17 Sec. 4-1.7. Enforcement of Parental Child Support
18 Obligation.) If the parent or parents of the child are
19 failing to meet or are delinquent in their legal obligation
20 to support the child, the parent or other person having
21 custody of the child or the Illinois Department of ~~Public Aid~~
22 may request the law enforcement officer authorized or
23 directed by law to so act to file action for the enforcement
24 of such remedies as the law provides for the fulfillment of
25 the child support obligation.

26 If a parent has a judicial remedy against the other
27 parent to compel child support, or if, as the result of an
28 action initiated by or in behalf of one parent against the
29 other, a child support order has been entered in respect to
30 which there is noncompliance or delinquency, or where the
31 order so entered may be changed upon petition to the court to
32 provide additional support, the parent or other person having
33 custody of the child or the Illinois Department of ~~Public Aid~~

1 may request the appropriate law enforcement officer to seek
2 enforcement of the remedy, or of the support order, or a
3 change therein to provide additional support. If the law
4 enforcement officer is not authorized by law to so act in
5 these instances, the parent, or if so authorized by law the
6 other person having custody of the child, or the Illinois
7 Department of Public Aid may initiate an action to enforce
8 these remedies.

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

20 In addition to any other definition of failure or refusal
21 to comply with the requirements of Title IV of the federal
22 Social Security Act, or Illinois Department rule, in the case
23 of failure to attend court hearings, the parent or other
24 person can show cooperation by attending a court hearing or,
25 if a court hearing cannot be scheduled within 14 days
26 following the court hearing that was missed, by signing a
27 statement that the parent or other person is now willing to
28 cooperate in the child support enforcement process and will
29 appear at any later scheduled court date. The parent or
30 other person can show cooperation by signing such a statement
31 only once. If failure to attend the court hearing or other
32 failure to cooperate results in the case being dismissed,
33 such a statement may be signed after 2 months.

34 No denial or termination of medical assistance pursuant

1 to this Section shall commence during pregnancy of the parent
 2 or other person having custody of the child or for 30 days
 3 after the termination of such pregnancy. The termination of
 4 medical assistance may commence thereafter if the Illinois
 5 Department of Public Aid determines that the failure or
 6 refusal to comply with this Section persists. Postponement
 7 of denial or termination of medical assistance during
 8 pregnancy under this paragraph shall be effective only to the
 9 extent it does not conflict with federal law or regulation.

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

15 When so requested, the Illinois Department of Public Aid
 16 and the Department of Human Services shall provide such
 17 services and assistance as the law enforcement officer may
 18 require in connection with the filing of any action
 19 hereunder.

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

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

30 (Source: P.A. 89-507, eff. 7-1-97; 90-17, eff. 7-1-97.)

31 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

32 Sec. 4-2. Amount of aid.

33 (a) The amount and nature of financial aid shall be

1 determined in accordance with the grant amounts, rules and
2 regulations of the Illinois Department. Due regard shall be
3 given to the self-sufficiency requirements of the family and
4 to the income, money contributions and other support and
5 resources available, from whatever source. Beginning July 1,
6 1992, the supplementary grants previously paid under this
7 Section shall no longer be paid. However, the amount and
8 nature of any financial aid is not affected by the payment of
9 any grant under the "Senior Citizens and Disabled Persons
10 Property Tax Relief and Pharmaceutical Assistance Act" or any
11 distributions or items of income described under subparagraph
12 (X) of paragraph (2) of subsection (a) of Section 203 of the
13 Illinois Income Tax Act. The aid shall be sufficient, when
14 added to all other income, money contributions and support to
15 provide the family with a grant in the amount established by
16 Department regulation.

17 (b) The Illinois Department may conduct special
18 projects, which may be known as Grant Diversion Projects,
19 under which recipients of financial aid under this Article
20 are placed in jobs and their grants are diverted to the
21 employer who in turn makes payments to the recipients in the
22 form of salary or other employment benefits. The Illinois
23 Department shall by rule specify the terms and conditions of
24 such Grant Diversion Projects. Such projects shall take into
25 consideration and be coordinated with the programs
26 administered under the Illinois Emergency Employment
27 Development Act.

28 (c) The amount and nature of the financial aid for a
29 child requiring care outside his own home shall be determined
30 in accordance with the rules and regulations of the Illinois
31 Department, with due regard to the needs and requirements of
32 the child in the foster home or institution in which he has
33 been placed.

34 (d) If the Department establishes grants for family

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

9 Payments for basic maintenance requirements of a child or
10 children and the relative with whom the child or children are
11 living shall be prescribed, by rule, by the Illinois
12 Department.

13 These grants may be increased in the following circumstances:

14 1. If the child is living with both parents or with
15 persons standing in the relationship of parents, and if
16 the grant is necessitated because of the unemployment or
17 insufficient earnings of the parent or parents and
18 neither parent is receiving benefits under "The
19 Unemployment Compensation Act", approved June 30, 1937,
20 as amended, the maximum may be increased by not more than
21 \$25.

22 2. If a child is age 13 or over, the maximum may be
23 increased by not more than \$15.

24 The allowances provided under Article IX for recipients
25 participating in the training and rehabilitation programs
26 shall be in addition to the maximum payments established in
27 this Section.

28 Grants under this Article shall not be supplemented by
29 General Assistance provided under Article VI.

30 (e) Grants shall be paid to the parent or other person
31 with whom the child or children are living, except for such
32 amount as is paid in behalf of the child or his parent or
33 other relative to other persons or agencies pursuant to this
34 Code or the rules and regulations of the Illinois Department.

1 (f) An assistance unit, receiving financial aid under
2 this Article or temporarily ineligible to receive aid under
3 this Article under a penalty imposed by the Illinois
4 Department for failure to comply with the eligibility
5 requirements or that voluntarily requests termination of
6 financial assistance under this Article and becomes
7 subsequently eligible for assistance within 9 months, shall
8 not receive any increase in the amount of aid solely on
9 account of the birth of a child; except that an increase is
10 not prohibited when the birth is (i) of a child of a pregnant
11 woman who became eligible for aid under this Article during
12 the pregnancy, or (ii) of a child born within 10 months after
13 the date of implementation of this subsection, or (iii) of a
14 child conceived after a family became ineligible for
15 assistance due to income or marriage and at least 3 months of
16 ineligibility expired before any reapplication for
17 assistance. This subsection does not, however, prevent a
18 unit from receiving a general increase in the amount of aid
19 that is provided to all recipients of aid under this Article.

20 The Illinois Department is authorized to transfer funds,
21 and shall use any budgetary savings attributable to not
22 increasing the grants due to the births of additional
23 children, to supplement existing funding for employment and
24 training services for recipients of aid under this Article
25 IV. The Illinois Department shall target, to the extent the
26 supplemental funding allows, employment and training services
27 to the families who do not receive a grant increase after the
28 birth of a child. In addition, the Illinois Department shall
29 provide, to the extent the supplemental funding allows, such
30 families with up to 24 months of transitional child care
31 pursuant to Illinois Department rules. All remaining
32 supplemental funds shall be used for employment and training
33 services or transitional child care support.

34 In making the transfers authorized by this subsection,

1 the Illinois Department shall first determine, pursuant to
2 regulations adopted by the Illinois Department for this
3 purpose, the amount of savings attributable to not increasing
4 the grants due to the births of additional children.
5 Transfers may be made from General Revenue Fund
6 appropriations for distributive purposes authorized by
7 Article IV of this Code only to General Revenue Fund
8 appropriations for employability development services
9 including operating and administrative costs and related
10 distributive purposes under Article IXA of this Code. The
11 Secretary Director, with the approval of the Governor, shall
12 certify the amount and affected line item appropriations to
13 the State Comptroller.

14 The Illinois Department shall apply for all waivers of
15 federal law and regulations necessary to implement this
16 subsection; implementation of this subsection is contingent
17 on the Illinois Department receiving all necessary federal
18 waivers. The Illinois Department may implement this
19 subsection through the use of emergency rules in accordance
20 with Section 5-45 of the Illinois Administrative Procedure
21 Act. For purposes of the Illinois Administrative Procedure
22 Act, the adoption of rules to implement this subsection shall
23 be considered an emergency and necessary for the public
24 interest, safety, and welfare.

25 Nothing in this subsection shall be construed to prohibit
26 the Illinois Department from using funds under this Article
27 IV to provide assistance in the form of vouchers that may be
28 used to pay for goods and services deemed by the Illinois
29 Department, by rule, as suitable for the care of the child
30 such as diapers, clothing, school supplies, and cribs.

31 (g) (Blank).

32 (h) Notwithstanding any other provision of this Code,
33 the Illinois Department is authorized to reduce payment
34 levels used to determine cash grants under this Article after

1 December 31 of any fiscal year if the Illinois Department
 2 determines that the caseload upon which the appropriations
 3 for the current fiscal year are based have increased by more
 4 than 5% and the appropriation is not sufficient to ensure
 5 that cash benefits under this Article do not exceed the
 6 amounts appropriated for those cash benefits. Reductions in
 7 payment levels may be accomplished by emergency rule under
 8 Section 5-45 of the Illinois Administrative Procedure Act,
 9 except that the limitation on the number of emergency rules
 10 that may be adopted in a 24-month period shall not apply and
 11 the provisions of Sections 5-115 and 5-125 of the Illinois
 12 Administrative Procedure Act shall not apply. Increases in
 13 payment levels shall be accomplished only in accordance with
 14 Section 5-40 of the Illinois Administrative Procedure Act.
 15 Before any rule to increase payment levels promulgated under
 16 this Section shall become effective, a joint resolution
 17 approving the rule must be adopted by a roll call vote by a
 18 majority of the members elected to each chamber of the
 19 General Assembly.

20 (Source: P.A. 90-17, eff. 7-1-97; 90-372, eff. 7-1-98;
 21 90-655, eff. 7-30-98; 91-676, eff. 12-23-99.)

22 (305 ILCS 5/4-4.1)

23 Sec. 4-4.1. Immunizations.

24 (a) ~~The Illinois Department of Public Aid shall develop~~
 25 ~~and implement and that Department and the Department of Human~~
 26 Services shall jointly continue by rule a program to ensure
 27 that children under 5 years of age living in assistance units
 28 that receive benefits under this Code are immunized. The
 29 ~~Illinois Department of Public Aid shall report to the~~
 30 ~~Governor and the General Assembly on the progress of the~~
 31 ~~program on April 17, 1994 and 1995.~~

32 (b) Nothing in this Section shall be construed to
 33 require immunization of any child in contravention of the

1 stated objections of a parent, guardian, or relative with
2 custody of a child that the administration of immunizing
3 agents conflicts with his or her religious tenets and
4 practices.

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

6 (305 ILCS 5/5-1.1) (from Ch. 23, par. 5-1.1)

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

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

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

16 (c) "Standard services" means those services required
17 for the care of all patients in the facility and shall as a
18 minimum include the following: (1) administration; (2)
19 dietary (standard); (3) housekeeping; (4) laundry and linen;
20 (5) maintenance of property and equipment, including
21 utilities; (6) medical records; (7) training of employees;
22 (8) utilization review; (9) activities services; (10) social
23 services; (11) disability services; and all other similar
24 services required by either the laws of the State of Illinois
25 or one of its political subdivisions or municipalities or by
26 Title XIX of the Social Security Act.

27 (d) "Patient services" means those which vary with the
28 number of personnel; professional and para-professional
29 skills of the personnel; specialized equipment, and reflect
30 the intensity of the medical and psycho-social needs of the
31 patients. Patient services shall as a minimum include: (1)
32 physical services; (2) nursing services, including
33 restorative nursing; (3) medical direction and patient care

1 planning; (4) health related supportive and habilitative
2 services and all similar services required by either the laws
3 of the State of Illinois or one of its political subdivisions
4 or municipalities or by Title XIX of the Social Security Act.

5 (e) "Ancillary services" means those services which
6 require a specific physician's order and defined as under the
7 medical assistance program as not being routine in nature for
8 skilled nursing and intermediate care facilities. Such
9 services generally must be authorized prior to delivery and
10 payment as provided for under the rules of the Department of
11 Public Aid.

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

16 (g) "Profit" means the amount which shall accrue to a
17 facility as a result of its revenues exceeding its expenses
18 as determined in accordance with generally accepted
19 accounting principles.

20 (h) "Non-institutional services" means those services
21 provided under paragraph (f) of Section 3 of the Disabled
22 Persons Rehabilitation Act and those services provided under
23 Section 4.02 of the Illinois Act on the Aging.

24 (i) "Exceptional medical care" means the level of
25 medical care required by persons who are medically stable for
26 discharge from a hospital but who require acute intensity
27 hospital level care for physician, nurse and ancillary
28 specialist services, including persons with acquired
29 immunodeficiency syndrome (AIDS) or a related condition.
30 Such care shall consist of those services which the
31 Department shall determine by rule.

32 (j) "Institutionalized person" means an individual who
33 is an inpatient in an intermediate care or skilled nursing
34 facility, or who is an inpatient in a medical institution

1 receiving a level of care equivalent to that of an
2 intermediate care or skilled nursing facility, or who is
3 receiving services under Section 1915(c) of the Social
4 Security Act.

5 (k) "Institutionalized spouse" means an
6 institutionalized person who is expected to receive services
7 at the same level of care for at least 30 days and is married
8 to a spouse who is not an institutionalized person.

9 (l) "Community spouse" is the spouse of an
10 institutionalized spouse.

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

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

13 Sec. 5-4. Amount and nature of medical assistance. The
14 amount and nature of medical assistance shall be determined
15 by the County Departments in accordance with the standards,
16 rules, and regulations of the Illinois Department of Public
17 Aid, with due regard to the requirements and conditions in
18 each case, including contributions available from legally
19 responsible relatives. However, the amount and nature of
20 such medical assistance shall not be affected by the payment
21 of any grant under the Senior Citizens and Disabled Persons
22 Property Tax Relief and Pharmaceutical Assistance Act or any
23 distributions or items of income described under subparagraph
24 (X) of paragraph (2) of subsection (a) of Section 203 of the
25 Illinois Income Tax Act. The amount and nature of medical
26 assistance shall not be affected by the receipt of donations
27 or benefits from fundraisers in cases of serious illness, as
28 long as neither the person nor members of the person's family
29 have actual control over the donations or benefits or the
30 disbursement of the donations or benefits.

31 In determining the income and assets available to the
32 institutionalized spouse and to the community spouse, the
33 Illinois Department of Public Aid shall follow the procedures

1 established by federal law. The community spouse resource
2 allowance shall be established and maintained at the maximum
3 level permitted pursuant to Section 1924(f)(2) of the Social
4 Security Act, as now or hereafter amended, or an amount set
5 after a fair hearing, whichever is greater. The monthly
6 maintenance allowance for the community spouse shall be
7 established and maintained at the maximum level permitted
8 pursuant to Section 1924(d)(3)(C) of the Social Security Act,
9 as now or hereafter amended. Subject to the approval of the
10 Secretary of the United States Department of Health and Human
11 Services, the provisions of this Section shall be extended to
12 persons who but for the provision of home or community-based
13 services under Section 4.02 of the Illinois Act on the Aging,
14 would require the level of care provided in an institution,
15 as is provided for in federal law.

16 The Department of Human Services shall notify in writing
17 each institutionalized spouse who is a recipient of medical
18 assistance under this Article, and each such person's
19 community spouse, of the changes in treatment of income and
20 resources, including provisions for protecting income for a
21 community spouse and permitting the transfer of resources to
22 a community spouse, required by enactment of the federal
23 Medicare Catastrophic Coverage Act of 1988 (Public Law
24 100-360). The notification shall be in language likely to be
25 easily understood by those persons. The Department of Human
26 Services also shall reassess the amount of medical assistance
27 for which each such recipient is eligible as a result of the
28 enactment of that federal Act, whether or not a recipient
29 requests such a reassessment.

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

31 (305 ILCS 5/5-4.23) (from Ch. 23, par. 5-4.23)

32 Sec. 5-4.23. Payment of Fees Due.

33 (a) The fees described in Section 5-4.22 shall be due

1 and payable on a calendar quarterly basis.

2 (b) The fee shall be payable to and collected by the
3 Illinois Department in equal quarterly amounts due on the
4 first business day of each calendar quarter. All monies
5 collected under Section 5-4.22 shall be deposited into the
6 Fund.

7 (c) The Secretary ~~Director~~ of the Illinois Department is
8 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 Secretary ~~Director~~ for good cause shown.

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

15 (305 ILCS 5/5-4.33) (from Ch. 23, par. 5-4.33)

16 Sec. 5-4.33. Payment of Fees Due.

17 (a) The fees described in Section 5-4.32 shall be due
18 and payable on a calendar quarterly basis. The Illinois
19 Department may provide that county nursing homes directed and
20 maintained pursuant to Section 5-1005 of the Counties Code
21 may meet their fee obligation by certifying to the Illinois
22 Department that county expenditures have been obligated for
23 the operation of the county nursing home in an amount at
24 least equal to the amount of the fee.

25 (b) The fee shall be payable to and collected by the
26 Illinois Department in equal quarterly amounts due on the
27 first business day of each calendar quarter. All monies
28 collected under Section 5-4.32 shall be deposited into the
29 Fund.

30 (c) The Secretary ~~Director~~ of the Illinois Department is
31 authorized to establish delayed payment schedules for
32 facilities that are unable to make timely payments under this
33 subsection due to financial difficulties. The delayed

1 payments shall include interest at a rate not to exceed the
2 State of Illinois borrowing rate. The interest may be waived
3 by the Secretary ~~Director~~ for good cause shown.

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

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

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

1 State, but not including abortions, or induced miscarriages
2 or premature births, unless, in the opinion of a physician,
3 such procedures are necessary for the preservation of the
4 life of the woman seeking such treatment, or except an
5 induced premature birth intended to produce a live viable
6 child and such procedure is necessary for the health of the
7 mother or her unborn child. The Illinois Department, by rule,
8 shall prohibit any physician from providing medical
9 assistance to anyone eligible therefor under this Code where
10 such physician has been found guilty of performing an
11 abortion procedure in a wilful and wanton manner upon a woman
12 who was not pregnant at the time such abortion procedure was
13 performed. The term "any other type of remedial care" shall
14 include nursing care and nursing home service for persons who
15 rely on treatment by spiritual means alone through prayer for
16 healing.

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

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

31 The Illinois Department of ~~Public Aid~~ shall provide the
32 following services to persons eligible for assistance under
33 this Article who are participating in education, training or
34 employment programs operated by the Department of ~~Human~~

1 ~~Services-as-successor-to-the-Department-of-Public-Aid:~~

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

4 (2) eyeglasses prescribed by a physician skilled in
5 the diseases of the eye, or by an optometrist, whichever
6 the person may select.

7 The Illinois Department, by rule, may distinguish and
8 classify the medical services to be provided only in
9 accordance with the classes of persons designated in Section
10 5-2.

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

27 Any medical or health care provider shall immediately
28 recommend, to any pregnant woman who is being provided
29 prenatal services and is suspected of drug abuse or is
30 addicted as defined in the Alcoholism and Other Drug Abuse
31 and Dependency Act, referral to a local substance abuse
32 treatment provider licensed by the Department of Human
33 Services or to a licensed hospital which provides substance
34 abuse treatment services. The Department of-Public-Aid shall

1 assure coverage for the cost of treatment of the drug abuse
2 or addiction for pregnant recipients in accordance with the
3 Illinois Medicaid Program in conjunction with the Department
4 of Human Services.

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

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

21 ~~Neither The Illinois--Department--of-Public-Aid-nor-the~~
22 ~~Department of-Human--Services~~ may not shall sanction the
23 recipient solely on the basis of her substance abuse.

24 The Illinois Department shall establish such regulations
25 governing the dispensing of health services under this
26 Article as it shall deem appropriate. In formulating these
27 regulations the Illinois Department shall consult with and
28 give substantial weight to the recommendations offered by the
29 Citizens Assembly/Council on Public Aid. The Department
30 should seek the advice of formal professional advisory
31 committees appointed by the Secretary ~~Director--of---the~~
32 ~~Illinois--Department~~ for the purpose of providing regular
33 advice on policy and administrative matters, information
34 dissemination and educational activities for medical and

1 health care providers, and consistency in procedures to the
2 Illinois Department.

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

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

24 (1) Physicians participating in a Partnership and
25 providing certain services, which shall be determined by
26 the Illinois Department, to persons in areas covered by
27 the Partnership may receive an additional surcharge for
28 such services.

29 (2) The Department may elect to consider and
30 negotiate financial incentives to encourage the
31 development of Partnerships and the efficient delivery of
32 medical care.

33 (3) Persons receiving medical services through
34 Partnerships may receive medical and case management

1 services above the level usually offered through the
2 medical assistance program.

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

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

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

24 The Illinois Department shall require health care
25 providers to maintain records that document the medical care
26 and services provided to recipients of Medical Assistance
27 under this Article. The Illinois Department shall require
28 health care providers to make available, when authorized by
29 the patient, in writing, the medical records in a timely
30 fashion to other health care providers who are treating or
31 serving persons eligible for Medical Assistance under this
32 Article. All dispensers of medical services shall be
33 required to maintain and retain business and professional
34 records sufficient to fully and accurately document the

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

25 The rules and regulations of the Illinois Department
26 shall require that a written statement including the required
27 opinion of a physician shall accompany any claim for
28 reimbursement for abortions, or induced miscarriages or
29 premature births. This statement shall indicate what
30 procedures were used in providing such medical services.

31 The Illinois Department shall require that all dispensers
32 of medical services, other than an individual practitioner or
33 group of practitioners, desiring to participate in the
34 Medical Assistance program established under this Article to

1 disclose all financial, beneficial, ownership, equity, surety
2 or other interests in any and all firms, corporations,
3 partnerships, associations, business enterprises, joint
4 ventures, agencies, institutions or other legal entities
5 providing any form of health care services in this State
6 under this Article.

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

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

34 The Department shall execute, relative to the nursing

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

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

20 The Illinois Department shall report annually to the
21 General Assembly, no later than the second Friday in April of
22 1979 and each year thereafter, in regard to:

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

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

27 (c) current rate structures and proposed changes in
28 those rate structures for the various medical vendors;
29 and

30 (d) efforts at utilization review and control by
31 the Illinois Department.

32 The period covered by each report shall be the 3 years
33 ending on the June 30 prior to the report. The report shall
34 include suggested legislation for consideration by the

1 General Assembly. The filing of one copy of the report with
 2 the Speaker, one copy with the Minority Leader and one copy
 3 with the Clerk of the House of Representatives, one copy with
 4 the President, one copy with the Minority Leader and one copy
 5 with the Secretary of the Senate, one copy with the
 6 Legislative Research Unit, such additional copies with the
 7 State Government Report Distribution Center for the General
 8 Assembly as is required under paragraph (t) of Section 7 of
 9 the State Library Act and one copy with the Citizens
 10 Assembly/Council on Public Aid or its successor shall be
 11 deemed sufficient to comply with this Section.

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

15 (305 ILCS 5/5-5.01) (from Ch. 23, par. 5-5.01)

16 Sec. 5-5.01. The Department of ~~Public Aid~~ may establish
 17 and implement a pilot project for determining the feasibility
 18 of authorizing medical assistance payments for the costs of
 19 diagnosis and treatment of Alzheimer's disease.

20 (Source: P.A. 84-773.)

21 (305 ILCS 5/5-5.1) (from Ch. 23, par. 5-5.1)

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

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

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

1 (305 ILCS 5/5-5.3) (from Ch. 23, par. 5-5.3)

2 Sec. 5-5.3. Conditions of Payment - Prospective Rates -
3 Accounting Principles. This amendatory Act establishes
4 certain conditions for the Department of Public Aid in
5 instituting rates for the care of recipients of medical
6 assistance in skilled nursing facilities and intermediate
7 care facilities. Such conditions shall assure a method under
8 which the payment for skilled nursing and intermediate care
9 services, provided to recipients under the Medical Assistance
10 Program shall be on a reasonable cost related basis, which is
11 prospectively determined annually by the Department of Public
12 Aid. The annually established payment rate shall take effect
13 on July 1 in 1984 and subsequent years. There shall be no
14 rate increase during calendar year 1983 and the first six
15 months of calendar year 1984.

16 The determination of the payment shall be made on the
17 basis of generally accepted accounting principles that shall
18 take into account the actual costs to the facility of
19 providing skilled nursing and intermediate care services to
20 recipients under the medical assistance program.

21 The resultant total rate for a specified type of service
22 shall be an amount which shall have been determined to be
23 adequate to reimburse allowable costs of a facility that is
24 economically and efficiently operated. The Department shall
25 establish an effective date for each facility or group of
26 facilities after which rates shall be paid on a reasonable
27 cost related basis which shall be no sooner than the
28 effective date of this amendatory Act of 1977.

29 (Source: P.A. 91-357, eff. 7-29-79.)

30 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

31 Sec. 5-5.4. Standards of Payment Department of Public
32 Aid. The Department of Public Aid shall develop standards of
33 payment of skilled nursing and intermediate care services in

1 facilities providing such services under this Article which:

2 (1) Provides for the determination of a facility's
3 payment for skilled nursing and intermediate care services on
4 a prospective basis. The amount of the payment rate for all
5 nursing facilities certified under the medical assistance
6 program shall be prospectively established annually on the
7 basis of historical, financial, and statistical data
8 reflecting actual costs from prior years, which shall be
9 applied to the current rate year and updated for inflation,
10 except that the capital cost element for newly constructed
11 facilities shall be based upon projected budgets. The
12 annually established payment rate shall take effect on July 1
13 in 1984 and subsequent years. Rate increases shall be
14 provided annually thereafter on July 1 in 1984 and on each
15 subsequent July 1 in the following years, except that no rate
16 increase and no update for inflation shall be provided on or
17 after July 1, 1994 and before July 1, 2001, unless
18 specifically provided for in this Section.

19 For facilities licensed by the Department of Public
20 Health under the Nursing Home Care Act as Intermediate Care
21 for the Developmentally Disabled facilities or Long Term Care
22 for Under Age 22 facilities, the rates taking effect on July
23 1, 1998 shall include an increase of 3%. 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, 1998
27 shall include an increase of 3% plus \$1.10 per resident-day,
28 as defined by the Department.

29 For facilities licensed by the Department of Public
30 Health under the Nursing Home Care Act as Intermediate Care
31 for the Developmentally Disabled facilities or Long Term Care
32 for Under Age 22 facilities, the rates taking effect on July
33 1, 1999 shall include an increase of 1.6% plus \$3.00 per
34 resident-day, as defined by the Department. For facilities

1 licensed by the Department of Public Health under the Nursing
2 Home Care Act as Skilled Nursing facilities or Intermediate
3 Care facilities, the rates taking effect on July 1, 1999
4 shall include an increase of 1.6% and, for services provided
5 on or after October 1, 1999, shall be increased by \$4.00 per
6 resident-day, as defined by 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 July
11 1, 2000 shall include an increase of 2.5% per resident-day,
12 as defined by the Department. For facilities licensed by the
13 Department of Public Health under the Nursing Home Care Act
14 as Skilled Nursing facilities or Intermediate Care
15 facilities, the rates taking effect on July 1, 2000 shall
16 include an increase of 2.5% per resident-day, as defined by
17 the Department.

18 Rates established effective each July 1 shall govern
19 payment for services rendered throughout that fiscal year,
20 except that rates established on July 1, 1996 shall be
21 increased by 6.8% for services provided on or after January
22 1, 1997. Such rates will be based upon the rates calculated
23 for the year beginning July 1, 1990, and for subsequent years
24 thereafter shall be based on the facility cost reports for
25 the facility fiscal year ending at any point in time during
26 the previous calendar year, updated to the midpoint of the
27 rate year. The cost report shall be on file with the
28 Department no later than April 1 of the current rate year.
29 Should the cost report not be on file by April 1, the
30 Department shall base the rate on the latest cost report
31 filed by each skilled care facility and intermediate care
32 facility, updated to the midpoint of the current rate year.
33 In determining rates for services rendered on and after July
34 1, 1985, fixed time shall not be computed at less than zero.

1 The Department shall not make any alterations of regulations
2 which would reduce any component of the Medicaid rate to a
3 level below what that component would have been utilizing in
4 the rate effective on July 1, 1984.

5 (2) Shall take into account the actual costs incurred by
6 facilities in providing services for recipients of skilled
7 nursing and intermediate care services under the medical
8 assistance program.

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

11 (4) Shall take into account the actual costs incurred by
12 facilities in meeting licensing and certification standards
13 imposed and prescribed by the State of Illinois, any of its
14 political subdivisions or municipalities and by the U.S.
15 Department of Health and Human Services pursuant to Title XIX
16 of the Social Security Act.

17 The Department of ~~Public Aid~~ shall develop precise
18 standards for payments to reimburse nursing facilities for
19 any utilization of appropriate rehabilitative personnel for
20 the provision of rehabilitative services which is authorized
21 by federal regulations, including reimbursement for services
22 provided by qualified therapists or qualified assistants, and
23 which is in accordance with accepted professional practices.
24 Reimbursement also may be made for utilization of other
25 supportive personnel under appropriate supervision.

26 (Source: P.A. 90-9, eff. 7-1-97; 90-588, eff. 7-1-98; 91-24,
27 eff. 7-1-99; 91-712, eff. 7-1-00.)

28 (305 ILCS 5/5-5.4a)

29 Sec. 5-5.4a. Intermediate Care Facility for the
30 Developmentally Disabled; bed reserve payments.

31 The Department of ~~Public Aid~~ shall promulgate rules by
32 October 1, 1993 which establish a policy of bed reserve
33 payments to Intermediate Care Facilities for the

1 Developmentally Disabled which addresses the needs of
2 residents of Intermediate Care Facilities for the
3 Developmentally Disabled (ICF/DD) and their families.

4 (a) When a resident of an Intermediate Care Facility for
5 the Developmentally Disabled (ICF/DD) is absent from the
6 ICF/DD in which he or she is a resident for purposes of
7 physician authorized in-patient admission to a hospital, the
8 Department's rules shall, at a minimum, provide (1) bed
9 reserve payments at a daily rate which is 100% of the
10 client's current per diem rate, for a period not exceeding 10
11 consecutive days; (2) bed reserve payments at a daily rate
12 which is 75% of a client's current per diem rate, for a
13 period which exceeds 10 consecutive days but does not exceed
14 30 consecutive days; and (3) bed reserve payments at a daily
15 rate which is 50% of a client's current per diem rate for a
16 period which exceeds thirty consecutive days but does not
17 exceed 45 consecutive days.

18 (b) When a resident of an Intermediate Care Facility for
19 the Developmentally Disabled (ICF/DD) is absent from the
20 ICF/DD in which he or she is a resident for purposes of a
21 home visit with a family member the Department's rules shall,
22 at a minimum, provide (1) bed reserve payments at a rate
23 which is 100% of a client's current per diem rate, for a
24 period not exceeding 10 days per State fiscal year; and (2)
25 bed reserve payments at a rate which is 75% of a client's
26 current per diem rate, for a period which exceeds 10 days per
27 State fiscal year but does not exceed 30 days per State
28 fiscal year.

29 (c) No Department rule regarding bed reserve payments
30 shall require an ICF/DD to have a specified percentage of
31 total facility occupancy as a requirement for receiving bed
32 reserve payments.

33 This Section 5-5.4a shall not apply to any State operated
34 facilities.

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

2 (305 ILCS 5/5-5.5) (from Ch. 23, par. 5-5.5)

3 Sec. 5-5.5. Elements of Payment Rate.

4 (a) The Department of Public Aid shall develop a
5 prospective method for determining payment rates for skilled
6 nursing and intermediate care services in nursing facilities
7 composed of the following cost elements:

8 (1) Standard Services, with the cost of this
9 component being determined by taking into account the
10 actual costs to the facilities of these services subject
11 to cost ceilings to be defined in the Department's rules.

12 (2) Resident Services, with the cost of this
13 component being determined by taking into account the
14 actual costs, needs and utilization of these services, as
15 derived from an assessment of the resident needs in the
16 nursing facilities. The Department shall adopt rules
17 governing reimbursement for resident services as listed
18 in Section 5-1.1. Surveys or assessments of resident
19 needs under this Section shall include a review by the
20 facility of the results of such assessments and a
21 discussion of issues in dispute with authorized survey
22 staff, unless the facility elects not to participate in
23 such a review process. Surveys or assessments of
24 resident needs under this Section may be conducted
25 semi-annually and payment rates relating to resident
26 services may be changed on a semi-annual basis. The
27 Illinois Department shall initiate a project, either on a
28 pilot basis or Statewide, to reimburse the cost of
29 resident services based on a methodology which utilizes
30 an assessment of resident needs to determine the level of
31 reimbursement. This methodology shall be different from
32 the payment criteria for resident services utilized by
33 the Illinois Department on July 1, 1981. On March 1,

1 1982, and each year thereafter, until such time when the
2 Illinois Department adopts the methodology used in such
3 project for use statewide or the Illinois Department
4 reports to the Citizens Assembly/Council on Public Aid
5 that the methodology did not meet the Department's goals
6 and objectives and therefore is ceasing such project, the
7 Illinois Department shall report to the General Assembly
8 on the implementation and progress of such project. The
9 report shall include:

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

12 (B) A description of such project, including
13 the number and type of nursing facilities involved
14 in the project;

15 (C) A description of the methodology used in
16 such project;

17 (D) A description of the Illinois Department's
18 application of the methodology;

19 (E) A statement on the methodology's effect on
20 the quality of care given to residents in the sample
21 nursing facilities; and

22 (F) A statement on the cost of the methodology
23 used in such project and a comparison of this cost
24 with the cost of the current payment criteria.

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

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

32 (5) Real Estate Taxes, with the cost of this
33 component being determined by taking into account the
34 figures contained in the most currently available cost

1 reports (with no imposition of maximums) updated to the
2 midpoint of the current rate year for long term care
3 services rendered between July 1, 1984 and June 30, 1985,
4 and with the cost of this component being determined by
5 taking into account the actual 1983 taxes for which the
6 nursing homes were assessed (with no imposition of
7 maximums) updated to the midpoint of the current rate
8 year for long term care services rendered between July 1,
9 1985 and June 30, 1986.

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

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

23 (2) Profit, with the actual amount being produced
24 and accruing to the providers in the form of a return on
25 their total investment, on the basis of their ability to
26 economically and efficiently deliver a type of service.
27 The method of payment may assure the opportunity for a
28 profit, but shall not guarantee or establish a specific
29 amount as a cost.

30 (c) The Illinois Department may implement the amendatory
31 changes to this Section made by this amendatory Act of 1991
32 through the use of emergency rules in accordance with the
33 provisions of Section 5.02 of the Illinois Administrative
34 Procedure Act. For purposes of the Illinois Administrative

1 Procedure Act, the adoption of rules to implement the
2 amendatory changes to this Section made by this amendatory
3 Act of 1991 shall be deemed an emergency and necessary for
4 the public interest, safety and welfare.

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

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

14 (305 ILCS 5/5-5.5a) (from Ch. 23, par. 5-5.5a)

15 Sec. 5-5.5a. Kosher kitchen and food service.

16 (a) The Department of Public Aid may develop in its rate
17 structure for skilled nursing facilities and intermediate
18 care facilities an accommodation for fully kosher kitchen and
19 food service operations, rabbinically approved or certified
20 on an annual basis for a facility in which the only kitchen
21 or all kitchens are fully kosher (a fully kosher facility).
22 Beginning in the fiscal year after the fiscal year when this
23 amendatory Act of 1990 becomes effective, the rate structure
24 may provide for an additional payment to such facility not to
25 exceed 50 cents per resident per day if 60% or more of the
26 residents in the facility request kosher foods or food
27 products prepared in accordance with Jewish religious dietary
28 requirements for religious purposes in a fully kosher
29 facility. Based upon food cost reports of the Illinois
30 Department of Agriculture regarding kosher and non-kosher
31 food available in the various regions of the State, this rate
32 structure may be periodically adjusted by the Department but
33 may not exceed the maximum authorized under this subsection

1 (a).

2 (b) The Department shall by rule determine how a
3 facility with a fully kosher kitchen and food service may be
4 determined to be eligible and apply for the rate
5 accommodation specified in subsection (a).

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

7 (305 ILCS 5/5-5.7) (from Ch. 23, par. 5-5.7)

8 Sec. 5-5.7. Cost Reports - Audits. The Department of
9 Public Aid shall work with the Department of Public Health to
10 use cost report information currently being collected under
11 provisions of the "Nursing Home Care Act", approved August
12 23, 1979, as amended. The Department of Public Aid may, in
13 conjunction with the Department of Public Health, develop in
14 accordance with generally accepted accounting principles a
15 uniform chart of accounts which each facility providing
16 services under the medical assistance program shall adopt,
17 after a reasonable period.

18 Nursing homes licensed under the Nursing Home Care Act
19 and providers of adult developmental training services
20 certified by the Department of Human Services pursuant to
21 Section 15.2 of the Mental Health and Developmental
22 Disabilities Administrative Act which provide services to
23 clients eligible for medical assistance under this Article
24 are responsible for submitting the required annual cost
25 report to the Department of Public Aid.

26 The Department of Public Aid shall audit the financial
27 and statistical records of each provider participating in the
28 medical assistance program as a skilled nursing or
29 intermediate care facility over a 3 year period, beginning
30 with the close of the first cost reporting year. Following
31 the end of this 3-year term, audits of the financial and
32 statistical records will be performed each year in at least
33 20% of the facilities participating in the medical assistance

1 program with at least 10% being selected on a random sample
2 basis, and the remainder selected on the basis of exceptional
3 profiles. All audits shall be conducted in accordance with
4 generally accepted auditing standards.

5 The Department of Public Aid shall establish prospective
6 payment rates for categories of service needed within the
7 skilled nursing and intermediate care levels of services, in
8 order to more appropriately recognize the individual needs of
9 patients in nursing facilities.

10 The Department of Public Aid shall provide, during the
11 process of establishing the payment rate for skilled nursing
12 and intermediate care services, or when a substantial change
13 in rates is proposed, an opportunity for public review and
14 comment on the proposed rates prior to their becoming
15 effective.

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

17 (305 ILCS 5/5-5.8a) (from Ch. 23, par. 5-5.8a)

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

19 (a) For the provision of exceptional medical care, the
20 Illinois Department of Public Aid may make payments only to
21 skilled nursing facilities that substantially meet the
22 licensure and certification requirements prescribed by the
23 Department of Public Health. Only the Department of Public
24 Health shall be responsible for determining whether licensure
25 and certification requirements for skilled nursing care
26 facilities have been substantially met. The rate of payment
27 shall be negotiated with the facilities offering to provide
28 the exceptional medical care. A facility's costs of
29 providing exceptional care shall not be considered in
30 determining the rate of payment to skilled nursing facilities
31 under Sections 5-5.3 through 5-5.5. Payment for exceptional
32 medical care shall not exceed the rate that the Illinois
33 Department would be required to pay under the Medical

1 Assistance Program for the same care in a hospital.

2 (b) The Illinois Department shall adopt rules and
3 regulations under the Illinois Administrative Procedure Act
4 to implement this Section. Those rules and regulations shall
5 set forth the procedures to be followed by facilities when
6 submitting an initial exceptional medical care certification
7 request and exceptional medical care payment requests. The
8 rules and regulations shall also include the procedures and
9 criteria used by the Illinois Department in determining
10 whether to approve a skilled nursing facility's initial
11 exceptional medical care certification request and
12 exceptional medical care payment requests. The rules shall
13 provide that the Illinois Department, upon receipt of a
14 facility's request for payment for exceptional medical care
15 and all necessary documentation, shall, after negotiations
16 between the Illinois Department and the facility are
17 completed, determine and notify the facility whether the
18 request has been approved or denied.

19 (Source: P.A. 88-412.)

20 (305 ILCS 5/5-5.8b) (from Ch. 23, par. 5-5.8b)

21 Sec. 5-5.8b. Payment to Campus Facilities. There is
22 hereby established a separate payment category for campus
23 facilities. A "campus facility" is defined as an entity
24 which consists of a long term care facility (or group of
25 facilities if the facilities are on the same contiguous
26 parcel of real estate) which meets all of the following
27 criteria as of May 1, 1987: the entity provides care for
28 both children and adults; residents of the entity reside in
29 three or more separate buildings with congregate and small
30 group living arrangements on a single campus; the entity
31 provides three or more separate licensed levels of care; the
32 entity (or a part of the entity) is enrolled with the
33 Department of Public Aid as a provider of long term care

1 services and receives payments from the Department of Public
2 Aid; the entity (or a part of the entity) receives funding
3 from the Department of Mental Health and Developmental
4 Disabilities (now the Department of Human Services); and the
5 entity (or a part of the entity) holds a current license as a
6 child care institution issued by the Department of Children
7 and Family Services.

8 The Department of Public Aid, the Department of Human
9 Services, and the Department of Children and Family Services
10 shall develop jointly a rate methodology or methodologies for
11 campus facilities. Such methodology or methodologies may
12 establish a single rate to be paid by all the agencies, or a
13 separate rate to be paid by each agency, or separate
14 components to be paid to different parts of the campus
15 facility. All campus facilities shall receive the same rate
16 of payment for similar services. Any methodology developed
17 pursuant to this section shall take into account the actual
18 costs to the facility of providing services to residents, and
19 shall be adequate to reimburse the allowable costs of a
20 campus facility which is economically and efficiently
21 operated. Any methodology shall be established on the basis
22 of historical, financial, and statistical data submitted by
23 campus facilities, and shall take into account the actual
24 costs incurred by campus facilities in providing services,
25 and in meeting licensing and certification standards imposed
26 and prescribed by the State of Illinois, any of its political
27 subdivisions or municipalities and by the United States
28 Department of Health and Human Services. Rates may be
29 established on a prospective or retrospective basis. Any
30 methodology shall provide reimbursement for appropriate
31 payment elements, including the following: standard
32 services, patient services, real estate taxes, and capital
33 costs.

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

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

2 Sec. 5-9. Choice of Medical Dispensers. Applicants and
3 recipients shall be entitled to free choice of those
4 qualified practitioners, hospitals, nursing homes, and other
5 dispensers of medical services meeting the requirements and
6 complying with the rules and regulations of the Illinois
7 Department. However, the Secretary ~~Director-of-Public-Aid~~
8 may, after providing reasonable notice and opportunity for
9 hearing, deny, suspend or terminate any otherwise qualified
10 person, firm, corporation, association, agency, institution,
11 or other legal entity, from participation as a vendor of
12 goods or services under the medical assistance program
13 authorized by this Article if the Secretary ~~Director~~ finds
14 such vendor of medical services in violation of this Act or
15 the policy or rules and regulations issued pursuant to this
16 Act. Any physician who has been convicted of performing an
17 abortion procedure in a wilful and wanton manner upon a woman
18 who was not pregnant at the time such abortion procedure was
19 performed shall be automatically removed from the list of
20 physicians qualified to participate as a vendor of medical
21 services under the medical assistance program authorized by
22 this Article.

23 (Source: P.A. 82-263.)

24 (305 ILCS 5/5-11) (from Ch. 23, par. 5-11)

25 Sec. 5-11. Co-operative arrangements; contracts with
26 other State agencies, health care and rehabilitation
27 organizations, and fiscal intermediaries.

28 (a) The Illinois Department may enter into co-operative
29 arrangements with State agencies responsible for
30 administering or supervising the administration of health
31 services and vocational rehabilitation services to the end
32 that there may be maximum utilization of such services in the
33 provision of medical assistance.

1 The Illinois Department shall, not later than June 30,
2 1993, enter into one or more co-operative arrangements with
3 the Department of Mental Health and Developmental
4 Disabilities providing that the Department of Mental Health
5 and Developmental Disabilities will be responsible for
6 administering or supervising all programs for services to
7 persons in community care facilities for persons with
8 developmental disabilities, including but not limited to
9 intermediate care facilities, that are supported by State
10 funds or by funding under Title XIX of the federal Social
11 Security Act. The responsibilities of the Department of
12 Mental Health and Developmental Disabilities under these
13 agreements are transferred to the Department of Human
14 Services as provided in the Department of Human Services Act.

15 The Department may also contract with such State health
16 and rehabilitation agencies and other public or private
17 health care and rehabilitation organizations to act for it in
18 supplying designated medical services to persons eligible
19 therefor under this Article. Any contracts with health
20 services or health maintenance organizations shall be
21 restricted to organizations which have been certified as
22 being in compliance with standards promulgated pursuant to
23 the laws of this State governing the establishment and
24 operation of health services or health maintenance
25 organizations. The Department may also contract with
26 insurance companies or other corporate entities serving as
27 fiscal intermediaries in this State for the Federal
28 Government in respect to Medicare payments under Title XVIII
29 of the Federal Social Security Act to act for the Department
30 in paying medical care suppliers. The provisions of Section
31 9 of "An Act in relation to State finance", approved June 10,
32 1919, as amended, notwithstanding, such contracts with State
33 agencies, other health care and rehabilitation organizations,
34 or fiscal intermediaries may provide for advance payments.

1 (b) For purposes of this subsection (b), "managed care
2 community network" means an entity, other than a health
3 maintenance organization, that is owned, operated, or
4 governed by providers of health care services within this
5 State and that provides or arranges primary, secondary, and
6 tertiary managed health care services under contract with the
7 Illinois Department exclusively to persons participating in
8 programs administered by the Illinois Department.

9 The Illinois Department may certify managed care
10 community networks, including managed care community networks
11 owned, operated, managed, or governed by State-funded medical
12 schools, as risk-bearing entities eligible to contract with
13 the Illinois Department as Medicaid managed care
14 organizations. The Illinois Department may contract with
15 those managed care community networks to furnish health care
16 services to or arrange those services for individuals
17 participating in programs administered by the Illinois
18 Department. The rates for those provider-sponsored
19 organizations may be determined on a prepaid, capitated
20 basis. A managed care community network may choose to
21 contract with the Illinois Department to provide only
22 pediatric health care services. The Illinois Department shall
23 by rule adopt the criteria, standards, and procedures by
24 which a managed care community network may be permitted to
25 contract with the Illinois Department and shall consult with
26 the Department of Insurance in adopting these rules.

27 A county provider as defined in Section 15-1 of this Code
28 may contract with the Illinois Department to provide primary,
29 secondary, or tertiary managed health care services as a
30 managed care community network without the need to establish
31 a separate entity and shall be deemed a managed care
32 community network for purposes of this Code only to the
33 extent it provides services to participating individuals. A
34 county provider is entitled to contract with the Illinois

1 Department with respect to any contracting region located in
2 whole or in part within the county. A county provider is not
3 required to accept enrollees who do not reside within the
4 county.

5 In order to (i) accelerate and facilitate the development
6 of integrated health care in contracting areas outside
7 counties with populations in excess of 3,000,000 and counties
8 adjacent to those counties and (ii) maintain and sustain the
9 high quality of education and residency programs coordinated
10 and associated with local area hospitals, the Illinois
11 Department may develop and implement a demonstration program
12 from managed care community networks owned, operated,
13 managed, or governed by State-funded medical schools. The
14 Illinois Department shall prescribe by rule the criteria,
15 standards, and procedures for effecting this demonstration
16 program.

17 A managed care community network that contracts with the
18 Illinois Department to furnish health care services to or
19 arrange those services for enrollees participating in
20 programs administered by the Illinois Department shall do all
21 of the following:

22 (1) Provide that any provider affiliated with the
23 managed care community network may also provide services
24 on a fee-for-service basis to Illinois Department clients
25 not enrolled in such managed care entities.

26 (2) Provide client education services as determined
27 and approved by the Illinois Department, including but
28 not limited to (i) education regarding appropriate
29 utilization of health care services in a managed care
30 system, (ii) written disclosure of treatment policies and
31 restrictions or limitations on health services,
32 including, but not limited to, physical services,
33 clinical laboratory tests, hospital and surgical
34 procedures, prescription drugs and biologics, and

1 radiological examinations, and (iii) written notice that
2 the enrollee may receive from another provider those
3 covered services that are not provided by the managed
4 care community network.

5 (3) Provide that enrollees within the system may
6 choose the site for provision of services and the panel
7 of health care providers.

8 (4) Not discriminate in enrollment or disenrollment
9 practices among recipients of medical services or
10 enrollees based on health status.

11 (5) Provide a quality assurance and utilization
12 review program that meets the requirements established by
13 the Illinois Department in rules that incorporate those
14 standards set forth in the Health Maintenance
15 Organization Act.

16 (6) Issue a managed care community network
17 identification card to each enrollee upon enrollment.
18 The card must contain all of the following:

19 (A) The enrollee's health plan.

20 (B) The name and telephone number of the
21 enrollee's primary care physician or the site for
22 receiving primary care services.

23 (C) A telephone number to be used to confirm
24 eligibility for benefits and authorization for
25 services that is available 24 hours per day, 7 days
26 per week.

27 (7) Ensure that every primary care physician and
28 pharmacy in the managed care community network meets the
29 standards established by the Illinois Department for
30 accessibility and quality of care. The Illinois
31 Department shall arrange for and oversee an evaluation of
32 the standards established under this paragraph (7) and
33 may recommend any necessary changes to these standards.

34 (8) Provide a procedure for handling complaints

1 that meets the requirements established by the Illinois
2 Department in rules that incorporate those standards set
3 forth in the Health Maintenance Organization Act.

4 (9) Maintain, retain, and make available to the
5 Illinois Department records, data, and information, in a
6 uniform manner determined by the Illinois Department,
7 sufficient for the Illinois Department to monitor
8 utilization, accessibility, and quality of care.

9 (10) Provide that the pharmacy formulary used by
10 the managed care community network and its contract
11 providers be no more restrictive than the Illinois
12 Department's pharmaceutical program on the effective date
13 of this amendatory Act of 1998 and as amended after that
14 date.

15 The Illinois Department shall contract with an entity or
16 entities to provide external peer-based quality assurance
17 review for the managed health care programs administered by
18 the Illinois Department. The entity shall be representative
19 of Illinois physicians licensed to practice medicine in all
20 its branches and have statewide geographic representation in
21 all specialities of medical care that are provided in managed
22 health care programs administered by the Illinois Department.
23 The entity may not be a third party payer and shall maintain
24 offices in locations around the State in order to provide
25 service and continuing medical education to physician
26 participants within those managed health care programs
27 administered by the Illinois Department. The review process
28 shall be developed and conducted by Illinois physicians
29 licensed to practice medicine in all its branches. In
30 consultation with the entity, the Illinois Department may
31 contract with other entities for professional peer-based
32 quality assurance review of individual categories of services
33 other than services provided, supervised, or coordinated by
34 physicians licensed to practice medicine in all its branches.

1 The Illinois Department shall establish, by rule, criteria to
2 avoid conflicts of interest in the conduct of quality
3 assurance activities consistent with professional peer-review
4 standards. All quality assurance activities shall be
5 coordinated by the Illinois Department.

6 Each managed care community network must demonstrate its
7 ability to bear the financial risk of serving individuals
8 under this program. The Illinois Department shall by rule
9 adopt standards for assessing the solvency and financial
10 soundness of each managed care community network. Any
11 solvency and financial standards adopted for managed care
12 community networks shall be no more restrictive than the
13 solvency and financial standards adopted under Section
14 1856(a) of the Social Security Act for provider-sponsored
15 organizations under Part C of Title XVIII of the Social
16 Security Act.

17 The Illinois Department may implement the amendatory
18 changes to this Code made by this amendatory Act of 1998
19 through the use of emergency rules in accordance with Section
20 5-45 of the Illinois Administrative Procedure Act. For
21 purposes of that Act, the adoption of rules to implement
22 these changes is deemed an emergency and necessary for the
23 public interest, safety, and welfare.

24 (c) Not later than June 30, 1996, the Illinois
25 Department shall enter into one or more cooperative
26 arrangements with the Department of Public Health for the
27 purpose of developing a single survey for nursing facilities,
28 including but not limited to facilities funded under Title
29 XVIII or Title XIX of the federal Social Security Act or
30 both, which shall be administered and conducted solely by the
31 Department of Public Health. The Departments shall test the
32 single survey process on a pilot basis, with both the
33 Departments of Public Aid and Public Health represented on
34 the consolidated survey team. The pilot will sunset June 30,

1 1997. After June 30, 1997, unless otherwise determined by
2 the Governor, a single survey shall be implemented by the
3 Department of Public Health which would not preclude staff
4 from the Department of Public Health from going on-site to
5 nursing facilities to perform necessary audits and reviews
6 which shall not replicate the single State agency survey
7 required by this Act. This Section shall not apply to
8 community or intermediate care facilities for persons with
9 developmental disabilities.

10 (Source: P.A. 89-415, eff. 1-1-96; 89-507, eff. 7-1-97;
11 90-618, eff. 7-10-98.)

12 (305 ILCS 5/5-11.1)

13 Sec. 5-11.1. Cooperative arrangements; contracts. The
14 Illinois Department may enter into cooperative arrangements
15 with State agencies responsible for administering or
16 supervising the administration of health services and
17 vocational rehabilitation services to maximize utilization of
18 these services in the provision of medical assistance.

19 The Illinois Department shall, not later than June 30,
20 1994, enter into one or more cooperative arrangements with
21 the Department of Mental Health and Developmental
22 Disabilities providing that the Department of Mental Health
23 and Developmental Disabilities will be responsible for
24 administering or supervising all programs for services to
25 persons in community care facilities for persons with mental
26 illness, including but not limited to intermediate care
27 facilities, that are supported by State funds or by funding
28 under Title XIX of the federal Social Security Act. The
29 responsibilities of the Department of Mental Health and
30 Developmental Disabilities under these agreements are
31 transferred to the Department of Human Services as provided
32 in the Department of Human Services Act.

33 The Department may also contract with State health and

1 rehabilitation agencies and other public or private health
2 care and rehabilitation organizations to act for it in
3 supplying designated medical services to persons eligible
4 under this Section. Any contracts with health services or
5 health maintenance organizations shall be restricted to
6 organizations which have been certified as being in
7 compliance with standards promulgated under the laws of this
8 State governing the establishment and operation of health
9 services or health maintenance organizations. The Department
10 may also contract with insurance companies or other corporate
11 entities serving as fiscal intermediaries in this State for
12 the federal government in respect to Medicare payments under
13 Title XVIII of the federal Social Security Act to act for the
14 Department in paying medical care suppliers. Nothing in this
15 Section shall be construed to abrogate any existing
16 doctor/patient relationships with Illinois Department of
17 Public Aid recipients or the free choice of clients or their
18 guardians to select a physician to provide medical care. The
19 provisions of Section 9 of the State Finance Act
20 notwithstanding, such contracts with State agencies, other
21 health care and rehabilitation organizations, or fiscal
22 intermediaries may provide for advance payments.

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

24 (305 ILCS 5/5-15.5)

25 Sec. 5-15.5. Preventive physical examinations;
26 demonstration program.

27 (a) The Illinois Department may establish and implement
28 a demonstration program of preventive physical examinations
29 over a 3-year period commencing on January 1, 1994, for
30 persons receiving assistance under Article IV of this Code
31 and persons eligible for assistance under this Article who
32 are otherwise eligible for assistance under Article IV but
33 who fail to qualify for cash assistance under Article IV on

1 the basis of need. Notwithstanding any other provision of
2 this Section, however, persons who are pregnant or who are
3 less than 21 years of age shall not be eligible to
4 participate in the demonstration program. The demonstration
5 program may be implemented for recipients in at least 2
6 counties, one with a population of not more than 650,000 as
7 determined by the 1990 federal census, and one with a
8 population of not more than 100,000 as determined by the 1990
9 federal census. The Illinois Department may establish by
10 rule the nature and scope of the preventive physical
11 examinations required under this Section, except that the
12 services may include, as appropriate, blood pressure reading,
13 complete blood test appropriate to the population and risk
14 factors, family planning, nutrition counselling, smoking
15 evaluation, temperature, urinalysis, chest x-ray,
16 tuberculosis screening, and appropriate referrals.

17 (b) Participation in the demonstration program shall be
18 voluntary, and eligible recipients shall not be subject to
19 sanctions for refusing or failing to submit to a preventive
20 physical examination or any portion of such an examination.
21 The Illinois Department may by rule limit each eligible
22 recipient to one examination during the demonstration period.

23 (c) For the purpose of carrying out its responsibilities
24 under this Section, the Illinois Department is authorized to
25 enter into cooperative arrangements with for-profit and
26 non-profit medical clinics and hospitals, local health
27 departments, and other providers of medical services. The
28 Illinois Department of Public Health shall cooperate in the
29 development and establishment of this demonstration program.
30 During the period of the demonstration program, the Illinois
31 Department of Public Aid shall study the cost benefit of
32 providing preventive physical examinations to the targeted
33 group of recipients of public 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 5/5-16.1) (from Ch. 23, par. 5-16.1)
4 Sec. 5-16.1. Case Management Services. The Illinois
5 Department may develop, implement and evaluate a Case
6 Management Services Program which provides services
7 consistent with the provisions of this Section, and the
8 Inter-Agency Agreement between the Department of Public Aid
9 and the Department of Public Health, for a targeted
10 population on a less than Statewide basis in the State of
11 Illinois. The purpose of this Case Management Services
12 Program shall be to assist eligible participants in gaining
13 access to needed medical, social, educational and other
14 services thereby reducing the likelihood of long-term welfare
15 dependency. The Case Management Services Program shall have
16 the following characteristics:

17 (a) It shall be conducted for a period of no less
18 than 5 consecutive fiscal years in one urban area
19 containing a high proportion, as determined by Department
20 of Public Aid and Department of Public Health records, of
21 Medicaid eligible pregnant or parenting girls under 17
22 years of age at the time of the initial assessment and in
23 one rural area containing a high proportion, as
24 determined by Department of Public Aid and Department of
25 Public Health records, of Medicaid eligible pregnant or
26 parenting girls under 17 years of age at the time of the
27 initial assessment.

28 (b) Providers participating in the program shall be
29 paid an amount per patient per month, to be set by the
30 Illinois Department, for the case management services
31 provided.

32 (c) Providers eligible to participate in the
33 program shall be nurses or social workers, licensed to

1 practice in Illinois, who comply with the rules and
2 regulations established by the Illinois Department and
3 the Inter-Agency Agreement between the Department of
4 Public Aid and the Department of Public Health. The
5 Illinois Department may terminate a provider's
6 participation in the program if the provider is
7 determined to have failed to comply with any applicable
8 program standard or procedure established by the Illinois
9 Department.

10 (d) Each eligible participant in an area where the
11 Case Management Services Program is being conducted may
12 voluntarily designate a case manager, of her own choosing
13 to assume responsibility for her care.

14 (e) A participant may change her designated case
15 manager provided that she informs the Illinois Department
16 by the 20th day of the month in order for the change to
17 be effective in the following month.

18 (f) The Illinois Department shall, by rule,
19 establish procedures for providing case management
20 services when the designated source becomes unavailable
21 or wishes to withdraw from any obligation as case
22 management services provider.

23 (g) In accordance with rules adopted by the
24 Illinois Department, a participant may discontinue
25 participation in the program upon timely notice to the
26 Illinois Department, in which case the participant shall
27 remain eligible for assistance under all applicable
28 provisions of Article V of this Code.

29 The Illinois Department shall take any necessary steps to
30 obtain authorization or waiver under federal law to implement
31 a Case Management Services Program. Participation shall be
32 voluntary for the provider and the recipient.

33 (Source: P.A. 87-685.)

1 (305 ILCS 5/5-16.4)

2 Sec. 5-16.4. Medical Assistance Provider Payment Fund.

3 (a) There is created in the State treasury the Medical
4 Assistance Provider Payment Fund. Interest earned by the
5 Fund shall be credited to the Fund.

6 (b) The Fund is created for the purpose of disbursing
7 moneys as follows:

8 (1) For medical services provided to recipients of
9 aid under Articles V, VI, and XII.

10 (2) For payment of administrative expenses incurred
11 by the Illinois Department or its agent in performing the
12 activities authorized by this Section.

13 (3) For making transfers to the General Obligation
14 Bond Retirement and Interest Fund, as those transfers are
15 authorized in the proceedings authorizing debt under the
16 Medicaid Liability Liquidity Borrowing Act, but transfers
17 made under this paragraph (3) may not exceed the
18 principal amount of debt issued under that Act.

19 Disbursements from the Fund, other than transfers to the
20 General Obligation Bond Retirement and Interest Fund (which
21 shall be made in accordance with the provisions of the
22 Medicaid Liability Liquidity Borrowing Act), shall be by
23 warrants drawn by the State Comptroller upon receipt of
24 vouchers duly executed and certified by the Illinois
25 Department.

26 (c) The Fund shall consist of the following:

27 (1) All federal matching funds received by the
28 Illinois Department as a result of expenditures made by
29 the Illinois Department that are attributable to moneys
30 deposited into the Fund.

31 (2) Proceeds from any short-term borrowing directed
32 to the Fund by the Governor pursuant to the Medicaid
33 Liability Liquidity Borrowing Act.

34 (3) Amounts transferred into the Fund under

1 subsection (d) of this Section.

2 (4) All other moneys received for the Fund from any
3 other source, including interest earned on those moneys.

4 (d) Beginning July 1, 1995, on the 13th and 26th days of
5 each month the State Comptroller and Treasurer shall transfer
6 from the General Revenue Fund to the Medical Assistance
7 Provider Payment Fund an amount equal to 1/48th of the annual
8 Medical Assistance appropriation to the Illinois Department
9 of ~~Public Aid~~ from the Medical Assistance Provider Payment
10 Fund, plus cumulative deficiencies from those prior
11 transfers. In addition to those transfers, the State
12 Comptroller and Treasurer may transfer from the General
13 Revenue Fund to the Medical Assistance Provider Payment Fund
14 as much as is necessary to pay claims pursuant to the new
15 twice-monthly payment schedule established in Section 5-16.5
16 and to avoid interest liabilities under the State Prompt
17 Payment Act. No transfers made pursuant to this subsection
18 shall interfere with the timely payment of the general State
19 aid payment made pursuant to Section 18-11 of the School
20 Code.

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

22 (305 ILCS 5/5-21)

23 Sec. 5-21. Immunization. By July 1, 1994, the Illinois
24 Department shall, in cooperation with the Department of
25 Public Health, establish and implement a pilot program that
26 will provide immunization services for children on a walk-in
27 basis at local public aid offices. The Secretary ~~Director~~
28 shall determine the number and location of the local public
29 aid offices that will participate in the pilot program. The
30 Illinois Department shall submit a report on the
31 effectiveness of the program to the General Assembly on or
32 before December 31, 1995. The Department of ~~Public Aid and~~
33 ~~the Department of Human Services~~, in cooperation with the

1 Department of Public Health, shall continue to implement the
2 pilot program after the effective date of this amendatory Act
3 of 1996.

4 (Source: P.A. 88-493; 88-670, eff. 12-2-94; 89-507, eff.
5 7-1-97.)

6 (305 ILCS 5/5A-7) (from Ch. 23, par. 5A-7)

7 Sec. 5A-7. Administration; enforcement provisions.

8 (a) To the extent practicable, the Illinois Department
9 shall administer and enforce this Article and collect the
10 assessments, interest, and penalty assessments imposed under
11 this Article using procedures employed in its administration
12 of this Code generally and, as it deems appropriate, in a
13 manner similar to that in which the Department of Revenue
14 administers and collects the retailers' occupation tax under
15 the Retailers' Occupation Tax Act ("ROTA"). Instead of
16 certificates of registration, the Illinois Department shall
17 establish and maintain a listing of all hospital providers
18 appearing in the licensing records of the Department of
19 Public Health, which shall show each provider's name,
20 principal place of business, and the name and address of each
21 hospital operated, conducted, or maintained by the provider
22 in this State. In addition, the following specified
23 provisions of the Retailers' Occupation Tax Act are
24 incorporated by reference into this Section except that the
25 Illinois Department and its Secretary ~~Director~~ (rather than
26 the Department of Revenue and its Director) and every
27 hospital provider subject to assessment measured by adjusted
28 gross hospital revenue and to the return filing requirements
29 of this Article (rather than persons subject to retailers'
30 occupation tax measured by gross receipts from the sale of
31 tangible personal property at retail and to the return filing
32 requirements of ROTA) shall have the powers, duties, and
33 rights specified in these ROTA provisions, as modified in

1 this Section or by the Illinois Department in a manner
2 consistent with this Article and except as manifestly
3 inconsistent with the other provisions of this Article:

4 (1) ROTA, Section 4 (examination of return; notice
5 of correction; evidence; limitations; protest and
6 hearing), except that (i) the Illinois Department shall
7 issue notices of assessment liability (rather than
8 notices of tax liability as provided in ROTA, Section 4);
9 (ii) in the case of a fraudulent return or in the case of
10 an extended period agreed to by the Illinois Department
11 and the hospital provider before the expiration of the
12 limitation period, no notice of assessment liability
13 shall be issued more than 3 years after the later of the
14 due date of the return required by Section 5A-5 or the
15 date the return (or an amended return) was filed (rather
16 within the period stated in ROTA, Section 4); and (iii)
17 the penalty provisions of ROTA, Section 4 shall not
18 apply.

19 (2) ROTA, Sec. 5 (failure to make return; failure
20 to pay assessment), except that the penalty and interest
21 provisions of ROTA, Section 5 shall not apply.

22 (3) ROTA, Section 5a (lien; attachment;
23 termination; notice; protest; review; release of lien;
24 status of lien).

25 (4) ROTA, Section 5b (State lien notices; State
26 lien index; duties of recorder and registrar of titles).

27 (5) ROTA, Section 5c (liens; certificate of
28 release).

29 (6) ROTA, Section 5d (Department not required to
30 furnish bond; claim to property attached or levied upon).

31 (7) ROTA, Section 5e (foreclosure on liens;
32 enforcement).

33 (8) ROTA, Section 5f (demand for payment; levy and
34 sale of property; limitation).

1 (9) ROTA, Section 5g (sale of property;
2 redemption).

3 (10) ROTA, Section 5j (sales on transfers outside
4 usual course of business; report; payment of assessment;
5 rights and duties of purchaser; penalty).

6 (11) ROTA, Section 6 (erroneous payments; credit or
7 refund), provided that (i) the Illinois Department may
8 only apply an amount otherwise subject to credit or
9 refund to a liability arising under this Article; (ii)
10 except in the case of an extended period agreed to by the
11 Illinois Department and the hospital provider before the
12 expiration of this limitation period, a claim for credit
13 or refund must be filed no more than 3 years after the
14 due date of the return required by Section 5A-5 (rather
15 than the time limitation stated in ROTA, Section 6); and
16 (iii) credits or refunds shall not bear interest.

17 (12) ROTA, Section 6a (claims for credit or
18 refund).

19 (13) ROTA, Section 6b (tentative determination of
20 claim; notice; hearing; review), provided that a hospital
21 provider or its representative shall have 60 days (rather
22 than 20 days) within which to file a protest and request
23 for hearing in response to a tentative determination of
24 claim.

25 (14) ROTA, Section 6c (finality of tentative
26 determinations).

27 (15) ROTA, Section 8 (investigations and
28 hearings).

29 (16) ROTA, Section 9 (witness; immunity).

30 (17) ROTA, Section 10 (issuance of subpoenas;
31 attendance of witnesses; production of books and
32 records).

33 (18) ROTA, Section 11 (information confidential;
34 exceptions).

1 (19) ROTA, Section 12 (rules and regulations;
2 hearing; appeals), except that a hospital provider shall
3 not be required to file a bond or be subject to a lien in
4 lieu thereof in order to seek court review under the
5 Administrative Review Law of a final assessment or
6 revised final assessment or the equivalent thereof issued
7 by the Illinois Department under this Article.

8 (b) In addition to any other remedy provided for and
9 without sending a notice of assessment liability, the
10 Illinois Department may collect an unpaid assessment by
11 withholding, as payment of the assessment, reimbursements or
12 other amounts otherwise payable by the Illinois Department to
13 the provider.

14 (Source: P.A. 87-861.)

15 (305 ILCS 5/5B-7) (from Ch. 23, par. 5B-7)

16 Sec. 5B-7. Administration; enforcement provisions.

17 (a) To the extent practicable, the Illinois Department
18 shall administer and enforce this Article and collect the
19 assessments, interest, and penalty assessments imposed under
20 this Article, using procedures employed in its administration
21 of this Code generally and, as it deems appropriate, in a
22 manner similar to that in which the Department of Revenue
23 administers and collects the retailers' occupation tax under
24 the Retailers' Occupation Tax Act ("ROTA"). Instead of
25 certificates of registration, the Illinois Department shall
26 establish and maintain a listing of all long-term care
27 providers appearing in the licensing records of the
28 Department of Public Health, which shall show each provider's
29 name, principal place of business, and the name and address
30 of each long-term care facility operated or maintained by the
31 provider in this State. In addition, the following
32 provisions of the Retailers' Occupation Tax Act are
33 incorporated by reference into this Section, except that the

1 Illinois Department and its Secretary ~~Director~~ (rather than
2 the Department of Revenue and its Director) and every
3 long-term care provider subject to assessment measured by
4 occupied bed days and to the return filing requirements of
5 this Article (rather than persons subject to retailers'
6 occupation tax measured by gross receipts from the sale of
7 tangible personal property at retail and to the return filing
8 requirements of ROTA) shall have the powers, duties, and
9 rights specified in these ROTA provisions, as modified in
10 this Section or by the Illinois Department in a manner
11 consistent with this Article and except as manifestly
12 inconsistent with the other provisions of this Article:

13 (1) ROTA, Section 4 (examination of return; notice
14 of correction; evidence; limitations; protest and
15 hearing), except that (i) the Illinois Department shall
16 issue notices of assessment liability (rather than
17 notices of tax liability as provided in ROTA, Section 4);
18 (ii) in the case of a fraudulent return or in the case of
19 an extended period agreed to by the Illinois Department
20 and the long-term care provider before the expiration of
21 the limitation period, no notice of assessment liability
22 shall be issued more than 3 years after the later of the
23 due date of the return required by Section 5B-5 or the
24 date the return (or an amended return) was filed (rather
25 within the period stated in ROTA, Section 4); and (iii)
26 the penalty provisions of ROTA, Section 4 shall not
27 apply.

28 (2) ROTA, Section 5 (failure to make return;
29 failure to pay assessment), except that the penalty and
30 interest provisions of ROTA, Section 5 shall not apply.

31 (3) ROTA, Section 5a (lien; attachment;
32 termination; notice; protest; review; release of lien;
33 status of lien).

34 (4) ROTA, Section 5b (State lien notices; State

1 lien index; duties of recorder and registrar of titles).

2 (5) ROTA, Section 5c (liens; certificate of
3 release).

4 (6) ROTA, Section 5d (Department not required to
5 furnish bond; claim to property attached or levied upon).

6 (7) ROTA, Section 5e (foreclosure on liens;
7 enforcement).

8 (8) ROTA, Section 5f (demand for payment; levy and
9 sale of property; limitation).

10 (9) ROTA, Section 5g (sale of property;
11 redemption).

12 (10) ROTA, Section 5j (sales on transfers outside
13 usual course of business; report; payment of assessment;
14 rights and duties of purchaser; penalty).

15 (11) ROTA, Section 6 (erroneous payments; credit or
16 refund), provided that (i) the Illinois Department may
17 only apply an amount otherwise subject to credit or
18 refund to a liability arising under this Article; (ii)
19 except in the case of an extended period agreed to by the
20 Illinois Department and the long term care provider prior
21 to the expiration of this limitation period, a claim for
22 credit or refund must be filed no more than 3 years after
23 the due date of the return required by Section 5B-5
24 (rather than the time limitation stated in ROTA, Section
25 6); and (iii) credits or refunds shall not bear
26 interest.

27 (12) ROTA, Section 6a (claims for credit or
28 refund).

29 (13) ROTA, Section 6b (tentative determination of
30 claim; notice; hearing; review), provided that a
31 long-term care provider or its representative shall have
32 60 days (rather than 20 days) within which to file a
33 protest and request for hearing in response to a
34 tentative determination of claim.

1 (14) ROTA, Section 6c (finality of tentative
2 determinations).

3 (15) ROTA, Section 8 (investigations and
4 hearings).

5 (16) ROTA, Section 9 (witness; immunity).

6 (17) ROTA, Section 10 (issuance of subpoenas;
7 attendance of witnesses; production of books and
8 records).

9 (18) ROTA, Section 11 (information confidential;
10 exceptions).

11 (19) ROTA, Section 12 (rules and regulations;
12 hearing; appeals), except that a long-term care provider
13 shall not be required to file a bond or be subject to a
14 lien in lieu thereof in order to seek court review under
15 the Administrative Review Law of a final assessment or
16 revised final assessment or the equivalent thereof issued
17 by the Illinois Department under this Article.

18 (b) In addition to any other remedy provided for and
19 without sending a notice of assessment liability, the
20 Illinois Department may collect an unpaid assessment by
21 withholding, as payment of the assessment, reimbursements or
22 other amounts otherwise payable by the Illinois Department to
23 the provider.

24 (Source: P.A. 87-861.)

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

26 Sec. 5C-6. Administration; enforcement provisions.

27 (a) To the extent practicable, the Illinois Department
28 shall administer and enforce this Article and collect the
29 assessments, interest, and penalty assessments imposed under
30 this Article, using procedures employed in its administration
31 of this Code generally and, as it deems appropriate, in a
32 manner similar to that in which the Department of Revenue
33 administers and collects the retailers' occupation tax

1 pursuant to the Retailers' Occupation Tax Act ("ROTA").
2 Instead of certificates of registration, the Illinois
3 Department shall establish and maintain a listing of all
4 developmentally disabled care providers appearing in the
5 licensing records of the Department of Public Health, which
6 shall show each provider's name, principal place of business,
7 and the name and address of each developmentally disabled
8 care facility operated or maintained by the provider in this
9 State. In addition, the following Retailers' Occupation Tax
10 Act provisions are incorporated by reference into this
11 Section, except that the Illinois Department and its
12 Secretary ~~Director~~ (rather than the Department of Revenue and
13 its Director) and every developmentally disabled care
14 provider subject to assessment measured by adjusted gross
15 developmentally disabled care revenue and to the return
16 filing requirements of this Article (rather than persons
17 subject to retailers' occupation tax measured by gross
18 receipts from the sale of tangible personal property at
19 retail and to the return filing requirements of ROTA) shall
20 have the powers, duties, and rights specified in these ROTA
21 provisions, as modified in this Section or by the Illinois
22 Department in a manner consistent with this Article and
23 except as manifestly inconsistent with the other provisions
24 of this Article:

25 (1) ROTA, Section 4 (examination of return; notice
26 of correction; evidence; limitations; protest and
27 hearing), except that (i) the Illinois Department shall
28 issue notices of assessment liability (rather than
29 notices of tax liability as provided in ROTA, Section 4);
30 (ii) in the case of a fraudulent return or in the case of
31 an extended period agreed to by the Illinois Department
32 and the developmentally disabled care provider before the
33 expiration of the limitation period, no notice of
34 assessment liability shall be issued more than 3 years

1 after the later of the due date of the return required by
2 Section 5C-5 or the date the return (or an amended
3 return) was filed (rather within the period stated in
4 ROTA, Section 4); and (iii) the penalty provisions of
5 ROTA, Section 4 shall not apply.

6 (2) ROTA, Section 5 (failure to make return;
7 failure to pay assessment), except that the penalty and
8 interest provisions of ROTA, Section 5 shall not apply.

9 (3) ROTA, Section 5a (lien; attachment;
10 termination; notice; protest; review; release of lien;
11 status of lien).

12 (4) ROTA, Section 5b (State lien notices; State
13 lien index; duties of recorder and registrar of titles).

14 (5) ROTA, Section 5c (liens; certificate of
15 release).

16 (6) ROTA, Section 5d (Department not required to
17 furnish bond; claim to property attached or levied upon).

18 (7) ROTA, Section 5e (foreclosure on liens;
19 enforcement).

20 (8) ROTA, Section 5f (demand for payment; levy and
21 sale of property; limitation).

22 (9) ROTA, Section 5g (sale of property;
23 redemption).

24 (10) ROTA, Section 5j (sales on transfers outside
25 usual course of business; report; payment of assessment;
26 rights and duties of purchaser; penalty).

27 (11) ROTA, Section 6 (erroneous payments; credit or
28 refund), provided that (i) the Illinois Department may
29 only apply an amount otherwise subject to credit or
30 refund to a liability arising under this Article; (ii)
31 except in the case of an extended period agreed to by the
32 Illinois Department and the developmentally disabled care
33 provider prior to the expiration of this limitation
34 period, a claim for credit or refund must be filed no

1 more than 3 years after the due date of the return
2 required by Section 5C-5 (rather than the time limitation
3 stated in ROTA, Section 6); and (iii) credits or refunds
4 shall not bear interest.

5 (12) ROTA, Section 6a (claims for credit or
6 refund).

7 (13) ROTA, Section 6b (tentative determination of
8 claim; notice; hearing; review), provided that a
9 developmentally disabled care provider or its
10 representative shall have 60 days (rather than 20
11 days) within which to file a protest and request for
12 hearing in response to a tentative determination of
13 claim.

14 (14) ROTA, Section 6c (finality of tentative
15 determinations).

16 (15) ROTA, Section 8 (investigations and
17 hearings).

18 (16) ROTA, Section 9 (witness; immunity).

19 (17) ROTA, Section 10 (issuance of subpoenas;
20 attendance of witnesses; production of books and
21 records).

22 (18) ROTA, Section 11 (information confidential;
23 exceptions).

24 (19) ROTA, Section 12 (rules and regulations;
25 hearing; appeals), except that a developmentally disabled
26 care provider shall not be required to file a bond or be
27 subject to a lien in lieu thereof in order to seek court
28 review under the Administrative Review Law of a final
29 assessment or revised final assessment or the equivalent
30 thereof issued by the Illinois Department under this
31 Article.

32 (b) In addition to any other remedy provided for and
33 without sending a notice of assessment liability, the
34 Illinois Department may collect an unpaid assessment by

1 withholding, as payment of the assessment, reimbursements or
2 other amounts otherwise payable by the Illinois Department to
3 the provider.

4 (Source: P.A. 87-861.)

5 (305 ILCS 5/6-11) (from Ch. 23, par. 6-11)

6 Sec. 6-11. State funded General Assistance.

7 (a) Effective July 1, 1992, all State funded General
8 Assistance and related medical benefits shall be governed by
9 this Section. Other parts of this Code or other laws related
10 to General Assistance shall remain in effect to the extent
11 they do not conflict with the provisions of this Section. If
12 any other part of this Code or other laws of this State
13 conflict with the provisions of this Section, the provisions
14 of this Section shall control.

15 (b) State funded General Assistance shall consist of 2
16 separate programs. One program shall be for adults with no
17 children and shall be known as State Transitional Assistance.
18 The other program shall be for families with children and for
19 pregnant women and shall be known as State Family and
20 Children Assistance.

21 (c) (1) To be eligible for State Transitional Assistance
22 on or after July 1, 1992, an individual must be ineligible
23 for assistance under any other Article of this Code, must be
24 determined chronically needy, and must be one of the
25 following:

26 (A) age 18 or over or

27 (B) married and living with a spouse, regardless of
28 age.

29 (2) The Illinois Department or the local governmental
30 unit shall determine whether individuals are chronically
31 needy as follows:

32 (A) Individuals who have applied for Supplemental
33 Security Income (SSI) and are awaiting a decision on

1 eligibility for SSI who are determined disabled by the
2 Illinois Department using the SSI standard shall be
3 considered chronically needy, except that individuals
4 whose disability is based solely on substance addictions
5 (drug abuse and alcoholism) and whose disability would
6 cease were their addictions to end shall be eligible only
7 for medical assistance and shall not be eligible for cash
8 assistance under the State Transitional Assistance
9 program.

10 (B) If an individual has been denied SSI due to a
11 finding of "not disabled" (either at the Administrative
12 Law Judge level or above, or at a lower level if that
13 determination was not appealed), the Illinois Department
14 shall adopt that finding and the individual shall not be
15 eligible for State Transitional Assistance or any related
16 medical benefits. Such an individual may not be
17 determined disabled by the Illinois Department for a
18 period of 12 months, unless the individual shows that
19 there has been a substantial change in his or her medical
20 condition or that there has been a substantial change in
21 other factors, such as age or work experience, that might
22 change the determination of disability.

23 (C) The Illinois Department, by rule, may specify
24 other categories of individuals as chronically needy;
25 nothing in this Section, however, shall be deemed to
26 require the inclusion of any specific category other than
27 as specified in paragraphs (A) and (B).

28 (3) For individuals in State Transitional Assistance,
29 medical assistance shall be provided in an amount and nature
30 determined by the Illinois Department of Public Aid by rule.
31 The amount and nature of medical assistance provided need not
32 be the same as that provided under paragraph (4) of
33 subsection (d) of this Section, and nothing in this paragraph
34 (3) shall be construed to require the coverage of any

1 particular medical service. In addition, the amount and
2 nature of medical assistance provided may be different for
3 different categories of individuals determined chronically
4 needy.

5 (4) The Illinois Department shall determine, by rule,
6 those assistance recipients under Article VI who shall be
7 subject to employment, training, or education programs
8 including Earnfare, the content of those programs, and the
9 penalties for failure to cooperate in those programs.

10 (5) The Illinois Department shall, by rule, establish
11 further eligibility requirements, including but not limited
12 to residence, need, and the level of payments.

13 (d) (1) To be eligible for State Family and Children
14 Assistance, a family unit must be ineligible for assistance
15 under any other Article of this Code and must contain a child
16 who is:

17 (A) under age 18 or

18 (B) age 18 and a full-time student in a secondary
19 school or the equivalent level of vocational or technical
20 training, and who may reasonably be expected to complete
21 the program before reaching age 19.

22 Those children shall be eligible for State Family and
23 Children Assistance.

24 (2) The natural or adoptive parents of the child living
25 in the same household may be eligible for State Family and
26 Children Assistance.

27 (3) A pregnant woman whose pregnancy has been verified
28 shall be eligible for income maintenance assistance under the
29 State Family and Children Assistance program.

30 (4) The amount and nature of medical assistance provided
31 under the State Family and Children Assistance program shall
32 be determined by the Illinois Department of Public Aid by
33 rule. The amount and nature of medical assistance provided
34 need not be the same as that provided under paragraph (3) of

1 subsection (c) of this Section, and nothing in this paragraph
2 (4) shall be construed to require the coverage of any
3 particular medical service.

4 (5) The Illinois Department shall, by rule, establish
5 further eligibility requirements, including but not limited
6 to residence, need, and the level of payments.

7 (e) A local governmental unit that chooses to
8 participate in a General Assistance program under this
9 Section shall provide funding in accordance with Section
10 12-21.3 of this Act. Local governmental funds used to qualify
11 for State funding may only be expended for clients eligible
12 for assistance under this Section 6-11 and related
13 administrative expenses.

14 (f) In order to qualify for State funding under this
15 Section, a local governmental unit shall be subject to the
16 supervision and the rules and regulations of the Illinois
17 Department.

18 (g) Notwithstanding any other provision in this Code,
19 the Illinois Department is authorized to reduce payment
20 levels used to determine cash grants provided to recipients
21 of State Transitional Assistance at any time within a Fiscal
22 Year in order to ensure that cash benefits for State
23 Transitional Assistance do not exceed the amounts
24 appropriated for those cash benefits. Changes in payment
25 levels may be accomplished by emergency rule under Section
26 5-45 of the Illinois Administrative Procedure Act, except
27 that the limitation on the number of emergency rules that may
28 be adopted in a 24-month period shall not apply and the
29 provisions of Sections 5-115 and 5-125 of the Illinois
30 Administrative Procedure Act shall not apply. This provision
31 shall also be applicable to any reduction in payment levels
32 made upon implementation of this amendatory Act of 1995.

33 (Source: P.A. 88-45; 89-21, eff. 7-1-95; 89-507, eff.
34 7-1-97.)

1 (305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

2 Sec. 8A-7.1. The Secretary ~~Director~~, upon making a
3 determination based upon information in the possession of the
4 Illinois Department, that continuation in practice of a
5 licensed health care professional would constitute an
6 immediate danger to the public, shall submit a written
7 communication to the Director of Professional Regulation
8 indicating such determination and additionally providing a
9 complete summary of the information upon which such
10 determination is based, and recommending that the Director of
11 Professional Regulation immediately suspend such person's
12 license. All relevant evidence, or copies thereof, in the
13 Illinois Department's possession may also be submitted in
14 conjunction with the written communication. A copy of such
15 written communication, which is exempt from the copying and
16 inspection provisions of The Freedom of Information Act,
17 shall at the time of submittal to the Director of
18 Professional Regulation be simultaneously mailed to the last
19 known business address of such licensed health care
20 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 Secretary ~~Director~~, upon making a determination based
26 upon information in the possession of the Illinois
27 Department, that a licensed health care professional is
28 willfully committing fraud upon the Illinois Department's
29 medical assistance program, shall submit a written
30 communication to the Director of Professional Regulation
31 indicating such determination and additionally providing a
32 complete summary of the information upon which such
33 determination is based. All relevant evidence, or copies
34 thereof, in the Illinois Department's possession may also be

1 submitted in conjunction 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, and the Illinois Optometric Practice Act of 1987.

21 (Source: P.A. 90-742, eff. 8-13-98.)

22 (305 ILCS 5/8A-9) (from Ch. 23, par. 8A-9)

23 Sec. 8A-9. Special Investigations Unit. There shall be
24 established within the administrative staff a unit to
25 investigate all matters pertaining to the fraudulent
26 acquisition of public aid, including administrative funds.
27 The investigation may be conducted without prior notice to
28 the recipients, to the personnel administering the cases or
29 to vendors or other persons involved. The unit shall also
30 investigate any other matter relating to the administration
31 of public aid assigned to it by the Secretary ~~Director~~ of the
32 Illinois Department. The Illinois Department may make the
33 facts revealed by any investigation available to the Attorney

1 General or to the appropriate State's Attorney.

2 (Source: P.A. 82-440.)

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

4 Sec. 9-1. Declaration of Purpose. It is the purpose of
5 this Article to aid applicants for and recipients of public
6 aid under Articles III, IV, V, VI and VII, to increase their
7 capacities for self-support, self-care, and responsible
8 citizenship, and to assist them in maintaining and
9 strengthening family life. If authorized pursuant to Section
10 9-8, this Article may be extended to former and potential
11 recipients and to persons whose income does not exceed the
12 standard established to determine eligibility for aid as a
13 medically indigent person under Article V. The Department,
14 with the written consent of the Governor, may also:

15 (a) extend this Article to individuals and their
16 families with income closely related to national indices of
17 poverty who have special needs resulting from
18 institutionalization of a family member or conditions that
19 may lead to institutionalization or who live in impoverished
20 areas or in facilities developed to serve persons of low
21 income;

22 (b) establish, where indicated, schedules of payment for
23 service provided based on ability to pay;

24 (c) provide for the coordinated delivery of the services
25 described in this Article and related services offered by
26 other public or private agencies or institutions, and
27 cooperate with the Illinois Department on Aging to enable it
28 to properly execute and fulfill its duties pursuant to the
29 provisions of Section 4.01 of the "Illinois Act on the
30 Aging", as now or hereafter amended;

31 (d) provide in-home care services, such as chore and
32 housekeeping services or homemaker services, to recipients of
33 public aid under Articles IV and VI, the scope and

1 eligibility criteria for such services to be determined by
2 rule; and

3 (e) contract with other State agencies for the purchase
4 of social service under Title XX of the Social Security Act,
5 such services to be provided pursuant to such other agencies'
6 enabling legislation; and-

7 ~~cooperate with the Illinois Department of Public Aid~~
8 ~~to~~ provide services to public aid recipients for the
9 treatment and prevention of alcoholism and substance abuse.

10 (Source: P.A. 89-507, eff. 7-1-97; revised 1-16-01.)

11 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

12 Sec. 10-1. Declaration of Public Policy - Persons
13 Eligible for Child and Spouse Support Services - Fees for
14 Non-Applicants and Non-Recipients.) It is the intent of this
15 Code that the financial aid and social welfare services
16 herein provided supplement rather than supplant the primary
17 and continuing obligation of the family unit for self-support
18 to the fullest extent permitted by the resources available to
19 it. This primary and continuing obligation applies whether
20 the family unit of parents and children or of husband and
21 wife remains intact and resides in a common household or
22 whether the unit has been broken by absence of one or more
23 members of the unit. The obligation of the family unit is
24 particularly applicable when a member is in necessitous
25 circumstances and lacks the means of a livelihood compatible
26 with health and well-being.

27 It is the purpose of this Article to provide for locating
28 an absent parent or spouse, for determining his financial
29 circumstances, and for enforcing his legal obligation of
30 support, if he is able to furnish support, in whole or in
31 part. The Illinois Department of ~~Public Aid~~ shall give
32 priority to establishing, enforcing and collecting the
33 current support obligation, and then to past due support owed

1 to the family unit, except with respect to collections
2 effected through the intercept programs provided for in this
3 Article.

4 The child and spouse support services provided hereunder
5 shall be furnished dependents of an absent parent or spouse
6 who are applicants for or recipients of financial aid under
7 this Code. It is not, however, a condition of eligibility
8 for financial aid that there be no responsible relatives who
9 are reasonably able to provide support. Nor, except as
10 provided in Sections 4-1.7 and 10-8, shall the existence of
11 such relatives or their payment of support contributions
12 disqualify a needy person for financial aid.

13 By accepting financial aid under this Code, a spouse or a
14 parent or other person having custody of a child shall be
15 deemed to have made assignment to the Illinois Department for
16 aid under Articles III, IV, V and VII or to a local
17 governmental unit for aid under Article VI of any and all
18 rights, title, and interest in any support obligation up to
19 the amount of financial aid provided. The rights to support
20 assigned to the Illinois Department of Public Aid or local
21 governmental unit shall constitute an obligation owed the
22 State or local governmental unit by the person who is
23 responsible for providing the support, and shall be
24 collectible under all applicable processes.

25 The Illinois Department of Public Aid shall also furnish
26 the child and spouse support services established under this
27 Article in behalf of persons who are not applicants for or
28 recipients of financial aid under this Code in accordance
29 with the requirements of Title IV, Part D of the Social
30 Security Act. The Department may establish a schedule of
31 reasonable fees, to be paid for the services provided and may
32 deduct a collection fee, not to exceed 10% of the amount
33 collected, from such collection. The Illinois Department of
34 Public Aid shall cause to be published and distributed

1 publications reasonably calculated to inform the public that
2 individuals who are not recipients of or applicants for
3 public aid under this Code are eligible for the child and
4 spouse support services under this Article X. Such
5 publications shall set forth an explanation, in plain
6 language, that the child and spouse support services program
7 is independent of any public aid program under the Code and
8 that the receiving of child and spouse support service in no
9 way implies that the person receiving such service is
10 receiving public aid.

11 (Source: P.A. 90-18, eff. 7-1-97.)

12 (305 ILCS 5/10-13.4) (from Ch. 23, par. 10-13.4)

13 Sec. 10-13.4. Proof of records.) The books, papers,
14 records and memoranda of the Illinois Department or of the
15 administrative enforcement unit, or parts thereof, may be
16 proved in any hearing, investigation, or legal proceeding by
17 a photostatic or other copy thereof under the certificate of
18 the Secretary ~~Director~~ of the Illinois Department. Such
19 certified copy shall, without further proof, be admitted into
20 evidence in the hearing before the Illinois Department or in
21 any other legal proceeding.

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

23 (305 ILCS 5/10-15) (from Ch. 23, par. 10-15)

24 Sec. 10-15. Enforcement of administrative order; costs
25 and fees. If a responsible relative refuses, neglects, or
26 fails to comply with a final administrative support or
27 reimbursement order of the Illinois Department entered by the
28 Child and Spouse Support Unit pursuant to Sections 10-11 or
29 10-11.1 or registered pursuant to Section 10-17.1, the Child
30 and Spouse Support Unit may file suit against the responsible
31 relative or relatives to secure compliance with the
32 administrative order.

1 Suits shall be instituted in the name of the People of
2 the State of Illinois on the relation of the Department of
3 Public Aid of the State of Illinois and the spouse or
4 dependent children for whom the support order has been
5 issued.

6 The court shall order the payment of the support
7 obligation, or orders for reimbursement of moneys for support
8 provided, directly to the Illinois Department but the order
9 shall permit the Illinois Department to direct the
10 responsible relative or relatives to make payments of support
11 directly to the spouse or dependent children, or to some
12 person or agency in his or their behalf, as provided in
13 Section 10-8 or 10-10, as applicable.

14 Whenever it is determined in a proceeding to enforce an
15 administrative order that the responsible relative is
16 unemployed, and support is sought on behalf of applicants for
17 or recipients of financial aid under Article IV of this Code
18 or other persons who are given access to the child and spouse
19 support services of this Article as provided in Section 10-1,
20 the court may order the responsible relative to seek
21 employment and report periodically to the court with a diary,
22 listing or other memorandum of his or her efforts in
23 accordance with such order. In addition, the court may order
24 the unemployed responsible relative to report to the Illinois
25 Department for participation in job search, training or work
26 programs established under Section 9-6 of this Code or to the
27 Illinois Department of Employment Security for job search
28 services or to make application with the local Job Jobs
29 Training Partnership Act provider for participation in job
30 search, training or work programs.

31 Charges imposed in accordance with the provisions of
32 Section 10-21 shall be enforced by the Court in a suit filed
33 under this Section.

34 To the extent the provisions of this Section are

1 inconsistent with the requirements pertaining to the State
2 Disbursement Unit under Sections 10-10.4 and 10-26 of this
3 Code, the requirements pertaining to the State Disbursement
4 Unit shall apply.

5 (Source: P.A. 91-212, eff. 7-20-99; revised 2-23-00.)

6 (305 ILCS 5/10-17.9)

7 Sec. 10-17.9. Past due support information to State
8 Department of Revenue.

9 (a) The Illinois Department may provide by rule for
10 certification to the Illinois Department of Revenue of past
11 due support owed by responsible relatives under a support
12 order entered by a court or administrative body of this or
13 any other State on behalf of resident or non-resident
14 persons. The rule shall provide for notice to and an
15 opportunity to be heard by each responsible relative
16 affected. Any final administrative decision rendered by the
17 Department shall be reviewed only under and in accordance
18 with the Administrative Review Law. A responsible relative
19 may avoid certification to the Illinois Department of Revenue
20 by establishing a satisfactory repayment record as determined
21 by the Illinois Department of Public Aid.

22 (b) A certified past due support amount shall be final.
23 The certified amount shall be payable to the Illinois
24 Department of Revenue upon written notification of the
25 certification to the responsible relative by the Illinois
26 Department of Revenue.

27 (c) In the event a responsible relative overpays
28 pursuant to collection under this Section and the applicable
29 Sections of the Illinois Income Tax Act, the overpayment
30 shall be a credit against future support obligations. If the
31 current support obligation of the responsible relative has
32 terminated under operation of law or court order, any moneys
33 overpaid but still in the possession of the Department shall

1 be promptly returned to the responsible relative.

2 (d) Except as otherwise provided in this Article, any
3 child support delinquency certified to the Illinois
4 Department of Revenue shall be treated as a child support
5 delinquency for all other purposes, and any collection action
6 by the State's Attorney or the Illinois Department of Revenue
7 with respect to any delinquency certified under this Article
8 shall have the same priority against attachment, execution,
9 assignment, or other collection action as is provided by any
10 other provision of State law.

11 (e) Any child support delinquency collected by the
12 Illinois Department of Revenue, including those amounts that
13 result in overpayment of a child support delinquency, shall
14 be paid to the State Disbursement Unit established under
15 Section 10-26.

16 (Source: P.A. 91-212, eff. 7-20-99.)

17 (305 ILCS 5/10-24.35)

18 Sec. 10-24.35. Accommodation of financial institutions.
19 The Illinois Department of ~~Public Aid~~ shall make a reasonable
20 effort to accommodate those financial institutions on which
21 the requirements of this Article X would impose a hardship.
22 In the case of a non-automated financial institution, a paper
23 copy including either social security numbers or tax
24 identification numbers is an acceptable format. In order to
25 allow for data processing implementation, no agreement shall
26 become effective earlier than 90 days after its execution.

27 (Source: P.A. 90-18, eff. 7-1-97.)

28 (305 ILCS 5/10-24.40)

29 Sec. 10-24.40. Financial institution's charges on
30 account.

31 (a) If the Illinois Department of ~~Public Aid~~ requests a
32 financial institution to hold or encumber assets in an

1 account as defined in Section 10-24, the financial
 2 institution at which the account as defined in Section 10-24
 3 is maintained may charge and collect its normally scheduled
 4 account activity fees to maintain the account during the
 5 period of time the account assets are held or encumbered.

6 (b) If the Illinois Department of Public Aid takes any
 7 action to enforce a lien or levy imposed on an account, as
 8 defined in Section 10-24, under Section 10-25.5, the
 9 financial institution at which the account is maintained may
 10 charge to the account a fee of up to \$50 and shall deduct the
 11 amount of the fee from the account before remitting any
 12 moneys from the account to the Illinois Department of Public
 13 Aid.

14 (Source: P.A. 90-18, eff. 7-1-97.)

15 (305 ILCS 5/10-24.50)

16 Sec. 10-24.50. Financial institution's freedom from
 17 liability. A financial institution that provides information
 18 under Sections 10-24 through 10-24.50 shall not be liable to
 19 any account holder, owner, or other person in any civil,
 20 criminal, or administrative action for any of the following:

21 (1) Disclosing the required information to the
 22 Illinois Department of Public Aid, any other provisions
 23 of the law notwithstanding.

24 (2) Holding, encumbering, or surrendering any of an
 25 individual's accounts as defined in Section 10-24 in
 26 response to a lien or order to withhold and deliver
 27 issued by:

28 (A) the Illinois Department of Public Aid
 29 under Sections 10-25 and 10-25.5; or

30 (B) a person or entity acting on behalf of the
 31 Illinois Department of Public Aid.

32 (3) Any other action taken or omission made in good
 33 faith to comply with Sections 10-24 through 10-24.50,

1 including individual or mechanical errors, provided that
2 the action or omission does not constitute gross
3 negligence or willful misconduct.

4 (Source: P.A. 90-18, eff. 7-1-97.)

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, a County
8 Board, or member of the staff of a Commissioner of Appeals,
9 as the case may be, designated in writing to so act by the
10 Secretary ~~Director~~ of the Department, Chairman or President
11 of the County Board, or Commissioner of Appeals, may conduct
12 hearings on appeals and may compel, by subpoena, the
13 attendance and testimony of witnesses and the production of
14 books and papers, and administer oaths to witnesses. Wherever
15 feasible, the Public Aid Committee shall itself conduct
16 hearings on appeals by applicants for or recipients of aid
17 under Article VI. No person shall be compelled to attend a
18 hearing at a place outside the county in which he resides.
19 Subpoenas may be served as provided for in civil actions. The
20 fees of witnesses for attendance and travel shall be the same
21 as the fees of witnesses before the circuit court and shall
22 be paid as an expense of administration of the County
23 Department or the local governmental unit, as the case may
24 be.

25 If a witness refuses to attend or testify, or to produce
26 books or papers, concerning any matter upon which he might be
27 lawfully examined, the circuit court of the county wherein
28 the hearing is held, upon application of the Illinois
29 Department, Public Aid Committee, or Commissioner of Appeals,
30 as the case may be, may compel obedience by proceedings as
31 for contempt as in case of a like refusal to obey a similar
32 order of the court.

33 (Source: P.A. 81-1085.)

1 (305 ILCS 5/11-9) (from Ch. 23, par. 11-9)

2 Sec. 11-9. Protection of records - Exceptions. For the
3 protection of applicants and recipients, the Illinois
4 Department, the county departments and local governmental
5 units and their respective officers and employees are
6 prohibited, except as hereinafter provided, from disclosing
7 the contents of any records, files, papers and
8 communications, except for purposes directly connected with
9 the administration of public aid under this Code.

10 In any judicial proceeding, except a proceeding directly
11 concerned with the administration of programs provided for in
12 this Code, such records, files, papers and communications,
13 and their contents shall be deemed privileged communications
14 and shall be disclosed only upon the order of the court,
15 where the court finds such to be necessary in the interest of
16 justice.

17 The Illinois Department shall establish and enforce
18 reasonable rules and regulations governing the custody, use
19 and preservation of the records, papers, files, and
20 communications of the Illinois Department, the county
21 departments and local governmental units receiving State or
22 Federal funds or aid. The governing body of other local
23 governmental units shall in like manner establish and enforce
24 rules and regulations governing the same matters.

25 The contents of case files pertaining to recipients under
26 Articles IV, V, VI, and VII shall be made available without
27 subpoena or formal notice to the officers of any court, to
28 all law enforcing agencies, and to such other persons or
29 agencies as from time to time may be authorized by any court.
30 In particular, the contents of those case files shall be made
31 available upon request to a law enforcement agency for the
32 purpose of determining the current address of a recipient
33 with respect to whom an arrest warrant is outstanding.
34 Information shall also be disclosed to the Illinois State

1 Scholarship Commission pursuant to an investigation or audit
2 by the Illinois State Scholarship Commission of a delinquent
3 student loan or monetary award.

4 This Section does not prevent the Illinois Department and
5 local governmental units from reporting to appropriate law
6 enforcement officials the desertion or abandonment by a
7 parent of a child, as a result of which financial aid has
8 been necessitated under Articles IV, V, VI, or VII, or
9 reporting to appropriate law enforcement officials instances
10 in which a mother under age 18 has a child out of wedlock and
11 is an applicant for or recipient of aid under any Article of
12 this Code. The Illinois Department may provide by rule for
13 the county departments and local governmental units to
14 initiate proceedings under the Juvenile Court Act of 1987 to
15 have children declared to be neglected when they deem such
16 action necessary to protect the children from immoral
17 influences present in their home or surroundings.

18 This Section does not preclude the full exercise of the
19 powers of the Board of Public Aid Commissioners to inspect
20 records and documents, as provided for all advisory boards
21 pursuant to Section 5-505 of the Departments of State
22 Government Law (20 ILCS 5/5-505).

23 This Section does not preclude exchanges of information
24 among the ~~Illinois-Department-of-Public-Aid~~, the Department
25 of Human Services (as successor to the Department of Public
26 Aid), and the Illinois Department of Revenue for the purpose
27 of verifying sources and amounts of income and for other
28 purposes directly connected with the administration of this
29 Code and of the Illinois Income Tax Act.

30 The provisions of this Section and of Section 11-11 as
31 they apply to applicants and recipients of public aid under
32 Articles III, IV and V shall be operative only to the extent
33 that they do not conflict with any Federal law or regulation
34 governing Federal grants to this State for such programs.

1 The ~~Illinois-Department-of-Public-Aid-and-the~~ Department
2 of Human Services (as successor to the Illinois Department of
3 Public Aid) shall enter into an inter-agency agreement with
4 the Department of Children and Family Services to establish a
5 procedure by which employees of the Department of Children
6 and Family Services may have immediate access to records,
7 files, papers, and communications (except medical, alcohol or
8 drug assessment or treatment, mental health, or any other
9 medical records) of the Illinois Department, county
10 departments, and local governmental units receiving State or
11 federal funds or aid, if the Department of Children and
12 Family Services determines the information is necessary to
13 perform its duties under the Abused and Neglected Child
14 Reporting Act, the Child Care Act of 1969, and the Children
15 and Family Services Act.

16 (Source: P.A. 90-14, eff. 7-1-97; 90-590, eff. 1-1-00;
17 91-239, eff. 1-1-00.)

18 (305 ILCS 5/11-27) (from Ch. 23, par. 11-27)

19 Sec. 11-27. Obtaining benefits after termination.

20 (a) For the purpose of this Section, the term "entity"
21 includes persons, firms, corporations, associations and
22 agencies.

23 (b) Subject to the provisions of Sections 8A-7, 8A-8 and
24 12-4.25, no entity which has had its receipt of benefits or
25 payments under this Code terminated or suspended or its
26 future receipt barred by the Department shall, while such
27 disability remains in effect, directly or indirectly:

28 (1) serve as a technical or other advisor to any entity
29 which obtains, attempts to obtain or seeks to obtain benefits
30 or payments under this Code; or

31 (2) be an incorporator or member of the board of
32 directors of any entity which obtains, attempts to obtain or
33 seeks to obtain benefits or payments under this Code; or

1 (3) be an investor with or in any entity which obtains,
2 attempts to obtain or seeks to obtain benefits or payments
3 under this Code.

4 (c) The Secretary Director may, by rule, establish
5 procedures for any entity aggrieved by the application of
6 this Section to seek special permission to continue receiving
7 benefits or payments under this Code or to seek reinstatement
8 of benefits or payments under this Code. Such entity must be
9 otherwise eligible to receive benefits or payments under this
10 Code and in compliance with any applicable requirement of
11 this Code for reinstatement. If the Secretary Director
12 determines that the entity seeking such permission or
13 reinstatement had no part in the actions or conduct upon
14 which the decision to suspend, terminate or bar benefits was
15 based, he may authorize the continued participation by or
16 reinstatement of the entity in such program or programs as he
17 may deem appropriate under all the circumstances and upon
18 such terms and conditions and under such probationary or
19 other restrictions as he or other provisions of this Code may
20 require.

21 (d) Any entity which knowingly violates the provisions
22 of this Section or knowingly attempts or conspires to violate
23 the provisions of this Section shall be civilly liable in a
24 court of law for damages in an amount 3 times the value of
25 all benefits or payments obtained by such entity or \$10,000,
26 whichever sum is greater.

27 (e) The civil liability imposed under this Section shall
28 be joint and several and shall extend to any entity knowingly
29 seeking or attempting to obtain benefits under this Code
30 which, having the authority to refuse, knowingly associates
31 with or permits the association of a suspended, terminated or
32 barred entity as prohibited herein. Such liability shall
33 also extend to any entity found guilty in a court of law of
34 such unlawful association, including the suspended,

1 terminated or barred entity. Liability shall arise when any
2 such entity knew, or under all of the circumstances
3 reasonably should have known, that it was engaging in or
4 authorizing any activity prohibited herein.

5 (f) The Attorney General, or the State's Attorney in
6 actions involving a local governmental unit, may initiate
7 court proceedings to recover benefits or payments obtained in
8 violation of this Section and shall, in addition to any
9 judgment obtained, be entitled to recover all court costs.

10 (g) Notwithstanding any provision of The Freedom of
11 Information Act or other State law, the Department shall make
12 public the identity and business address of every entity
13 which has had its receipt of benefits or payments under this
14 Code suspended or terminated or its future receipt barred by
15 the Department. Each month, the Department shall publish a
16 list of such identities and addresses, which shall be mailed
17 by the Department without charge to associations and
18 societies, including their affiliates and components, of
19 vendors providing goods, services or both to recipients of
20 medical assistance under this Code. The Department shall
21 also mail such list without charge to any other person or
22 organization upon request.

23 (h) Nothing in this Section shall prohibit the
24 Department from pursuing and implementing any other remedy
25 provided by this Code in connection with the suspension,
26 termination or reinstatement of receipt of benefits or
27 payments under this Code or the barring of receipt of future
28 benefits or payments under this Code.

29 (Source: P.A. 84-1254; 84-1438.)

30 (305 ILCS 5/12-1) (from Ch. 23, par. 12-1)
31 Sec. 12-1. Administration of Code; ~~Illinois Department of~~
32 ~~Public Aid.~~

33 (a) This Code shall be administered by the Department of

1 Human Services and the Illinois Department of Public Aid as
2 provided in the Department of Human Services Act.

3 (b) The Department of Public Aid shall be under the
4 supervision and direction of the Director of Public Aid, as
5 provided in Section 5-20 of the Departments of State
6 Government Law (20 ILCS 5/5-20). The Director shall be
7 appointed pursuant to the provisions of Section 5-605 and
8 meet the qualifications of Section 5-230 of that Law.

9 The Assistant Director of Public Aid, created by Section
10 5-165 of the Departments of State Government Law (20 ILCS
11 5/5-165), shall be appointed pursuant to the provisions of
12 Section 5-605 of that Law and shall meet the qualifications
13 prescribed in Section 5-230 of that Law.

14 The salaries of the Director and the Assistant Director
15 shall be those specified in Section 5-395 of the Departments
16 of State Government Law (20 ILCS 5/5-395).

17 The Illinois Department of Public Aid and the Secretary
18 of Human Services Director of Public Aid shall comply with
19 other provisions of the Civil Administrative Code of Illinois
20 which are generally applicable to the several departments of
21 the State Government created by that Code.

22 (Source: P.A. 91-239, eff. 1-1-00.)

23 (305 ILCS 5/12-4.7c)

24 Sec. 12-4.7c. Exchange of information after July 1, 1997.

25 (a) (Blank). The Department of Human Services shall
26 exchange with the Illinois Department of Public Aid
27 information that may be necessary for the enforcement of
28 child support orders entered pursuant to Sections 10-10 and
29 10-11 of this Code or pursuant to the Illinois Marriage and
30 Dissolution of Marriage Act, the Non-Support of Spouse and
31 Children Act, the Non-Support Punishment Act, the Revised
32 Uniform Reciprocal Enforcement of Support Act, the Uniform
33 Interstate Family Support Act, or the Illinois Parentage Act

1 ef-1984-

2 (b) Notwithstanding any provisions in this Code to the
 3 contrary, the Department of Human Services shall not be
 4 liable to any person for any disclosure of information to the
 5 Illinois Department of Public Aid under subsection (a) or for
 6 any other action taken in good faith to comply with the
 7 requirements of subsection (a), as that subsection (a)
 8 existed before the effective date of this amendatory Act of
 9 the 92nd General Assembly.

10 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

11 (305 ILCS 5/12-4.9) (from Ch. 23, par. 12-4.9)

12 Sec. 12-4.9. Hearings and investigations. Conduct
 13 hearings and investigations in connection with the
 14 administration of public aid; compel by subpoena, the
 15 attendance and testimony of witnesses and the production of
 16 books and papers; and administer oaths to witnesses. No
 17 person shall be compelled to attend an investigation or
 18 hearing at a place outside the county in which he resides.

19 Subpoenas may be served as provided for in civil actions.
 20 The fees of witnesses for attendance and travel shall be the
 21 same as the fees of witnesses before the Circuit Court and
 22 shall be paid as an expense of administration.

23 Any qualified officer or employee of the Department
 24 designated in writing by the Secretary Director may conduct
 25 the hearings and investigations.

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

27 (305 ILCS 5/12-4.17) (from Ch. 23, par. 12-4.17)

28 Sec. 12-4.17. Training personnel for employment in
 29 public aid programs. Establish within the administrative
 30 staff a staff development unit to provide orientation and
 31 job-related training for new employees and continued
 32 development and improvement of job skills of all staff of the

1 Department and County Departments; establish criteria for and
2 administer and maintain a program for granting employees
3 educational leave for specialized professional or technical
4 study; and co-ordinate such training, development, and
5 educational activities with the training program of the
6 Illinois Department of Central Management Services and with
7 other programs for training personnel established under this
8 Section. The Department may also make grants to public or
9 other non-profit institutions of higher learning for training
10 personnel employed or preparing for employment in the public
11 aid programs and conduct special courses of study or seminars
12 for personnel by experts hired temporarily by the Illinois
13 Department.

14 (a) To qualify for an assignment for educational or
15 training purposes under this Section, a person must:

16 1. be enrolled in the final 2 years of accredited
17 specialized training which is required to meet the
18 qualifications for the position, as established by the
19 Department of Central Management Services, or be a current
20 employee of the Department who has continuously served in a
21 full-time capacity for at least 1 year prior to assignment;

22 2. have completed 4 years of high school education;

23 3. possess such qualities and attributes as the
24 Secretary ~~Director~~ of the Department deems necessary for
25 achieving the purposes of which the assignment was made;

26 4. sign an agreement to serve as an employee of the
27 Department for 12 months for each 9 months of subsidized
28 training for educational or training purposes under this
29 Section;

30 5. sign a promissory note agreeing to repay the
31 Department for the funds expended if the employee fails to
32 return to employment with, or remain an employee of the
33 Department for the period of time required by paragraph 4;

34 and

1 6. agree in writing to such other terms and conditions
2 as the Department may reasonably require when granting the
3 assignment.

4 (b) When granting an assignment for educational or
5 training purposes to an eligible person under this Section,
6 the Department may pay:

7 1. for support and living expenses, a sum up to \$300 per
8 month plus \$50 per month for the first unemployed dependent
9 of the person and \$25 per month for each of the next
10 unemployed dependents, provided the maximum total payment to
11 the person under this paragraph shall not exceed \$400 per
12 month; and

13 2. for school expenses, not in excess of 80% of the cost
14 to the person of all tuition, laboratory fees, matriculation
15 fees and other general student charges made by the
16 institution of higher learning, but not including charges for
17 food or residence halls, which charges shall be payable from
18 the funds for support and living expenses with the
19 limitations provided in paragraph 1.

20 (c) Except for the purpose of receiving salary, vacation
21 pay or any other similar remuneration payable to State
22 employees, the status of an employee of the Department as an
23 employee of the State is not affected by the employee serving
24 on an educational or training assignment under this Section
25 as specified under the rules and regulations of the
26 Department of Central Management Services.

27 (d) Training programs such as tuition only refunds and
28 special workshops for employees, and training which is a part
29 of collaborative arrangements with institutions of higher
30 learning or other public agencies are not affected by this
31 Section.

32 (Source: P.A. 85-1308.)

33 (305 ILCS 5/12-4.20c) (from Ch. 23, par. 12-4.20c)

1 Sec. 12-4.20c. Appointment of Child Support Advisory
2 Committee. Appoint the Child Support Advisory Committee to be
3 composed of members of the General Assembly, the judiciary,
4 the private bar, and others with expertise specific to child
5 support establishment and enforcement. Among the tasks of the
6 Committee shall be the periodic review of the State's child
7 support guidelines as required by the federal Family Support
8 Act of 1988. Members shall be appointed for one year terms
9 commencing on January 1 of each year. Each newly appointed
10 Committee shall elect a chairperson from among its members.
11 Members shall serve without compensation, but shall be
12 reimbursed for expenses incurred in the performance of their
13 duties. The Committee shall meet at least quarterly and at
14 other times at the call of the chairperson or at the request
15 of the Secretary Director.

16 (Source: P.A. 86-1347; 86-1432.)

17 (305 ILCS 5/12-4.20d) (from Ch. 23, par. 12-4.20d)

18 Sec. 12-4.20d. Appointment of Social Services Advisory
19 Council. Appoint the Social Services Advisory Council, to be
20 composed of 30 members, which shall include a balanced
21 representation of recipients, services providers, local
22 governmental units, community and welfare advocacy groups,
23 academia and the general public. The Council shall advise the
24 Illinois Department regarding all aspects of assistance
25 delivered or contracted for under Articles III, IV, VI and IX
26 of this Code and other areas as deemed appropriate by the
27 Secretary Director. In appointing the first Council, the
28 Secretary Director shall name 15 members to 2 year terms and
29 15 members to 4 year terms, all of whom shall be appointed
30 within 6 months of the effective date of this amendatory Act
31 of 1991. All members appointed thereafter shall serve 4 year
32 terms. Members shall serve without compensation other than
33 reimbursement of expenses actually incurred in the

1 performance of their official duties. At its first meeting,
2 the Council shall select a chair from among its members. The
3 Council shall meet at least quarterly and at other times at
4 the call of the chair.

5 (Source: P.A. 87-685.)

6 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

7 Sec. 12-4.25. Medical assistance program; vendor
8 participation.

9 (A) The Illinois Department may deny, suspend or
10 terminate the eligibility of any person, firm, corporation,
11 association, agency, institution or other legal entity to
12 participate as a vendor of goods or services to recipients
13 under the medical assistance program under Article V, if
14 after reasonable notice and opportunity for a hearing the
15 Illinois Department finds:

16 (a) Such vendor is not complying with the
17 Department's policy or rules and regulations, or with the
18 terms and conditions prescribed by the Illinois
19 Department in its vendor agreement, which document shall
20 be developed by the Department as a result of
21 negotiations with each vendor category, including
22 physicians, hospitals, long term care facilities,
23 pharmacists, optometrists, podiatrists and dentists
24 setting forth the terms and conditions applicable to the
25 participation of each vendor group in the program; or

26 (b) Such vendor has failed to keep or make
27 available for inspection, audit or copying, after
28 receiving a written request from the Illinois Department,
29 such records regarding payments claimed for providing
30 services. This section does not require vendors to make
31 available patient records of patients for whom services
32 are not reimbursed under this Code; or

33 (c) Such vendor has failed to furnish any

1 information requested by the Department regarding
2 payments for providing goods or services; or

3 (d) Such vendor has knowingly made, or caused to be
4 made, any false statement or representation of a material
5 fact in connection with the administration of the medical
6 assistance program; or

7 (e) Such vendor has furnished goods or services to
8 a recipient which are (1) in excess of his or her needs,
9 (2) harmful to the recipient, or (3) of grossly inferior
10 quality, all of such determinations to be based upon
11 competent medical judgment and evaluations; or

12 (f) The vendor; a person with management
13 responsibility for a vendor; an officer or person owning,
14 either directly or indirectly, 5% or more of the shares
15 of stock or other evidences of ownership in a corporate
16 vendor; an owner of a sole proprietorship which is a
17 vendor; or a partner in a partnership which is a vendor,
18 either:

19 (1) was previously terminated from
20 participation in the medical assistance program; or

21 (2) was a person with management
22 responsibility for a previously terminated vendor
23 during the time of conduct which was the basis for
24 that vendor's termination from participation in the
25 medical assistance program; or

26 (3) was an officer, or person owning, either
27 directly or indirectly, 5% or more of the shares of
28 stock or other evidences of ownership in a
29 previously terminated corporate vendor during the
30 time of conduct which was the basis for that
31 vendor's termination from participation in the
32 medical assistance program; or

33 (4) was an owner of a sole proprietorship or
34 partner of a partnership which was previously

1 terminated during the time of conduct which was the
2 basis for that vendor's termination from
3 participation in the medical assistance program; or

4 (g) The vendor; a person with management
5 responsibility for a vendor; an officer or person owning,
6 either directly or indirectly, 5% or more of the shares
7 of stock or other evidences of ownership in a corporate
8 vendor; an owner of a sole proprietorship which is a
9 vendor; or a partner in a partnership which is a vendor,
10 either:

11 (1) has engaged in practices prohibited by
12 applicable federal or State law or regulation
13 relating to the medical assistance program; or

14 (2) was a person with management
15 responsibility for a vendor at the time that such
16 vendor engaged in practices prohibited by applicable
17 federal or State law or regulation relating to the
18 medical assistance program; or

19 (3) was an officer, or person owning, either
20 directly or indirectly, 5% or more of the shares of
21 stock or other evidences of ownership in a vendor at
22 the time such vendor engaged in practices prohibited
23 by applicable federal or State law or regulation
24 relating to the medical assistance program; or

25 (4) was an owner of a sole proprietorship or
26 partner of a partnership which was a vendor at the
27 time such vendor engaged in practices prohibited by
28 applicable federal or State law or regulation
29 relating to the medical assistance program.

30 (h) The direct or indirect ownership of the vendor
31 (including the ownership of a vendor that is a sole
32 proprietorship, a partner's interest in a vendor that is
33 a partnership, or ownership of 5% or more of the shares
34 of stock or other evidences of ownership in a corporate

1 vendor) has been transferred by an individual who is
2 terminated or barred from participating as a vendor to
3 the individual's spouse, child, brother, sister, parent,
4 grandparent, grandchild, uncle, aunt, niece, nephew,
5 cousin, or relative by marriage.

6 (B) The Illinois Department shall deny, suspend or
7 terminate the eligibility of any person, firm, corporation,
8 association, agency, institution or other legal entity to
9 participate as a vendor of goods or services to recipients
10 under the medical assistance program under Article V:

11 (1) if such vendor is not properly licensed;

12 (2) within 30 days of the date when such vendor's
13 professional license, certification or other authorization
14 has been refused renewal or has been revoked, suspended or
15 otherwise terminated; or

16 (3) if such vendor has been convicted of a
17 violation of this Code, as provided in Article VIII A.

18 (C) Upon termination of a vendor of goods or services
19 from participation in the medical assistance program
20 authorized by this Article, a person with management
21 responsibility for such vendor during the time of any conduct
22 which served as the basis for that vendor's termination is
23 barred from participation in the medical assistance program.

24 Upon termination of a corporate vendor, the officers and
25 persons owning, directly or indirectly, 5% or more of the
26 shares of stock or other evidences of ownership in the vendor
27 during the time of any conduct which served as the basis for
28 that vendor's termination are barred from participation in
29 the medical assistance program. A person who owns, directly
30 or indirectly, 5% or more of the shares of stock or other
31 evidences of ownership in a terminated corporate vendor may
32 not transfer his or her ownership interest in that vendor to
33 his or her spouse, child, brother, sister, parent,
34 grandparent, grandchild, uncle, aunt, niece, nephew, cousin,

1 or relative by marriage.

2 Upon termination of a sole proprietorship or partnership,
3 the owner or partners during the time of any conduct which
4 served as the basis for that vendor's termination are barred
5 from participation in the medical assistance program. The
6 owner of a terminated vendor that is a sole proprietorship,
7 and a partner in a terminated vendor that is a partnership,
8 may not transfer his or her ownership or partnership interest
9 in that vendor to his or her spouse, child, brother, sister,
10 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
11 cousin, or relative by marriage.

12 Rules adopted by the Illinois Department to implement
13 these provisions shall specifically include a definition of
14 the term "management responsibility" as used in this Section.
15 Such definition shall include, but not be limited to, typical
16 job titles, and duties and descriptions which will be
17 considered as within the definition of individuals with
18 management responsibility for a provider.

19 (D) If a vendor has been suspended from the medical
20 assistance program under Article V of the Code, the Secretary
21 ~~Director~~ may require that such vendor correct any
22 deficiencies which served as the basis for the suspension.
23 The Secretary ~~Director~~ shall specify in the suspension order
24 a specific period of time, which shall not exceed one year
25 from the date of the order, during which a suspended vendor
26 shall not be eligible to participate. At the conclusion of
27 the period of suspension the Secretary ~~Director~~ shall
28 reinstate such vendor, unless he finds that such vendor has
29 not corrected deficiencies upon which the suspension was
30 based.

31 If a vendor has been terminated from the medical
32 assistance program under Article V, such vendor shall be
33 barred from participation for at least one year. At the end
34 of one year a vendor who has been terminated may apply for

1 reinstatement to the program. Upon proper application to be
2 reinstated such vendor may be deemed eligible by the
3 Secretary ~~Director~~ providing that such vendor meets the
4 requirements for eligibility under this Act. If such vendor
5 is deemed not eligible for reinstatement, he shall be barred
6 from again applying for reinstatement for one year from the
7 date his application for reinstatement is denied.

8 If a vendor has been terminated and reinstated to the
9 medical assistance program under Article V and the vendor is
10 terminated a second or subsequent time from the medical
11 assistance program, the vendor shall be barred from
12 participation for at least 2 years. At the end of 2 years, a
13 vendor who has been terminated may apply for reinstatement to
14 the program. Upon application to be reinstated, the vendor
15 may be deemed eligible if the vendor meets the requirements
16 for eligibility under this Code. If the vendor is deemed not
17 eligible for reinstatement, the vendor shall be barred from
18 again applying for reinstatement for 2 years from the date
19 the vendor's application for reinstatement is denied.

20 (E) The Illinois Department may recover money improperly
21 or erroneously paid, or overpayments, either by setoff,
22 crediting against future billings or by requiring direct
23 repayment to the Illinois Department.

24 (F) The Illinois Department may withhold payments to any
25 vendor during the pendency of any proceeding under this
26 Section except that if a final administrative decision has
27 not been issued within 120 days of the initiation of such
28 proceedings, unless delay has been caused by the vendor,
29 payments can no longer be withheld, provided, however, that
30 the 120 day limit may be extended if said extension is
31 mutually agreed to by the Illinois Department and the vendor.
32 The Illinois Department shall state by rule with as much
33 specificity as practicable the conditions under which
34 payments will not be withheld during the pendency of any

1 proceeding under this Section. Payments may be denied for
2 bills submitted with service dates occurring during the
3 pendency of a proceeding where the final administrative
4 decision is to terminate eligibility to participate in the
5 medical assistance program. The Illinois Department shall
6 state by rule with as much specificity as practicable the
7 conditions under which payments will not be denied for such
8 bills.

9 (F-5) The Illinois Department may temporarily withhold
10 payments to a vendor if any of the following individuals
11 have been indicted or otherwise charged under a law of the
12 United States or this or any other state with a felony
13 offense that is based on alleged fraud or willful
14 misrepresentation on the part of the individual related to
15 (i) the medical assistance program under Article V of this
16 Code, (ii) a medical assistance program provided in another
17 state which is of the kind provided under Article V of this
18 Code, (iii) the Medicare program under Title XVIII of the
19 Social Security Act, or (iv) the provision of health care
20 services:

21 (1) If the vendor is a corporation: an officer of
22 the corporation or an individual who owns, either
23 directly or indirectly, 5% or more of the shares of
24 stock or other evidence of ownership of the corporation.

25 (2) If the vendor is a sole proprietorship: the
26 owner of the sole proprietorship.

27 (3) If the vendor is a partnership: a partner in the
28 partnership.

29 (4) If the vendor is any other business entity
30 authorized by law to transact business in this State:
31 an officer of the entity or an individual who owns,
32 either directly or indirectly, 5% or more of the
33 evidences of ownership of the entity.

34 If the Illinois Department withholds payments to a vendor

1 under this subsection, the Department shall not release
2 those payments to the vendor while any criminal proceeding
3 related to the indictment or charge is pending unless the
4 Department determines that there is good cause to release the
5 payments before completion of the proceeding. If the
6 indictment or charge results in the individual's conviction,
7 the Illinois Department shall retain all withheld payments,
8 which shall be considered forfeited to the Department. If
9 the indictment or charge does not result in the individual's
10 conviction, the Illinois Department shall release to the
11 vendor all withheld payments.

12 (G) The provisions of the Administrative Review Law, as
13 now or hereafter amended, and the rules adopted pursuant
14 thereto, shall apply to and govern all proceedings for the
15 judicial review of final administrative decisions of the
16 Illinois Department under this Section. The term
17 "administrative decision" is defined as in Section 3-101 of
18 the Code of Civil Procedure.

19 (H) Nothing contained in this Code shall in any way
20 limit or otherwise impair the authority or power of any State
21 agency responsible for licensing of vendors.

22 (I) Based on a finding of noncompliance on the part of a
23 nursing home with any requirement for certification under
24 Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec.
25 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois
26 Department may impose one or more of the following remedies
27 after notice to the facility:

- 28 (1) Termination of the provider agreement.
- 29 (2) Temporary management.
- 30 (3) Denial of payment for new admissions.
- 31 (4) Civil money penalties.
- 32 (5) Closure of the facility in emergency situations
33 or transfer of residents, or both.
- 34 (6) State monitoring.

1 (7) Denial of all payments when the Health Care
2 Finance Administration has imposed this sanction.

3 The Illinois Department shall by rule establish criteria
4 governing continued payments to a nursing facility subsequent
5 to termination of the facility's provider agreement if, in
6 the sole discretion of the Illinois Department, circumstances
7 affecting the health, safety, and welfare of the facility's
8 residents require those continued payments. The Illinois
9 Department may condition those continued payments on the
10 appointment of temporary management, sale of the facility to
11 new owners or operators, or other arrangements that the
12 Illinois Department determines best serve the needs of the
13 facility's residents.

14 Except in the case of a facility that has a right to a
15 hearing on the finding of noncompliance before an agency of
16 the federal government, a facility may request a hearing
17 before a State agency on any finding of noncompliance within
18 60 days after the notice of the intent to impose a remedy.
19 Except in the case of civil money penalties, a request for a
20 hearing shall not delay imposition of the penalty. The
21 choice of remedies is not appealable at a hearing. The level
22 of noncompliance may be challenged only in the case of a
23 civil money penalty. The Illinois Department shall provide
24 by rule for the State agency that will conduct the
25 evidentiary hearings.

26 The Illinois Department may collect interest on unpaid
27 civil money penalties.

28 The Illinois Department may adopt all rules necessary to
29 implement this subsection (I).

30 (Source: P.A. 89-21, eff. 1-1-96; 90-725, eff. 8-7-98.)

31 (305 ILCS 5/12-4.35)

32 Sec. 12-4.35. Medical services for certain noncitizens.

33 (a) Subject to specific appropriation for this purpose,

1 and notwithstanding Section 1-11 of this Code or Section
2 20(a) of the Children's Health Insurance Program Act, the
3 Department of Public Aid may provide medical services to
4 noncitizens who have not yet attained 19 years of age and who
5 are not eligible for medical assistance under Article V of
6 this Code or under the Children's Health Insurance Program
7 created by the Children's Health Insurance Program Act due to
8 their not meeting the otherwise applicable provisions of
9 Section 1-11 of this Code or Section 20(a) of the Children's
10 Health Insurance Program Act. The medical services
11 available, standards for eligibility, and other conditions of
12 participation under this Section shall be established by rule
13 by the Department; however, any such rule shall be at least
14 as restrictive as the rules for medical assistance under
15 Article V of this Code or the Children's Health Insurance
16 Program created by the Children's Health Insurance Program
17 Act.

18 (b) The Department is authorized to take any action,
19 including without limitation cessation of enrollment,
20 reduction of available medical services, and changing
21 standards for eligibility, that is deemed necessary by the
22 Department during a State fiscal year to assure that payments
23 under this Section do not exceed the amounts appropriated for
24 this purpose.

25 (c) In the event that the appropriation in any fiscal
26 year for the Children's Health Insurance Program created by
27 the Children's Health Insurance Program Act is determined by
28 the Department to be insufficient to continue enrollment of
29 otherwise eligible children under that Program during that
30 fiscal year, the Department is authorized to use funds
31 appropriated for the purposes of this Section to fund that
32 Program and to take any other action necessary to continue
33 the operation of that Program. Furthermore, continued
34 enrollment of individuals into the program created under this

1 Section in any fiscal year is contingent upon continued
2 enrollment of individuals into the Children's Health
3 Insurance Program during that fiscal year.

4 (d) The General Assembly finds that the adoption of
5 rules to meet the purposes of subsections (a), (b), and (c)
6 is an emergency and necessary for the public interest,
7 safety, and welfare. The Department may adopt such rules
8 through the use of emergency rulemaking in accordance with
9 Section 5-45 of the Illinois Administrative Procedure Act,
10 except that the limitation on the number of emergency rules
11 that may be adopted in a 24-month period shall not apply.

12 (Source: P.A. 90-588, eff. 7-1-98.)

13 (305 ILCS 5/12-4.201)

14 Sec. 12-4.201. Data warehouse concerning medical and
15 related services. The Illinois Department of Public Aid may
16 purchase services and materials associated with the costs of
17 developing and implementing a data warehouse comprised of
18 management and decision making information in regard to the
19 liability associated with, and utilization of, medical and
20 related services, out of moneys available for that purpose.

21 (Source: P.A. 90-9, eff. 7-1-97.)

22 (305 ILCS 5/12-8.1)

23 Sec. 12-8.1. State Disbursement Unit Revolving Fund.

24 (a) There is created a revolving fund to be known as the
25 State Disbursement Unit Revolving Fund, to be held by the
26 State Treasurer as ex officio custodian, for the following
27 purposes:

28 (1) the deposit of all support payments received by
29 the Illinois Department's State Disbursement Unit; and

30 (2) the disbursement of such payments in accordance
31 with the provisions of Title IV-D of the Social Security
32 Act and rules promulgated by the Department.

1 (b) The provisions of this Section shall apply only if
2 the Department performs the functions of the State
3 Disbursement Unit under paragraph (d) of Section 10-26.

4 (c) Moneys in the State Disbursement Unit Revolving Fund
5 shall be expended upon the direction of the Secretary
6 Director.

7 (Source: P.A. 91-712, eff. 7-1-00.)

8 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

9 Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The
10 Public Aid Recoveries Trust Fund shall consist of (1)
11 recoveries by the Illinois Department of Public Aid
12 authorized by this Code in respect to applicants or
13 recipients under Articles III, IV, V, and VI, including
14 recoveries made by the Illinois Department of Public Aid from
15 the estates of deceased recipients, (2) recoveries made by
16 the Illinois Department of Public Aid in respect to
17 applicants and recipients under the Children's Health
18 Insurance Program, and (3) federal funds received on behalf
19 of and earned by local governmental entities for services
20 provided to applicants or recipients covered under this Code.
21 ~~to the State Disbursement Unit established under Section~~
22 ~~10-26 of this Code or~~ The Fund shall be held as a special
23 fund in the State Treasury.

24 Disbursements from this Fund shall be only (1) for the
25 reimbursement of claims collected by the Illinois Department
26 of Public Aid through error or mistake, (2) for payment to
27 persons or agencies designated as payees or co-payees on any
28 instrument, whether or not negotiable, delivered to the
29 Illinois Department of Public Aid as a recovery under this
30 Section, such payment to be in proportion to the respective
31 interests of the payees in the amount so collected, (3) for
32 payments to the Department of Human Services for collections
33 made by the former Illinois Department of Public Aid on

1 behalf of the Department of Human Services under this Code,
 2 (4) from the State Disbursement Unit Revolving Fund under
 3 Section 12-8.1 of this Code or for payment of administrative
 4 expenses incurred in performing the activities authorized
 5 under this Code, (5) for payment of fees to persons or
 6 agencies in the performance of activities pursuant to the
 7 collection of monies owed the State that are collected under
 8 this Code, (6) for payments of any amounts which are
 9 reimbursable to the federal government which are required to
 10 be paid by State warrant by either the State or federal
 11 government, and (7) for payments to local governmental
 12 entities of federal funds for services provided to applicants
 13 or recipients covered under this Code. Disbursements from
 14 this Fund for purposes of items (4) and (5) of this paragraph
 15 shall be subject to appropriations from the Fund to the
 16 Illinois Department of Public Aid.

17 The balance in this Fund on the first day of each
 18 calendar quarter, after payment therefrom of any amounts
 19 reimbursable to the federal government, and minus the amount
 20 reasonably anticipated to be needed to make the disbursements
 21 during that quarter authorized by this Section, shall be
 22 certified by the Secretary Director of the Illinois
 23 Department of Public Aid and transferred by the State
 24 Comptroller to the General Revenue Fund in the State Treasury
 25 within 30 days of the first day of each calendar quarter.

26 On July 1, 1999, the State Comptroller shall transfer the
 27 sum of \$5,000,000 from the Public Aid Recoveries Trust Fund
 28 (formerly the Public Assistance Recoveries Trust Fund) into
 29 the DHS Recoveries Trust Fund.

30 (Source: P.A. 90-255, eff. 1-1-98; 91-24, eff. 7-1-99;
 31 91-212, eff. 7-20-99; revised 9-28-99.)

32 (305 ILCS 5/12-10.1) (from Ch. 23, par. 12-10.1)
 33 Sec. 12-10.1. Local Initiative Fund - Uses. There is

1 hereby created the Local Initiative Fund in the State
2 Treasury. The Local Initiative Fund is created for the
3 purpose of receiving and disbursing monies in accordance with
4 the provisions of the Social Services Block Grant of the
5 federal Social Security Act and related rules and
6 regulations, as now or hereafter amended, governing the use
7 of such monies.

8 Expenditures from the Local Initiative Fund shall be made
9 for services contained in the Projected Expenditure Report
10 required of the State under the Social Services Block Grant
11 of the federal Social Security Act. The Local Initiative Fund
12 shall be administered by the Illinois Department, which
13 shall expend monies appropriated from such fund by the
14 Illinois General Assembly for the purchase and provision of
15 social services. The Illinois Department shall execute a
16 written contract for the purchase of social services from
17 persons qualified to provide such services. Such contract
18 shall be filed with the Illinois Department and the State
19 Comptroller.

20 There shall be paid into the Local Initiative Fund the
21 following monies:

22 1. Federal funds paid to the State as reimbursement for
23 expenditures from the Local Initiative Fund made according to
24 the provisions of the federal Social Services Block Grant.

25 2. Payments by the Illinois Department for the purpose
26 of reimbursing the Local Initiative Fund for expenditures for
27 services not approved for federal reimbursement under the
28 Social Security Block Grant of the federal Social Security
29 Act either by the Illinois Department or by the federal
30 Department of Health and Human Services. Such payments shall
31 be made by the Illinois Department in the amount that the
32 Secretary ~~Director~~ of the Illinois Department has determined
33 was not caused by the failure of a provider of services to
34 comply with the provisions of a service contract or the

1 provisions of the Social Services Block Grant of the federal
2 Social Security Act and related rules and regulations as now
3 or hereafter amended. Any such expenditures for services not
4 approved for federal reimbursement which are subsequently
5 paid into the Social Services Block Grant Fund shall be
6 transferred into the General Revenue Fund.

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

8 (305 ILCS 5/12-10.4)

9 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid
10 Matching Fund. There is created in the State Treasury the
11 Juvenile Rehabilitation Services Medicaid Matching Fund.
12 Deposits to this Fund shall consist of all moneys received
13 from the federal government for behavioral health services
14 secured by counties under the Medicaid Rehabilitation Option
15 pursuant to Title XIX of the Social Security Act or under the
16 Children's Health Insurance Program pursuant to the
17 Children's Health Insurance Program Act and Title XXI of the
18 Social Security Act for minors who are committed to mental
19 health facilities by the Illinois court system and for
20 residential placements secured by the Department of
21 Corrections for minors as a condition of their parole.

22 Disbursements from the Fund shall be made, subject to
23 appropriation, by the Illinois Department of Public Aid for
24 grants to the Department of Corrections and those counties
25 which secure behavioral health services ordered by the courts
26 and which have an interagency agreement with the Department
27 and submit detailed bills according to standards determined
28 by the Department.

29 (Source: P.A. 90-587, eff. 7-1-98; 91-266, eff. 7-23-99;
30 91-712, eff. 7-1-00.)

31 (305 ILCS 5/12-13.1)

32 Sec. 12-13.1. Inspector General.

1 (a) (Blank). The-Governor-shall-appoint, and the--Senate
2 shall-confirm, an-Inspector-General-who-shall-function-within
3 the--Illinois--Department--of--Public--Aid--and-report-to-the
4 Governor.--The-term-of-the-Inspector-General-shall-expire--on
5 the---third--Monday--of--January,--1997--and--every--4--years
6 thereafter.

7 (b) In order to prevent, detect, and eliminate fraud,
8 waste, abuse, mismanagement, and misconduct, the Inspector
9 General shall oversee the Illinois Department's Department-of
10 Public-Aid's integrity functions, which include, but are not
11 limited to, the following:

12 (1) Investigation of misconduct by employees,
13 vendors, contractors and medical providers.

14 (2) Audits of medical providers related to ensuring
15 that appropriate payments are made for services rendered
16 and to the recovery of overpayments.

17 (3) Monitoring of quality assurance programs
18 generally related to the medical assistance program and
19 specifically related to any managed care program.

20 (4) Quality control measurements of the programs
21 administered by the Illinois Department of-Public-Aid.

22 (5) Investigations of fraud or intentional program
23 violations committed by clients of the Illinois
24 Department of-Public-Aid.

25 (6) Actions initiated against contractors or
26 medical providers for any of the following reasons:

27 (A) Violations of the medical assistance
28 program.

29 (B) Sanctions against providers brought in
30 conjunction with the Department of Public Health or
31 the Department of Human Services (as successor to
32 the Department of Mental Health and Developmental
33 Disabilities).

34 (C) Recoveries of assessments against

1 hospitals and long-term care facilities.

2 (D) Sanctions mandated by the United States
3 Department of Health and Human Services against
4 medical providers.

5 (E) Violations of contracts related to any
6 managed care programs.

7 (7) Representation of the Illinois Department of
8 Public Aid at hearings with the Illinois Department of
9 Professional Regulation in actions taken against
10 professional licenses held by persons who are in
11 violation of orders for child support payments.

12 (b-5) (Blank). ~~At the request of the Secretary of Human~~
13 ~~Services, the Inspector General shall, in relation to any~~
14 ~~function performed by the Department of Human Services as~~
15 ~~successor to the Department of Public Aid, exercise one or~~
16 ~~more of the powers provided under this Section as if those~~
17 ~~powers related to the Department of Human Services; in such~~
18 ~~matters, the Inspector General shall report his or her~~
19 ~~findings to the Secretary of Human Services.~~

20 (c) The Inspector General shall have access to all
21 information, personnel and facilities of the Illinois
22 Department, its ~~of Public Aid and the Department of Human~~
23 ~~Services (as successor to the Department of Public Aid),~~
24 ~~their~~ employees, vendors, contractors and medical providers
25 and any federal, State or local governmental agency that are
26 necessary to perform the duties of the Office as directly
27 related to public assistance programs administered by it
28 ~~these departments~~. No medical provider shall be compelled,
29 however, to provide individual medical records of patients
30 who are not clients of the Medical Assistance Program. State
31 and local governmental agencies are authorized and directed
32 to provide the requested information, assistance or
33 cooperation.

34 (d) The Inspector General shall serve as the Illinois

1 Department's Department-of-Public-Aid's primary liaison with
2 law enforcement, investigatory and prosecutorial agencies,
3 including but not limited to the following:

4 (1) The Department of State Police.

5 (2) The Federal Bureau of Investigation and other
6 federal law enforcement agencies.

7 (3) The various Inspectors General of federal
8 agencies overseeing the programs administered by the
9 Illinois Department of-Public-Aid.

10 (4) The various Inspectors General of any other
11 State agencies with responsibilities for portions of
12 programs primarily administered by the Illinois
13 Department of-Public-Aid.

14 (5) The Offices of the several United States
15 Attorneys in Illinois.

16 (6) The several State's Attorneys.

17 The Inspector General shall meet on a regular basis with
18 these entities to share information regarding possible
19 misconduct by any persons or entities involved with the
20 public aid programs administered by the Illinois Department
21 of-Public-Aid.

22 (e) All investigations conducted by the Inspector
23 General shall be conducted in a manner that ensures the
24 preservation of evidence for use in criminal prosecutions.
25 If the Inspector General determines that a possible criminal
26 act relating to fraud in the provision or administration of
27 the medical assistance program has been committed, the
28 Inspector General shall immediately notify the Medicaid Fraud
29 Control Unit. If the Inspector General determines that a
30 possible criminal act has been committed within the
31 jurisdiction of the Office, the Inspector General may request
32 the special expertise of the Department of State Police. The
33 Inspector General may present for prosecution the findings of
34 any criminal investigation to the Office of the Attorney

1 General, the Offices of the several United State Attorneys in
2 Illinois or the several State's Attorneys.

3 (f) To carry out his or her duties as described in this
4 Section, the Inspector General and his or her designees shall
5 have the power to compel by subpoena the attendance and
6 testimony of witnesses and the production of books,
7 electronic records and papers as directly related to public
8 assistance programs administered by the Illinois Department
9 of Public Aid or the Department of Human Services (as
10 successor to the Department of Public Aid). No medical
11 provider shall be compelled, however, to provide individual
12 medical records of patients who are not clients of the
13 Medical Assistance Program.

14 (g) The Inspector General shall report all convictions,
15 terminations, and suspensions taken against vendors,
16 contractors and medical providers to the Illinois Department
17 of Public Aid and to any agency responsible for licensing or
18 regulating those persons or entities.

19 (h) The Inspector General shall make annual reports,
20 findings, and recommendations regarding the Office's
21 investigations into reports of fraud, waste, abuse,
22 mismanagement, or misconduct relating to any public aid
23 programs administered by the Illinois Department of Public
24 Aid or the Department of Human Services (as successor to the
25 Department of Public Aid) to the General Assembly and the
26 Governor. These reports shall include, but not be limited
27 to, the following information:

28 (1) Aggregate provider billing and payment
29 information, including the number of providers at various
30 Medicaid earning levels.

31 (2) The number of audits of the medical assistance
32 program and the dollar savings resulting from those
33 audits.

34 (3) The number of prescriptions rejected annually

1 under the Illinois Department's ~~Department--of--Public~~
2 ~~Aid's~~ Refill Too Soon program and the dollar savings
3 resulting from that program.

4 (4) Provider sanctions, in the aggregate, including
5 terminations and suspensions.

6 (5) A detailed summary of the investigations
7 undertaken in the previous fiscal year. These summaries
8 shall comply with all laws and rules regarding
9 maintaining confidentiality in the public aid programs.

10 (i) Nothing in this Section shall limit investigations
11 by the Illinois Department ~~of--Public-Aid-or-the-Department-of~~
12 ~~Human-Services~~ that may otherwise be required by law or that
13 may be necessary in their capacity as the central
14 administrative authorities responsible for administration of
15 public aid programs in this State.

16 (Source: P.A. 89-507, eff. 7-1-97; 90-725, eff. 8-7-98.)

17 (305 ILCS 5/12-16) (from Ch. 23, par. 12-16)

18 Sec. 12-16. Public Aid Claims Enforcement Division of
19 Office of Attorney General. The Public Aid Claims
20 Enforcement Division in the Office of the Attorney General,
21 established pursuant to the 1949 Code, shall institute in
22 behalf of the State all court actions referred to it by the
23 Illinois Department ~~of--Public-Aid-or-the-Department-of--Human~~
24 ~~Services--(as--successor-to-the-Illinois-Department-of-Public~~
25 ~~Aid)~~ under this Code and other laws for the recovery of
26 financial aid provided under the public aid programs, the
27 enforcement of obligations of support, and the enforcement of
28 other claims, penalties and obligations.

29 The Division shall be staffed with attorneys appointed by
30 the Attorney General as Special Assistant Attorneys' General
31 whose special duty it shall be to execute the aforesaid
32 duties. The Assistant Attorneys' General shall be assigned
33 exclusively to such duties. They may engage only in such

1 political activities as are not prohibited by the Hatch
2 Political Activity Act, Title 5, U.S.C.A., Sections 118i et
3 seq.

4 The Attorney General may request the appropriate State's
5 Attorney of a county or staff of the Child and Spouse Support
6 Unit established under Section 10-3.1 of this Code to
7 institute any such action in behalf of the State or to assist
8 the Attorney General in the prosecution of actions instituted
9 by his Office.

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

11 (305 ILCS 5/12-20) (from Ch. 23, par. 12-20)

12 Sec. 12-20. Public policy-Service
13 areas-Supervision-Expenses-Function of welfare services
14 committees.

15 It is the policy of this State to encourage and make
16 maximum use of volunteers to assist caseworkers and other
17 staff of the County Departments and, where feasible and
18 desirable, to assist staff of the Illinois Department, in
19 order that the work of the regular staffs of the County and
20 Illinois Departments may be effectively complemented and
21 supplemented by the vast potential for auxiliary help
22 available within the private sector of society.

23 Volunteers may be assigned to assist caseworkers and
24 other staff members of the County Departments and the
25 Illinois Department in discharging their responsibilities for
26 administering public aid. Such areas of service within the
27 County Departments may include:

28 1. Helping recipients to utilize facilities and services
29 which will help them become self-supporting and improve their
30 capacity to provide themselves with a standard of living
31 compatible with health and well-being.

32 2. Aiding in the determination of need for public aid,
33 initially upon an applicant's request for aid, and

1 continuously thereafter so long as aid is received.

2 3. Aiding in gathering information as to whether
3 responsible relatives of applicants or recipients are able to
4 provide support.

5 4. Aiding in the assembling of information pertaining to
6 home conditions which may require the filing of a child
7 neglect petition in the Juvenile Court.

8 5. Aiding in the determination of fraud.

9 6. Aiding in such other ways as shall be set forth by
10 the Illinois Department in its rules and regulations from
11 time to time.

12 Volunteers assigned to duties within a County Department
13 shall be deemed employees of the County Department and shall
14 be under the supervision of the Superintendent or Director of
15 the Department. Volunteers assigned to duties on the staff of
16 the Illinois Department shall be deemed employees of that
17 Department and shall be under the supervision of the
18 Secretary ~~Director~~ of ~~Public~~ Aid or his designated
19 representative. The activities and assignments of all
20 volunteers, whether assigned to a County Department or to the
21 Illinois Department, shall be subject to the rules and
22 regulations of the Illinois Department.

23 Volunteers shall serve without compensation but shall,
24 upon application for the same, be entitled to mileage and
25 other incidental expenses incurred in the fulfillment of
26 their responsibilities.

27 Each County Welfare Services Committee, subject to the
28 supervision of and in cooperation with the County Department
29 and the Illinois Department, shall establish and maintain a
30 program for the recruitment and utilization of volunteers.
31 The acceptance of any recruited volunteer shall be determined
32 in accordance with the rules and regulations of the Illinois
33 Department. The Committee shall continuously review the rules
34 pertaining to the use of volunteers and shall make such

1 recommendations as it deems desirable for revision in such
2 rules or for revision in the provisions of this Section.
3 (Source: Laws 1967, p. 122.)

4 (305 ILCS 5/14-7) (from Ch. 23, par. 14-7)
5 Sec. 14-7. Penalties.

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

12 (b) In addition, the Illinois Department may take action
13 to notify the Office of the Comptroller to collect any amount
14 of monies owed under this Article XIV, pursuant to Section
15 10.05 of the State Comptroller Act, or may suspend payments
16 to, or cancel or refuse to issue, extend, or reinstate a
17 Provider Agreement to, any hospital which has failed to pay
18 any delinquent fee or penalty.

19 (c) The Secretary ~~Director~~ of the Illinois Department is
20 authorized to establish delayed payment schedules for
21 facilities that are unable to make timely payments under this
22 subsection due to financial difficulties. The delayed
23 payments shall include interest at a rate not to exceed the
24 State of Illinois borrowing rate. The interest may be waived
25 by the Secretary ~~Director~~ for good cause shown.

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

27 Section 340. The Medicaid Revenue Act is amended by
28 changing Section 1-2 as follows:

29 (305 ILCS 35/1-2) (from Ch. 23, par. 7051-2)

30 Sec. 1-2. Legislative finding and declaration. The
31 General Assembly hereby finds, determines, and declares:

1 (1) It is in the public interest and it is the public
2 policy of this State to provide for and improve the basic
3 medical care and long-term health care services of its
4 indigent, most vulnerable citizens.

5 (2) Preservation of health, alleviation of sickness, and
6 correction of handicapping conditions for persons requiring
7 maintenance support are essential if those persons are to
8 have an opportunity to become self-supporting or to attain a
9 greater capacity for self-care.

10 (3) For persons who are medically indigent but otherwise
11 able to provide themselves a livelihood, it is of special
12 importance to maintain their incentives for continued
13 independence and preserve their limited resources for
14 ordinary maintenance needed to prevent their total or
15 substantial dependence on public support.

16 (4) The State has historically provided for care and
17 services, in conjunction with the federal government, through
18 the establishment and funding of a medical assistance program
19 administered by the Department of Human Services Public-Aid
20 and approved by the Secretary of Health and Human Services
21 under Title XIX of the federal Social Security Act, that
22 program being commonly referred to as "Medicaid".

23 (5) The Medicaid program is a funding partnership
24 between the State of Illinois and the federal government,
25 with the Department of Human Services Public--Aid being
26 designated as the single State agency responsible for the
27 administration of the program, but with the State
28 historically receiving 50% of the amounts expended as medical
29 assistance under the Medicaid program from the federal
30 government.

31 (6) To raise a portion of Illinois' share of the
32 Medicaid funds after July 1, 1991, the General Assembly
33 enacted Public Act 87-13 to provide for the collection of
34 provider participation fees from designated health care

1 providers receiving Medicaid payments.

2 (7) On September 12, 1991, the Secretary of Health and
3 Human Services proposed regulations that could have reduced
4 the federal matching of Medicaid expenditures incurred on or
5 after January 1, 1992 by the portion of the expenditures paid
6 from funds raised through the provider participation fees.

7 (8) To prevent the Secretary from enacting those
8 regulations but at the same time to impose certain statutory
9 limitations on the means by which states may raise Medicaid
10 funds eligible for federal matching, Congress enacted the
11 Medicaid Voluntary Contribution and Provider-Specific Tax
12 Amendments of 1991, Public Law 102-234.

13 (9) Public Law 102-234 provides for a state's share of
14 Medicaid funding eligible for federal matching to be raised
15 through "broad-based health care related taxes", meaning,
16 generally, a tax imposed with respect to a class of health
17 care items or services (or providers thereof) specified
18 therein, which (i) is imposed on all items or services or
19 providers in the class in the state, except federal or public
20 providers, and (ii) is imposed uniformly on all providers in
21 the class at the same rate with respect to the same base.

22 (10) The separate classes of health care items and
23 services established by P.L. 102-234 include inpatient and
24 outpatient hospital services, nursing facility services, and
25 services of intermediate care facilities for the mentally
26 retarded.

27 (11) The provider participation fees imposed under P.A.
28 87-13 may not meet the standards under P.L. 102-234.

29 (12) The resulting hospital Medicaid reimbursement
30 reductions may force the closure of some hospitals now
31 serving a disproportionately high number of the needy, who
32 would then have to be cared for by remaining hospitals at
33 substantial cost to those remaining hospitals.

34 (13) The hospitals in the State are all part of and

1 benefit from a hospital system linked together in a number of
2 ways, including common licensing and regulation, health care
3 standards, education, research and disease control reporting,
4 patient transfers for specialist care, and organ donor
5 networks.

6 (14) Each hospital's patient population demographics,
7 including the proportion of patients whose care is paid by
8 Medicaid, is subject to change over time.

9 (15) Hospitals in the State have a special interest in
10 the payment of adequate reimbursement levels for hospital
11 care by Medicaid.

12 (16) Most hospitals are exempt from payment of most
13 federal, State, and local income, sales, property, and other
14 taxes.

15 (17) The hospital assessment enacted by this Act under
16 the guidelines of P.L. 102-234 is the most efficient means of
17 raising the federally matchable funds needed for hospital
18 care reimbursement.

19 (18) Cook County Hospital and Oak Forest Hospital are
20 public hospitals owned and operated by Cook County with
21 unique fiscal problems, including a patient population that
22 is primarily Medicaid or altogether nonpaying, that make an
23 intergovernmental transfer payment arrangement a more
24 appropriate means of financing than the regular hospital
25 assessment and reimbursement provisions.

26 (19) Sole community hospitals provide access to
27 essential care that would otherwise not be reasonably
28 available in the community they serve, such that imposition
29 of assessments on them in their precarious financial
30 circumstances may force their closure and have the effect of
31 reducing access to health care.

32 (20) Each nursing home's resident population
33 demographics, including the proportion of residents whose
34 care is paid by Medicaid, is subject to change over time in

1 that, among other things, residents currently able to pay the
2 cost of nursing home care may become dependent on Medicaid
3 support for continued care and services as resources are
4 depleted.

5 (21) As the citizens of the State age, increased
6 pressures will be placed on limited facilities to provide
7 reasonable levels of care for a greater number of geriatric
8 residents, and all involved in the nursing home industry,
9 providers and residents, have a special interest in the
10 maintenance of adequate Medicaid support for all nursing
11 facilities.

12 (22) The assessments on nursing homes enacted by this
13 Act under the guidelines of P.L. 102-234 are the most
14 efficient means of raising the federally matchable funds
15 needed for nursing home care reimbursement.

16 (23) All intermediate care facilities for persons with
17 developmental disabilities receive a high degree of Medicaid
18 support and benefits and therefore have a special interest in
19 the maintenance of adequate Medicaid support.

20 (24) The assessments on intermediate care facilities for
21 persons with developmental disabilities enacted by this Act
22 under the guidelines of P.L. 102-234 are the most efficient
23 means of raising the federally matchable funds needed for
24 reimbursement of providers of intermediate care for persons
25 with developmental disabilities.

26 (Source: P.A. 87-861; 88-380.)

27 Section 341. The Nursing Home Grant Assistance Act is
28 amended by changing Section 20 as follows:

29 (305 ILCS 40/20) (from Ch. 23, par. 7100-20)

30 Sec. 20. Nursing Home Grant Assistance Fund.

31 (a) There is created in the State Treasury the Nursing
32 Home Grant Assistance Fund. Interest earned on the Fund

1 shall be credited to the Fund.

2 (b) The Fund is created for the purpose of receiving
3 moneys in accordance with Section 15, Section 30 and Section
4 35 of this Act, and disbursing monies for payment of:

5 (1) grants to eligible individuals under this Act;

6 (2) administrative expenses incurred by the
7 Department in performing the activities authorized by
8 this Act;

9 (3) refunds to distribution agents as provided for
10 under this Act; and

11 (4) transfers to the General Revenue Fund of any
12 amounts of Nursing Home Grant Assistance payments
13 returned to the Department by distribution agents.

14 The Department shall deposit all moneys received under
15 this Act in the Nursing Home Grant Assistance Fund.

16 The Department, subject to appropriation, may use up to
17 2.5% of the moneys received under this Act for the costs of
18 administering and enforcing the program.

19 (c) Within 30 days after the end of the quarterly period
20 in which the distribution agent is required to file the
21 certification and make the payment required by this Act, and
22 after verification with the Illinois Department of Human
23 Services Public--Aid of the licensing status of the
24 distribution agent, the Director shall order the payment to
25 be made from appropriations made for the purposes of this
26 Act.

27 (d) Disbursements from this Fund shall be by warrants
28 drawn by the State Comptroller upon receipt of vouchers duly
29 executed and certified by the Department. The Department
30 shall prepare and certify to the State Comptroller the
31 disbursement of the grants to qualified distributing agents
32 for payment to the eligible individuals certified to the
33 Department by the qualified distributing agents.

34 The amount to be paid per calendar quarter to a qualified

1 distribution agent shall not exceed, for each eligible
2 individual, \$500 multiplied by a fraction equal to the number
3 of days that the eligible individual's nursing home care was
4 not paid for, in whole or in part, by a federal, State, or
5 combined federal-State medical care program, divided by the
6 number of calendar days in the quarter. Any amount the
7 qualified distribution agent owes to the Department under
8 Section 30 shall be deducted from the amount of the payment
9 to the qualified distribution agent.

10 If the amount appropriated or available in the Fund is
11 insufficient to meet all or part of any quarterly payment
12 certification, the payment certified to each qualified
13 distributing agent shall be uniformly reduced by an amount
14 which will permit a payment to be made to each qualified
15 distributing agent. Within 10 days after receipt by the
16 State Comptroller of the disbursement certification to the
17 qualified distributing agents, the State Comptroller shall
18 cause the warrants to be drawn for the respective amounts in
19 accordance with the directions contained in that
20 certification.

21 (e) Notwithstanding any other provision of this Act, as
22 soon as is practicable after the effective date of this
23 amendatory Act of 1994, the Department shall order that
24 payments be made, subject to appropriation, to the
25 appropriate distribution agents for grants to persons who
26 were eligible individuals during the fourth quarter of fiscal
27 year 1993 to the extent that those individuals did not
28 receive a grant for that quarter or the fourth quarter of
29 fiscal year 1992. An eligible individual, or a person acting
30 on behalf of an eligible individual, must apply on or before
31 December 31, 1994 for a grant under this subsection (e). The
32 amount to be paid to each distribution agent under this
33 subsection shall be calculated as provided in subsection (d).
34 Distribution agents shall distribute the grants to eligible

1 individuals as required in Section 30. For the purpose of
2 determining grants under this subsection (e), a nursing home
3 that is a distribution agent under this Act shall file with
4 the Department, on or before September 30, 1994, a
5 certification disclosing the information required under
6 Section 15 with respect to the fourth quarter of fiscal year
7 1993.

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

9 Section 345. The Elder Abuse and Neglect Act is amended
10 by changing Sections 2 and 3.5 as follows:

11 (320 ILCS 20/2) (from Ch. 23, par. 6602)

12 Sec. 2. Definitions. As used in this Act, unless the
13 context requires otherwise:

14 (a) "Abuse" means causing any physical, mental or sexual
15 injury to an eligible adult, including exploitation of such
16 adult's financial resources.

17 Nothing in this Act shall be construed to mean that an
18 eligible adult is a victim of abuse or neglect for the sole
19 reason that he or she is being furnished with or relies upon
20 treatment by spiritual means through prayer alone, in
21 accordance with the tenets and practices of a recognized
22 church or religious denomination.

23 Nothing in this Act shall be construed to mean that an
24 eligible adult is a victim of abuse because of health care
25 services provided or not provided by licensed health care
26 professionals.

27 (a-5) "Abuser" means a person who abuses, neglects, or
28 financially exploits an eligible adult.

29 (a-7) "Caregiver" means a person who either as a result
30 of a family relationship, voluntarily, or in exchange for
31 compensation has assumed responsibility for all or a portion
32 of the care of an eligible adult who needs assistance with

1 activities of daily living.

2 (b) "Department" means the Department on Aging of the
3 State of Illinois.

4 (c) "Director" means the Director of the Department.

5 (d) "Domestic living situation" means a residence where
6 the eligible adult lives alone or with his or her family or a
7 caregiver, or others, or a board and care home or other
8 community-based unlicensed facility, but is not:

9 (1) A licensed facility as defined in Section 1-113
10 of the Nursing Home Care Act;

11 (2) A "life care facility" as defined in the Life
12 Care Facilities Act;

13 (3) A home, institution, or other place operated by
14 the federal government or agency thereof or by the State
15 of Illinois;

16 (4) A hospital, sanitarium, or other institution,
17 the principal activity or business of which is the
18 diagnosis, care, and treatment of human illness through
19 the maintenance and operation of organized facilities
20 therefor, which is required to be licensed under the
21 Hospital Licensing Act;

22 (5) A "community living facility" as defined in the
23 Community Living Facilities Licensing Act;

24 (6) A "community residential alternative" as
25 defined in the Community Residential Alternatives
26 Licensing Act; and

27 (7) A "community-integrated living arrangement" as
28 defined in the Community-Integrated Living Arrangements
29 Licensure and Certification Act.

30 (e) "Eligible adult" means a person 60 years of age or
31 older who resides in a domestic living situation and is, or
32 is alleged to be, abused, neglected, or financially exploited
33 by another individual.

34 (f) "Emergency" means a situation in which an eligible

1 adult is living in conditions presenting a risk of death or
2 physical, mental or sexual injury and the provider agency has
3 reason to believe the eligible adult is unable to consent to
4 services which would alleviate that risk.

5 (f-5) "Mandated reporter" means any of the following
6 persons while engaged in carrying out their professional
7 duties:

8 (1) a professional or professional's delegate while
9 engaged in: (i) social services, (ii) law enforcement,
10 (iii) education, (iv) the care of an eligible adult or
11 eligible adults, or (v) any of the occupations required
12 to be licensed under the Clinical Psychologist Licensing
13 Act, the Clinical Social Work and Social Work Practice
14 Act, the Illinois Dental Practice Act, the Dietetic and
15 Nutrition Services Practice Act, the Marriage and Family
16 Therapy Licensing Act, the Medical Practice Act of 1987,
17 the Naprapathic Practice Act, the Nursing and Advanced
18 Practice Nursing Act, the Nursing Home Administrators
19 Licensing and Disciplinary Act, the Illinois
20 Occupational Therapy Practice Act, the Illinois
21 Optometric Practice Act of 1987, the Pharmacy Practice
22 Act of 1987, the Illinois Physical Therapy Act, the
23 Physician Assistant Practice Act of 1987, the Podiatric
24 Medical Practice Act of 1987, the Respiratory Care
25 Practice Act, the Professional Counselor and Clinical
26 Professional Counselor Licensing Act, the Illinois
27 Speech-Language Pathology and Audiology Practice Act, the
28 Veterinary Medicine and Surgery Practice Act of 1994, and
29 the Illinois Public Accounting Act;

30 (2) an employee of a vocational rehabilitation
31 facility prescribed or supervised by the Department of
32 Human Services;

33 (3) an administrator, employee, or person providing
34 services in or through an unlicensed community based

1 facility;

2 (4) a Christian Science Practitioner;

3 (5) field personnel of the Department of Public
4 Aid, Department of Public Health, and Department of Human
5 Services, and any county or municipal health department;

6 (6) personnel of the Department of Human Services,
7 the Guardianship and Advocacy Commission, the State Fire
8 Marshal, local fire departments, the Department on Aging
9 and its subsidiary Area Agencies on Aging and provider
10 agencies, and the Office of State Long Term Care
11 Ombudsman;

12 (7) any employee of the State of Illinois not
13 otherwise specified herein who is involved in providing
14 services to eligible adults, including professionals
15 providing medical or rehabilitation services and all
16 other persons having direct contact with eligible adults;

17 or

18 (8) a person who performs the duties of a coroner
19 or medical examiner.

20 (g) "Neglect" means another individual's failure to
21 provide an eligible adult with or willful withholding from an
22 eligible adult the necessities of life including, but not
23 limited to, food, clothing, shelter or medical care. This
24 subsection does not create any new affirmative duty to
25 provide support to eligible adults. Nothing in this Act
26 shall be construed to mean that an eligible adult is a victim
27 of neglect because of health care services provided or not
28 provided by licensed health care professionals.

29 (h) "Provider agency" means any public or nonprofit
30 agency in a planning and service area appointed by the
31 regional administrative agency with prior approval by the
32 Department on Aging to receive and assess reports of alleged
33 or suspected abuse, neglect, or financial exploitation.

34 (i) "Regional administrative agency" means any public or

1 nonprofit agency in a planning and service area so designated
2 by the Department, provided that the designated Area Agency
3 on Aging shall be designated the regional administrative
4 agency if it so requests. The Department shall assume the
5 functions of the regional administrative agency for any
6 planning and service area where another agency is not so
7 designated.

8 (j) "Substantiated case" means a reported case of
9 alleged or suspected abuse, neglect, or financial
10 exploitation in which a provider agency, after assessment,
11 determines that there is reason to believe abuse, neglect, or
12 financial exploitation has occurred.

13 (Source: P.A. 90-628, eff. 1-1-99; 91-259, eff. 1-1-00;
14 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; revised 8-30-99.)

15 (320 ILCS 20/3.5)

16 Sec. 3.5. Other Responsibilities. The Department shall
17 also be responsible for the following activities, contingent
18 upon adequate funding:

19 (a) promotion of a wide range of endeavors for the
20 purpose of preventing elder abuse, neglect, and financial
21 exploitation in both domestic and institutional settings,
22 including, but not limited to, promotion of public and
23 professional education to increase awareness of elder abuse,
24 neglect, and financial exploitation, to increase reports, and
25 to improve response by various legal, financial, social, and
26 health systems;

27 (b) coordination of efforts with other agencies,
28 councils, and like entities, to include but not be limited
29 to, the Office of the Attorney General, the State Police, the
30 Illinois Law Enforcement Training and Standards Board, the
31 State Triad, the Criminal Justice Information Authority, the
32 Departments of Public Health, ~~Public Aid~~, and Human Services,
33 the Family Violence Coordinating Council, the Violence

1 Prevention Authority, and other entities which may impact
2 awareness of, and response to, elder abuse, neglect, and
3 financial exploitation;

4 (c) collection and analysis of data;

5 (d) monitoring of the performance of regional
6 administrative agencies and elder abuse provider agencies;
7 and

8 (e) promotion of prevention activities.

9 (Source: P.A. 90-628, eff. 1-1-99; revised 2-23-00.)

10 Section 347. The Senior Citizens and Disabled Persons
11 Property Tax Relief and Pharmaceutical Assistance Act is
12 amended by changing Section 4 as follows:

13 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

14 Sec. 4. Amount of Grant.

15 (a) In general. Any individual 65 years or older or any
16 individual who will become 65 years old during the calendar
17 year in which a claim is filed, and any surviving spouse of
18 such a claimant, who at the time of death received or was
19 entitled to receive a grant pursuant to this Section, which
20 surviving spouse will become 65 years of age within the 24
21 months immediately following the death of such claimant and
22 which surviving spouse but for his or her age is otherwise
23 qualified to receive a grant pursuant to this Section, and
24 any disabled person whose annual household income is less
25 than \$14,000 for grant years before the 1998 grant year, less
26 than \$16,000 for the 1998 and 1999 grant years, and less than
27 (i) \$21,218 for a household containing one person, (ii)
28 \$28,480 for a household containing 2 persons, or (iii)
29 \$35,740 for a household containing 3 or more persons for the
30 2000 grant year and thereafter and whose household is liable
31 for payment of property taxes accrued or has paid rent
32 constituting property taxes accrued and is domiciled in this

1 State at the time he files his claim is entitled to claim a
2 grant under this Act. With respect to claims filed by
3 individuals who will become 65 years old during the calendar
4 year in which a claim is filed, the amount of any grant to
5 which that household is entitled shall be an amount equal to
6 1/12 of the amount to which the claimant would otherwise be
7 entitled as provided in this Section, multiplied by the
8 number of months in which the claimant was 65 in the calendar
9 year in which the claim is filed.

10 (b) Limitation. Except as otherwise provided in
11 subsections (a) and (f) of this Section, the maximum amount
12 of grant which a claimant is entitled to claim is the amount
13 by which the property taxes accrued which were paid or
14 payable during the last preceding tax year or rent
15 constituting property taxes accrued upon the claimant's
16 residence for the last preceding taxable year exceeds 3 1/2%
17 of the claimant's household income for that year but in no
18 event is the grant to exceed (i) \$700 less 4.5% of household
19 income for that year for those with a household income of
20 \$14,000 or less or (ii) \$70 if household income for that year
21 is more than \$14,000.

22 (c) Public aid recipients. If household income in one
23 or more months during a year includes cash assistance in
24 excess of \$55 per month from the Department of Public Aid--or
25 the--Department-of Human Services (acting-as-successor-to-the
26 Department-of--Public--Aid--under--the--Department--of--Human
27 Services-Act) which was determined under regulations of that
28 Department on a measure of need that included an allowance
29 for actual rent or property taxes paid by the recipient of
30 that assistance, the amount of grant to which that household
31 is entitled, except as otherwise provided in subsection (a),
32 shall be the product of (1) the maximum amount computed as
33 specified in subsection (b) of this Section and (2) the ratio
34 of the number of months in which household income did not

1 include such cash assistance over \$55 to the number twelve.
2 If household income did not include such cash assistance over
3 \$55 for any months during the year, the amount of the grant
4 to which the household is entitled shall be the maximum
5 amount computed as specified in subsection (b) of this
6 Section. For purposes of this paragraph (c), "cash
7 assistance" does not include any amount received under the
8 federal Supplemental Security Income (SSI) program.

9 (d) Joint ownership. If title to the residence is held
10 jointly by the claimant with a person who is not a member of
11 his household, the amount of property taxes accrued used in
12 computing the amount of grant to which he is entitled shall
13 be the same percentage of property taxes accrued as is the
14 percentage of ownership held by the claimant in the
15 residence.

16 (e) More than one residence. If a claimant has occupied
17 more than one residence in the taxable year, he may claim
18 only one residence for any part of a month. In the case of
19 property taxes accrued, he shall pro rate 1/12 of the total
20 property taxes accrued on his residence to each month that he
21 owned and occupied that residence; and, in the case of rent
22 constituting property taxes accrued, shall pro rate each
23 month's rent payments to the residence actually occupied
24 during that month.

25 (f) There is hereby established a program of
26 pharmaceutical assistance to the aged and disabled which
27 shall be administered by the Department in accordance with
28 this Act, to consist of payments to authorized pharmacies, on
29 behalf of beneficiaries of the program, for the reasonable
30 costs of covered prescription drugs. Each beneficiary who
31 pays \$5 for an identification card shall pay no additional
32 prescription costs. Each beneficiary who pays \$25 for an
33 identification card shall pay \$3 per prescription. In
34 addition, after a beneficiary receives \$2,000 in benefits

1 during a State fiscal year, that beneficiary shall also be
2 charged 20% of the cost of each prescription for which
3 payments are made by the program during the remainder of the
4 fiscal year. To become a beneficiary under this program a
5 person must be: (1) (i) 65 years or older, or (ii) the
6 surviving spouse of such a claimant, who at the time of death
7 received or was entitled to receive benefits pursuant to this
8 subsection, which surviving spouse will become 65 years of
9 age within the 24 months immediately following the death of
10 such claimant and which surviving spouse but for his or her
11 age is otherwise qualified to receive benefits pursuant to
12 this subsection, or (iii) disabled, and (2) is domiciled in
13 this State at the time he files his or her claim, and (3) has
14 a maximum household income of less than \$14,000 for grant
15 years before the 1998 grant year, less than \$16,000 for the
16 1998 and 1999 grant years, and less than (i) \$21,218 for a
17 household containing one person, (ii) \$28,480 for a household
18 containing 2 persons, or (iii) \$35,740 for a household
19 containing 3 more persons for the 2000 grant year and
20 thereafter. In addition, each eligible person must (1) obtain
21 an identification card from the Department, (2) at the time
22 the card is obtained, sign a statement assigning to the State
23 of Illinois benefits which may be otherwise claimed under any
24 private insurance plans, (3) present the identification card
25 to the dispensing pharmacist.

26 Whenever a generic equivalent for a covered prescription
27 drug is available, the Department shall reimburse only for
28 the reasonable costs of the generic equivalent, less the
29 co-pay established in this Section, unless (i) the covered
30 prescription drug contains one or more ingredients defined as
31 a narrow therapeutic index drug at 21 CFR 320.33, (ii) the
32 prescriber indicates on the face of the prescription "brand
33 medically necessary", and (iii) the prescriber specifies that
34 a substitution is not permitted. When issuing an oral

1 prescription for covered prescription medication described in
2 item (i) of this paragraph, the prescriber shall stipulate
3 "brand medically necessary" and that a substitution is not
4 permitted. If the covered prescription drug and its
5 authorizing prescription do not meet the criteria listed
6 above, the beneficiary may purchase the non-generic
7 equivalent of the covered prescription drug by paying the
8 difference between the generic cost and the non-generic cost
9 plus the beneficiary co-pay.

10 Any person otherwise eligible for pharmaceutical
11 assistance under this Act whose covered drugs are covered by
12 any public program for assistance in purchasing any covered
13 prescription drugs shall be ineligible for assistance under
14 this Act to the extent such costs are covered by such other
15 plan.

16 The fee to be charged by the Department for the
17 identification card shall be equal to \$5 for persons below
18 the official poverty line as defined by the United States
19 Department of Health and Human Services and \$25 for all other
20 persons.

21 In the event that 2 or more persons are eligible for any
22 benefit under this Act, and are members of the same
23 household, (1) each such person shall be entitled to
24 participate in the pharmaceutical assistance program,
25 provided that he or she meets all other requirements imposed
26 by this subsection and (2) each participating household
27 member contributes the fee required for that person by the
28 preceding paragraph for the purpose of obtaining an
29 identification card.

30 (Source: P.A. 90-650, eff. 7-27-98; 91-357, eff. 7-29-99;
31 91-699, eff. 1-1-01.)

32 Section 350. The Partnership for Long-Term Care Act is
33 amended by changing Sections 15, 20, 25, 50, and 60 as

1 follows:

2 (320 ILCS 35/15) (from Ch. 23, par. 6801-15)

3 Sec. 15. Program.

4 (a) The Department on Aging, in cooperation with the
5 Department of Insurance, and the Department of Human Services
6 Public-Aid, shall administer the program.

7 (b) The Departments shall seek any federal waivers and
8 approvals necessary to accomplish the purposes of this Act.

9 (Source: P.A. 88-328; 89-525, eff. 7-19-96.)

10 (320 ILCS 35/20) (from Ch. 23, par. 6801-20)

11 Sec. 20. Program participant eligibility for Medicaid.

12 (a) Individuals who participate in the program and have
13 resources above the eligibility levels for receipt of medical
14 assistance under Title XIX of the Social Security Act
15 (Subchapter XIX (commencing with Section 1396) of Chapter 7
16 of Title 42 of the United States Code) shall be eligible to
17 receive in-home supportive service benefits and Medicaid
18 benefits through the Department of Human Services Public--Aid
19 if, before becoming eligible for benefits, they have
20 purchased a long-term care insurance policy covering
21 long-term care that has been certified by the Department of
22 Insurance under Section 30 of this Act.

23 (b) Individuals may purchase certified long-term care
24 insurance policies which cover long-term care services in
25 amounts equal to the resources they wish to protect.

26 (b-5) An individual may purchase a certified long-term
27 care insurance policy which protects an individual's total
28 assets. To be eligible for total asset protection, an amount
29 equal to the average cost of 4 years of long-term care
30 services in a nursing facility must be purchased.

31 (b-7) Although a resource has been protected by the
32 Partnership Policy, income is to be applied to the cost of

1 care when the insured becomes Medicaid eligible.

2 (c) The resource protection provided by this Act shall
3 be effective only for long-term care policies which cover
4 long-term care services, that are delivered, issued for
5 delivery, or renewed on or after July 1, 1992.

6 (d) When an individual purchases a certified long-term
7 care insurance policy, the issuer must notify the purchaser
8 of the benefits of purchasing inflation protection for the
9 long-term care insurance policy.

10 (e) An insurance company may offer for sale a policy as
11 described in paragraph (b) of this Section or paragraph (b-5)
12 of this Section or both types of policies.

13 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96;
14 90-14, eff. 7-1-97.)

15 (320 ILCS 35/25) (from Ch. 23, par. 6801-25)

16 Sec. 25. Protection of resources.

17 (a) Notwithstanding any other provision of law, the
18 resources, to the extent described in subsection (b), of an
19 individual who (i) purchases a certified long-term care
20 insurance policy which covers long-term care services and
21 (ii) has received all the benefit payments that are payable
22 under that policy or contract for items described in
23 subsection (b) shall not be considered in determining:

- 24 (1) Medicaid eligibility.
- 25 (2) The amount of any Medicaid payment.
- 26 (3) The amount of any subsequent recovery by the
27 State of payments made for medical services to the extent
28 federal law permits.
- 29 (4) Eligibility for in-home supportive services.
- 30 (5) The amount of any payment for in-home
31 supportive services.

32 (b) Benefit payments described in subsection (a) must be
33 for one or more of the following:

1 (1) In-home supportive service benefits and
2 Medicaid long-term care services specified in regulations
3 by the Department of Human Services Public-Aid.

4 (2) Long-term care services delivered to insured
5 individuals in a community setting as part of an
6 individual assessment and case management program
7 provided by coordinating entities designated or approved
8 by the Department on Aging.

9 (3) Services the insured individual received while
10 meeting the disability criteria for eligibility for
11 long-term care benefits established by the Departments.

12 (Source: P.A. 89-525, eff. 7-19-96.)

13 (320 ILCS 35/50) (from Ch. 23, par. 6801-50)

14 Sec. 50. Task force.

15 (a) An executive and legislative advisory task force
16 shall be created to provide advice and assistance in
17 designing and implementing the Partnership for Long-term Care
18 Program. The task force shall be composed of representatives,
19 designated by the director of each of the following agencies
20 or departments:

- 21 (1) The Department on Aging.
- 22 (2) The Department of Human Services Public-Aid.
- 23 (3) (Blank).
- 24 (4) The Department of Insurance.
- 25 (5) The Department of Commerce and Community
26 Affairs.
- 27 (6) The Legislative Research Unit.

28 (b) The task force shall consult with persons
29 knowledgeable of and concerned with long-term care,
30 including, but not limited to the following:

- 31 (1) Consumers.
- 32 (2) Health care providers.
- 33 (3) Representatives of long-term care insurance

1 companies and administrators of health care service plans
2 that cover long-term care services.

3 (4) Providers of long-term care.

4 (5) Private employers.

5 (6) Academic specialists in long-term care and
6 aging.

7 (7) Representatives of the public employees' and
8 teachers' retirement systems.

9 (c) The task force shall be established, and its members
10 designated, not later than March 1, 1993. The task force
11 shall make recommendations to the Department on Aging
12 concerning the policy components of the program on or before
13 September 1, 1993.

14 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96;
15 90-14, eff. 7-1-97.)

16 (320 ILCS 35/60) (from Ch. 23, par. 6801-60)

17 Sec. 60. Administrative costs.

18 (a) The Department on Aging, in conjunction with the
19 Department of Human Services Public Aid, the Department of
20 Insurance, and the Department of Commerce and Community
21 Affairs, shall submit applications for State or federal
22 grants or federal waivers, or funding from nationally
23 distributed private foundation grants, or insurance
24 reimbursements to be used to pay the administrative expenses
25 of implementation of the program. The Department on Aging,
26 in conjunction with those other departments, also shall seek
27 moneys from these same sources for the purpose of
28 implementing the program, including moneys appropriated for
29 that purpose.

30 (b) In implementing this Act, the Department on Aging
31 may negotiate contracts, on a nonbid basis, with long-term
32 care insurers, health care insurers, health care service
33 plans, or both, for the provision of coverage for long-term

1 care services that will meet the certification requirements
2 set forth in Section 30 and the other requirements of this
3 Act.

4 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96;
5 90-14, eff. 7-1-97.)

6 Section 355. The All-Inclusive Care for the Elderly Act
7 is amended by changing Sections 10, 15, and 30 as follows:

8 (320 ILCS 40/10) (from Ch. 23, par. 6910)

9 Sec. 10. Services for eligible persons. Within the
10 context of the PACE program established under this Act, the
11 Illinois Department of Human Services Public-Aid may include
12 any or all of the services in Article 5 of the Illinois
13 Public Aid Code.

14 An eligible person may elect to receive services from the
15 PACE program. If such an election is made, the eligible
16 person shall not remain eligible for payment through the
17 regular Medicare or Medicaid program. All services and
18 programs provided through the PACE program shall be provided
19 in accordance with this Act. An eligible person may elect to
20 disenroll from the PACE program at any time.

21 For purposes of this Act, "eligible person" means a frail
22 elderly individual who voluntarily enrolls in the PACE
23 program, whose income and resources do not exceed limits
24 established by the Illinois Department of Human Services
25 Public--Aid and for whom a licensed physician certifies that
26 such a program provides an appropriate alternative to
27 institutionalized care. The term "frail elderly" means an
28 individual who meets functional eligibility requirements, as
29 established by the Illinois Department of Human Services
30 Public-Aid and the Department on Aging for nursing home care,
31 and who is 65 years of age or older.

32 (Source: P.A. 87-411.)

1 (320 ILCS 40/15) (from Ch. 23, par. 6915)

2 Sec. 15. Program implementation.

3 (a) Upon receipt of federal waivers, the Illinois
4 Department of Human Services Public-Aid shall implement the
5 PACE program as a demonstration program to provide the
6 services set forth in Section 10 to eligible persons, as
7 defined in Section 10, for a period of 3 years. After the 3
8 year demonstration, the General Assembly shall reexamine the
9 PACE program and determine if the program should be
10 implemented on a permanent basis.

11 (b) Using a risk-based financing model, the nonprofit
12 organization providing the PACE program shall assume
13 responsibility for all costs generated by the PACE program
14 participants, and it shall create and maintain a risk reserve
15 fund that will cover any cost overages for any participant.
16 The PACE program is responsible for the entire range of
17 services in the consolidated service model, including
18 hospital and nursing home care, according to participant need
19 as determined by a multidisciplinary team. The nonprofit
20 organization providing the PACE program is responsible for
21 the full financial risk at the conclusion of the
22 demonstration period and when permanent waivers from the
23 federal Health Care Financing Administration are granted.
24 Specific arrangements of the risk-based financing model shall
25 be adopted and negotiated by the federal Health Care
26 Financing Administration, the nonprofit organization
27 providing the PACE program, and the Illinois Department.

28 (Source: P.A. 87-411.)

29 (320 ILCS 40/30) (from Ch. 23, par. 6930)

30 Sec. 30. Rate of payment. The General Assembly shall
31 make appropriations to the Illinois Department of Human
32 Services Public-Aid to fund services under this Act provided
33 at a monthly capitated rate. The Illinois Department shall

1 annually renegotiate a monthly capitated rate for the
2 contracted services based on the 95% of the Medicaid
3 fee-for-service costs of an actuarially similar population.

4 (Source: P.A. 87-411.)

5 Section 360. The Abused and Neglected Child Reporting
6 Act is amended by changing Sections 4 and 7.20 as follows:

7 (325 ILCS 5/4) (from Ch. 23, par. 2054)

8 Sec. 4. Persons required to report; privileged
9 communications; transmitting false report. Any physician,
10 resident, intern, hospital, hospital administrator and
11 personnel engaged in examination, care and treatment of
12 persons, surgeon, dentist, dentist hygienist, osteopath,
13 chiropractor, podiatrist, physician assistant, substance
14 abuse treatment personnel, Christian Science practitioner,
15 funeral home director or employee, coroner, medical examiner,
16 emergency medical technician, acupuncturist, crisis line or
17 hotline personnel, school personnel, educational advocate
18 assigned to a child pursuant to the School Code, truant
19 officers, social worker, social services administrator,
20 domestic violence program personnel, registered nurse,
21 licensed practical nurse, respiratory care practitioner,
22 advanced practice nurse, home health aide, director or staff
23 assistant of a nursery school or a child day care center,
24 recreational program or facility personnel, law enforcement
25 officer, registered psychologist and assistants working
26 under the direct supervision of a psychologist, psychiatrist,
27 or field personnel of the Illinois Department of Public Aid,
28 Public Health, Human Services (acting as successor to the
29 Department of Mental Health and Developmental Disabilities,
30 Rehabilitation Services, or Public Aid), Corrections, Human
31 Rights, or Children and Family Services, supervisor and
32 administrator of general assistance under the Illinois Public

1 Aid Code, probation officer, or any other foster parent,
2 homemaker or child care worker having reasonable cause to
3 believe a child known to them in their professional or
4 official capacity may be an abused child or a neglected child
5 shall immediately report or cause a report to be made to the
6 Department. Whenever such person is required to report under
7 this Act in his capacity as a member of the staff of a
8 medical or other public or private institution, school,
9 facility or agency, he shall make report immediately to the
10 Department in accordance with the provisions of this Act and
11 may also notify the person in charge of such institution,
12 school, facility or agency or his designated agent that such
13 report has been made. Under no circumstances shall any
14 person in charge of such institution, school, facility or
15 agency, or his designated agent to whom such notification has
16 been made, exercise any control, restraint, modification or
17 other change in the report or the forwarding of such report
18 to the Department. The privileged quality of communication
19 between any professional person required to report and his
20 patient or client shall not apply to situations involving
21 abused or neglected children and shall not constitute grounds
22 for failure to report as required by this Act. In addition
23 to the above persons required to report suspected cases of
24 abused or neglected children, any other person may make a
25 report if such person has reasonable cause to believe a child
26 may be an abused child or a neglected child. Any person who
27 enters into employment on and after July 1, 1986 and is
28 mandated by virtue of that employment to report under this
29 Act, shall sign a statement on a form prescribed by the
30 Department, to the effect that the employee has knowledge and
31 understanding of the reporting requirements of this Act. The
32 statement shall be signed prior to commencement of the
33 employment. The signed statement shall be retained by the
34 employer. The cost of printing, distribution, and filing of

1 the statement shall be borne by the employer. The Department
2 shall provide copies of this Act, upon request, to all
3 employers employing persons who shall be required under the
4 provisions of this Section to report under this Act.

5 Any person who knowingly transmits a false report to the
6 Department commits the offense of disorderly conduct under
7 subsection (a)(7) of Section 26-1 of the "Criminal Code of
8 1961". Any person who violates this provision a second or
9 subsequent time shall be guilty of a Class 4 felony.

10 Any person who knowingly and willfully violates any
11 provision of this Section other than a second or subsequent
12 violation of transmitting a false report as described in the
13 preceding paragraph, shall be guilty of a Class A
14 misdemeanor.

15 A child whose parent, guardian or custodian in good faith
16 selects and depends upon spiritual means through prayer
17 alone for the treatment or cure of disease or remedial care
18 may be considered neglected or abused, but not for the sole
19 reason that his parent, guardian or custodian accepts and
20 practices such beliefs.

21 A child shall not be considered neglected or abused
22 solely because the child is not attending school in
23 accordance with the requirements of Article 26 of the School
24 Code, as amended.

25 (Source: P.A. 90-116, eff. 7-14-97; 91-259, eff. 1-1-00;
26 91-516, eff. 8-13-99; revised 10-14-99.)

27 (325 ILCS 5/7.20)

28 Sec. 7.20. Inter-agency agreements for information. The
29 Department shall enter into an inter-agency agreement with
30 the Secretary of State to establish a procedure by which
31 employees of the Department may have immediate access to
32 driver's license records maintained by the Secretary of State
33 if the Department determines the information is necessary to

1 perform its duties under the Abused and Neglected Child
 2 Reporting Act, the Child Care Act of 1969, and the Children
 3 and Family Services Act. The Department shall enter into an
 4 inter-agency agreement with the Illinois Department of Public
 5 ~~Aid and the Department of~~ Human Services (acting as successor
 6 to the Department of Public Aid under the Department of Human
 7 Services Act) to establish a procedure by which employees of
 8 the Department may have immediate access to records, files,
 9 papers, and communications (except medical, alcohol or drug
 10 assessment or treatment, mental health, or any other medical
 11 records) of ~~the Illinois Department of Public Aid,~~ county
 12 departments of public aid, the Department of Human Services,
 13 and local governmental units receiving State or federal funds
 14 or aid to provide public aid, if the Department determines
 15 the information is necessary to perform its duties under the
 16 Abused and Neglected Child Reporting Act, the Child Care Act
 17 of 1969, and the Children and Family Services Act.

18 (Source: P.A. 88-614, eff. 9-7-94; 89-507, eff. 7-1-97.)

19 Section 365. The Early Intervention Services System Act
 20 is amended by changing Sections 4 and 9 as follows:

21 (325 ILCS 20/4) (from Ch. 23, par. 4154)

22 Sec. 4. Illinois Interagency Council on Early
 23 Intervention.

24 (a) There is established the Illinois Interagency
 25 Council on Early Intervention. The Council shall be composed
 26 of at least 15 but not more than 25 members. The members of
 27 the Council and the designated chairperson of the Council
 28 shall be appointed by the Governor. The Council member
 29 representing the lead agency may not serve as chairperson of
 30 the Council. The Council shall be composed of the following
 31 members:

32 (1) The Secretary of Human Services (or his or her

1 designee) and 2 additional representatives of the
 2 Department of Human Services designated by the Secretary,
 3 plus the Directors (or their designees) of the following
 4 State agencies involved in the provision of or payment
 5 for early intervention services to eligible infants and
 6 toddlers and their families:

7 (A) Illinois State Board of Education;

8 (B) (Blank);

9 (C) (Blank);

10 (D) Illinois Department of Children and Family
 11 Services;

12 (E) University of Illinois Division of
 13 Specialized Care for Children;

14 (F) (Blank) ~~Illinois-Department-of-Public-Aid~~;

15 (G) Illinois Department of Public Health;

16 (H) (Blank);

17 (I) Illinois Planning Council on Developmental
 18 Disabilities; and

19 (J) Illinois Department of Insurance.

20 (2) Other members as follows:

21 (A) At least 20% of the members of the Council
 22 shall be parents, including minority parents, of
 23 infants or toddlers with disabilities or children
 24 with disabilities aged 12 or younger, with knowledge
 25 of, or experience with, programs for infants and
 26 toddlers with disabilities. At least one such
 27 member shall be a parent of an infant or toddler
 28 with a disability or a child with a disability aged
 29 6 or younger;

30 (B) At least 20% of the members of the Council
 31 shall be public or private providers of early
 32 intervention services;

33 (C) One member shall be a representative of
 34 the General Assembly; and

1 (D) One member shall be involved in the
2 preparation of professional personnel to serve
3 infants and toddlers similar to those eligible for
4 services under this Act.

5 The Council shall meet at least quarterly and in such
6 places as it deems necessary. Terms of the initial members
7 appointed under paragraph (2) shall be determined by lot at
8 the first Council meeting as follows: of the persons
9 appointed under subparagraphs (A) and (B), one-third shall
10 serve one year terms, one-third shall serve 2 year terms, and
11 one-third shall serve 3 year terms; and of the persons
12 appointed under subparagraphs (C) and (D), one shall serve a
13 2 year term and one shall serve a 3 year term. Thereafter,
14 successors appointed under paragraph (2) shall serve 3 year
15 terms. Once appointed, members shall continue to serve until
16 their successors are appointed. No member shall be appointed
17 to serve more than 2 consecutive terms.

18 Council members shall serve without compensation but
19 shall be reimbursed for reasonable costs incurred in the
20 performance of their duties, including costs related to child
21 care, and parents may be paid a stipend in accordance with
22 applicable requirements.

23 The Council shall prepare and approve a budget using
24 funds appropriated for the purpose to hire staff, and obtain
25 the services of such professional, technical, and clerical
26 personnel as may be necessary to carry out its functions
27 under this Act. This funding support and staff shall be
28 directed by the lead agency.

29 (b) The Council shall:

30 (1) advise and assist the lead agency in the
31 performance of its responsibilities including but not
32 limited to the identification of sources of fiscal and
33 other support services for early intervention programs,
34 and the promotion of interagency agreements which assign

1 financial responsibility to the appropriate agencies;

2 (2) advise and assist the lead agency in the
3 preparation of applications and amendments to
4 applications;

5 (3) review and advise on relevant regulations and
6 standards proposed by the related State agencies;

7 (4) advise and assist the lead agency in the
8 development, implementation and evaluation of the
9 comprehensive early intervention services system; and

10 (5) prepare and submit an annual report to the
11 Governor and to the General Assembly on the status of
12 early intervention programs for eligible infants and
13 toddlers and their families in Illinois. The annual
14 report shall include (i) the estimated number of eligible
15 infants and toddlers in this State, (ii) the number of
16 eligible infants and toddlers who have received services
17 under this Act and the cost of providing those services,
18 and (iii) the estimated cost of providing services under
19 this Act to all eligible infants and toddlers in this
20 State.

21 No member of the Council shall cast a vote on or
22 participate substantially in any matter which would provide a
23 direct financial benefit to that member or otherwise give the
24 appearance of a conflict of interest under State law. All
25 provisions and reporting requirements of the Illinois
26 Governmental Ethics Act shall apply to Council members.

27 (Source: P.A. 91-357; eff. 7-29-99.)

28 (325 ILCS 20/9) (from Ch. 23, par. 4159)

29 Sec. 9. Role of Other State Entities. The Departments
30 of Public Health, Human Services, and Children and Family
31 Services ~~and-Public-Aid~~; the University of Illinois Division
32 of Specialized Care for Children; the State Board of
33 Education; and any other State agency which directly or

1 indirectly provides or administers early intervention
2 services shall adopt compatible rules for the provision of
3 services to eligible infants and toddlers and their families
4 within one year of the effective date of this Act.

5 These agencies shall enter into and maintain formal
6 interagency agreements to enable the State and local agencies
7 serving eligible children and their families to establish
8 working relationships that will increase the efficiency and
9 effectiveness of their early intervention services. The
10 agreement shall outline the administrative, program and
11 financial responsibilities of the relevant State agencies and
12 shall implement a coordinated service delivery system through
13 local interagency agreements.

14 There shall be created in the Office of the Governor an
15 Early Childhood Intervention Ombudsman to assist families and
16 local parties in ensuring that all State agencies serving
17 eligible families do so in a comprehensive and collaborative
18 manner.

19 (Source: P.A. 89-507, eff. 7-1-97; 89-626, eff. 8-9-96.)

20 Section 368. The Interagency Board for Children who are
21 Deaf or Hard-of-Hearing and have an Emotional or Behavioral
22 Disorder Act is amended by changing Section 4 as follows:

23 (325 ILCS 35/4) (from Ch. 23, par. 6704)

24 Sec. 4. Appointment. The Board shall consist of 11 ~~12~~
25 members, one of whom shall be appointed by the Governor. The
26 State Superintendent of Education shall appoint 2 members,
27 one of whom shall be a parent of a child who is deaf or
28 hard-of-hearing and has an emotional or behavioral disorder,
29 and one of whom shall be an employee of the agency. The
30 Director of Children and Family Services shall appoint 2
31 members, one of whom shall be a parent, foster parent, or
32 legal guardian of a child who is deaf or hard-of-hearing and

1 has an emotional or behavioral disorder, and one of whom
 2 shall be an employee of the agency. The Secretary of Human
 3 Services shall appoint 4 members, 2 of whom shall be parents
 4 of children who are deaf or hard of hearing and have an
 5 emotional or behavioral disorder, and 2 of whom shall be
 6 employees of the agency.

7 ~~The--Director--of--Public--Aid--shall--appoint--one--member--who~~
 8 ~~shall--be--an--employee--of--the--agency.~~ The Community and
 9 Residential Services Authority for Behavior Disturbed and
 10 Severe Emotionally Disturbed Students shall appoint one
 11 member who shall be an employee of the Authority, and the
 12 Director of the Division of Specialized Care for Children
 13 shall appoint one member who shall be an employee of that
 14 agency.

15 Each appointing authority shall give preference to any
 16 qualified deaf employee when making appointments to the
 17 Board.

18 (Source: P.A. 89-507, eff. 7-1-97; 89-680, eff. 1-1-97;
 19 90-14, eff. 7-1-97.)

20 Section 370. The Mental Health and Developmental
 21 Disabilities Code is amended by changing Sections 5-107 and
 22 5-107.1 as follows:

23 (405 ILCS 5/5-107) (from Ch. 91 1/2, par. 5-107)
 24 Sec. 5-107. Remittances from intermediary agencies under
 25 Title XVIII of the Federal Social Security Act for services
 26 to persons in State facilities shall be deposited with the
 27 State Treasurer and placed in the Mental Health Fund.
 28 Payments received from the Department of Human Services
 29 ~~Public-Aid~~ under Title XIX of the Federal Social Security Act
 30 for services to persons in State facilities shall be
 31 deposited with the State Treasurer and shall be placed in the
 32 General Revenue Fund.

1 The Auditor General shall audit or cause to be audited
2 all amounts collected by the Department.

3 (Source: P.A. 80-1414.)

4 (405 ILCS 5/5-107.1) (from Ch. 91 1/2, par. 5-107.1)

5 Sec. 5-107.1. Remittances from or on behalf of licensed
6 long-term care facilities through Department of Human
7 Services Public-Aid reimbursement and monies from other funds
8 for Day Training Programs for clients with a developmental
9 disability shall be deposited with the State Treasurer and
10 placed in the Mental Health Fund.

11 The Auditor General shall audit or cause to be audited
12 all amounts collected by the Department.

13 (Source: P.A. 88-380.)

14 Section 371. The Community Services Act is amended by
15 changing Section 4.2 as follows:

16 (405 ILCS 30/4.2) (from Ch. 91 1/2, par. 904.2)

17 Sec. 4.2. Case coordination pilot projects. In order to
18 further the provisions of this Act and enhance the
19 development of an integrated community-based service system
20 for persons with developmental disabilities, the Department
21 shall establish a free-standing case coordination pilot
22 project in each of its administrative regions in the State
23 based on the organizational design elements and service
24 linkage provisions contained in this Section. A case
25 coordination pilot project, as described in this Section
26 shall be an entity which provides no other direct services.

27 (a) Definition. For purposes of this Section, "case
28 coordination" means a life-long goal-oriented program for
29 assuring and coordinating a full range of services required
30 by persons with a developmental disability. Case
31 coordination services are designed to ensure service

1 accessibility, continuity of care and accountability and to
2 maximize the potential of persons with a developmental
3 disability for independence, productivity and community
4 integration. Case coordination services include necessary
5 advocacy services to assure that each recipient with a
6 developmental disability who has identified service needs is
7 linked to available resources. The term also includes
8 coordination of the service efforts of multiple providers of
9 services for recipients with a developmental disability to
10 afford those recipients an opportunity to remain in a
11 community setting.

12 Case coordination services shall not displace other
13 service providers' responsibility for working directly with
14 the recipient with a developmental disability, the
15 recipient's family and the community support system in the
16 direct provision of counseling and training service needs
17 identified in the individualized habilitation services plan
18 for the recipient.

19 (b) Model. Each case coordination pilot project shall
20 be operated by a private not-for-profit corporation (project
21 operator). Each project operator shall have a board of
22 directors with representation from sufficient community areas
23 to provide representation of the various racial and ethnic
24 groups which comprise the population of the pilot project
25 area. At least one-third of the members of this board shall
26 not be relatives of any person to be served by the agency. No
27 member of the board may be an employee of any entity which
28 receives funds from the Department of Human Services. The
29 Department shall by rule prescribe procedures for assuring
30 that no such conflicts of interest exist. Geographic, social,
31 cultural and economic interests in the community shall be
32 represented. If more than one community area within a city
33 of more than 1,000,000 residents or more than one county of
34 less than 1,000,000 population is served by a single project

1 operator, each such community area or county shall be
2 represented.

3 Each project shall serve a clearly defined geographic
4 area with a population base of not less than 100,000. The
5 Department shall designate the geographic area, define the
6 population base and select the project operator for each
7 project. The Department shall by rule establish all
8 procedures under which each case coordination project shall
9 operate and be funded.

10 In designating the geographic area of each project, the
11 Department shall target areas which currently lack sufficient
12 case coordination as determined by the Department. Both
13 rural and urban areas shall be represented among the
14 projects, and at least one area with a high concentration of
15 minority persons shall be represented.

16 All funds awarded to any agency or organization for case
17 coordination services in a geographic area selected for a
18 case coordination pilot project and not expended as of the
19 effective date of this amendatory Act of 1987 shall be
20 transferred to and considered a part of the case coordination
21 pilot project funds. Agencies and organizations which, on the
22 effective date of this amendatory Act of 1987, are providing
23 services to persons with a developmental disability and which
24 transfer case coordination services to a pilot project shall
25 not be disproportionately affected with respect to their
26 administration and support service costs.

27 The Department shall explore all State and federal
28 sources of funding for case coordination services.

29 (c) Service categories. Each case coordination pilot
30 project shall include the following case activities:

31 (1) Crisis management. The case coordination pilot
32 project shall demonstrate a capability to provide service
33 needs assessment, linkage to habilitative services and
34 client advocacy at any hour of the day or night, on any

1 day of the week. "Linkage" means an arrangement for the
2 exchange of information among various providers of
3 services.

4 (2) Assessment of service need. The case
5 coordinator shall participate with direct service staff
6 in assessing an individual's needs and readiness to move
7 into alternate services or settings utilizing clinical
8 evaluation of intellectual, emotional and functioning
9 levels. Comprehensive diagnostic assessments shall
10 include the following areas:

- 11 (A) medical, physical and psychomotor status;
- 12 (B) psychological status including
13 intellectual and adaptive behavior functioning
14 levels, emotional stability and maladaptive behavior
15 profile;
- 16 (C) independent living skills; and
- 17 (D) social history.

18 (3) Development of recipient individualized
19 habilitation services plan. An interdisciplinary team
20 shall develop an individualized habilitation services
21 plan which is based on the recipient's service needs
22 assessment and which reflects active treatment. The
23 interdisciplinary team shall include the recipient if he
24 or she is functionally capable of participation; the
25 parent or guardian of the recipient; and professional and
26 paraprofessional staff representing all services the
27 recipient currently needs or receives, including, at a
28 minimum, the providers of day training, vocational,
29 residential and case coordination services.

30 (4) Coordination and advocacy with service
31 providers. The case coordinator is responsible for
32 providing continuity, accessibility and the most
33 effective delivery of services as prescribed in the
34 individualized habilitation services plan, including the

1 facilitation of coordination activities among multiple
2 providers.

3 (5) Follow-up. The case coordinator shall conduct
4 scheduled activities to monitor and evaluate the
5 recipient's progress toward established service goals,
6 and the need for continuing services.

7 (d) Interagency coordination. Providers of services to
8 persons with a developmental disability shall participate in
9 the activities of case coordination pilot projects as a
10 condition of funding from the State. The Departments of
11 Children and Family Services, Human Services, and Public
12 Health and ~~Public Aid~~ and the University of Illinois Division
13 of Specialized Care for Children shall enter into a written
14 linkage agreement with each pilot project.

15 (e) Target population. Persons with a developmental
16 disability in or from the designated geographic area of a
17 case coordination pilot project shall be eligible for case
18 coordination services regardless of age or nature of
19 disability. Priority in providing services shall be given,
20 however, to the following:

21 (1) Persons with severe disabilities or behavioral
22 impediments who are experiencing difficulty in accessing
23 services or who are at risk of movement to a more
24 restrictive level of care.

25 (2) Persons in public school special education
26 programs who are identified as needing transition
27 planning to prepare for entry into the adult service
28 system.

29 (3) Persons who have been discharged from a
30 State-operated developmental program and are subject to
31 mandated follow-up.

32 (4) Persons who are receiving purchase of care
33 funding from the Department and who are participating in
34 the Department's Home and Community-Based Care program.

1 (5) Persons in skilled nursing facilities and
2 intermediate care facilities who are subject to
3 relocation due to federal and State mandates.

4 (f) Program standards and certification. The Department
5 shall promulgate rules and regulations governing the case
6 coordination pilot projects. Such rules and regulations
7 shall provide for program standards including staff
8 qualifications and training; recipient need-staff ratios;
9 program accessibility; governance; and certification.
10 Projects serving geographic areas with a high concentration
11 of persons of Hispanic origin shall be required to employ
12 staff who are bilingual and bicultural.

13 The Department shall annually certify that case
14 coordination pilot projects meet minimum standards
15 established by the Department. The Department shall at least
16 annually, or more often as necessary, review the services
17 being provided to assure compliance with the standards. The
18 Department may suspend, refuse to renew or deny certification
19 to any project operator which fails to meet any standards, as
20 provided by rule. If certification of any project operator
21 is suspended or not renewed, the Department shall designate a
22 new project operator in that geographic area.

23 (g) Evaluation. The Department shall evaluate the case
24 coordination pilot projects and shall report to the General
25 Assembly on the status of the pilot projects on January 1,
26 1989, and annually thereafter or until the pilot project is
27 terminated.

28 The Department's evaluation shall consider service system
29 and agency performance. The Department shall develop an
30 evaluation methodology which addresses the cost effectiveness
31 and efficient use of services.

32 The Department in conjunction with each case coordination
33 pilot project shall define a uniform data reporting system
34 which will provide need assessment data for the service area

1 as well as demographic data regarding the population served.

2 (h) Term of pilot projects. All planning for the pilot
3 projects authorized by this Section shall be completed by
4 January 1, 1988. The pilot projects shall begin operation on
5 January 1, 1988, and terminate on December 31, 1990.

6 (i) Funding. Funding for the pilot projects authorized
7 by this Section shall be subject to the availability of
8 monies appropriated to the Department.

9 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

10 Section 375. The Developmental Disability and Mental
11 Disability Services Act is amended by changing Section 1-3 as
12 follows:

13 (405 ILCS 80/1-3) (from Ch. 91 1/2, par. 1801-3)

14 Sec. 1-3. Definitions.

15 (1) "Developmental disability" means a severe chronic
16 disability of a person which:

17 (A) is attributable to a mental or physical
18 impairment or combination of mental and physical
19 impairments;

20 (B) is manifested before the person attains age 22;

21 (C) is likely to continue indefinitely;

22 (D) results in a substantial functional limitation
23 in 3 or more of the following areas of major life
24 activity: (i) self-care, (ii) receptive and expressive
25 language, (iii) learning, (iv) mobility, (v)
26 self-direction, (vi) capacity for independent living and
27 (vii) economic sufficiency; and

28 (E) Reflects the person's need for a combination
29 and sequence of special, interdisciplinary or general
30 care, treatment or other services which are of lifelong
31 or extended duration and are individually planned and
32 coordinated.

1 (2) "Council" means the Governor's Planning Council on
2 Developmental Disabilities.

3 (3) "Department" means the Department on Aging, the
4 Department of Human Services, the Department of Public
5 Health, ~~the Department of Public Aid,~~ the University of
6 Illinois Division of Specialized Care for Children, the
7 Department of Children and Family Services and the Illinois
8 State Board of Education, where appropriate, as designated in
9 the implementation plan developed under Section 1-5 of this
10 Article.

11 (4) "Case coordination services" means a lifelong
12 goal-oriented process for the coordination of the range of
13 services needed by persons with developmental disabilities
14 and their families. Case coordination services are designed
15 to ensure accessibility, continuity of care and
16 accountability and to maximize the potential of persons with
17 developmental disabilities for independence, productivity and
18 integration into the community. Case coordination services
19 include, at a minimum: (A) outreach to identify eligible
20 individuals; (B) assessment and periodic reassessment to
21 determine each individual's strengths, functional limitations
22 and need for specific services; (C) development of a
23 comprehensive individual program plan; (D) referral to and
24 coordination of needed social, medical, educational support
25 and other services; (E) monitoring to ensure the delivery of
26 appropriate services and to determine individual progress in
27 meeting goals and objectives; and (F) advocacy to assist the
28 person in obtaining all services to which he or she is
29 entitled.

30 (5) "Chronological age-appropriate services" means
31 services, activities and strategies for persons with
32 developmental disabilities that are representative of the
33 lifestyle activities of nondisabled peers of similar age in
34 the community.

1 (6) "Comprehensive evaluation" means procedures and
2 assessments used to determine whether a person has a
3 developmental disability and the nature and extent of the
4 services that the person with a developmental disability
5 needs. The term means procedures used selectively with an
6 individual. All components of a comprehensive evaluation
7 must be administered by a qualified examiner.

8 (7) "Family" means a natural, adoptive or foster parent
9 or parents or other person or persons responsible for the
10 care of an individual with a developmental disability in a
11 family setting.

12 (8) "Family or individual support" means those resources
13 and services which are necessary to maintain a family member
14 with a developmental disability within the family home.
15 These services may include, but are not limited to, cash
16 subsidy, respite care and counseling services.

17 (9) "Individual program plan" means a recorded
18 assessment of the needs of a person with a developmental
19 disability, a description of the services recommended, the
20 goals of each type of element of service, an anticipated
21 timetable for the accomplishment of the goals, and a
22 designation of the qualified professional responsible for the
23 implementation of the plan.

24 (10) "Least restrictive environment" means an
25 environment that represents the least departure from the
26 normal patterns of living and which effectively meets the
27 needs of the person receiving the service.

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

29 Section 380. The Sexual Assault Survivors Emergency
30 Treatment Act is amended by changing Sections 6 and 7 as
31 follows:

32 (410 ILCS 70/6) (from Ch. 111 1/2, par. 87-6)

1 Sec. 6. Powers and duties of Departments of Public
2 Health and Human Services Public-Aid.

3 (a) The Department of Public Health shall have the
4 duties and responsibilities required by Sections 2, 6.1, 6.2,
5 and 6.4.

6 (b) The Department of Human Services Public-Aid shall
7 have the duties and responsibilities required by Sections 6.3
8 and 7.

9 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

10 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

11 Sec. 7. Hospital charges and reimbursement. When any
12 hospital or ambulance provider furnishes emergency services
13 to any alleged sexual assault survivor, as defined by the
14 Department of Human Services Public-Aid pursuant to Section
15 6.3 of this Act, who is neither eligible to receive such
16 services under the Illinois Public Aid Code nor covered as to
17 such services by a policy of insurance, the hospital and
18 ambulance provider shall furnish such services to that person
19 without charge and shall be entitled to be reimbursed for its
20 billed charges in providing such services by the Department
21 of Human Services Public-Aid.

22 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

23 Section 382. The Infant Mortality Reduction Act is
24 amended by changing Section 7 as follows:

25 (410 ILCS 220/7) (from Ch. 111 1/2, par. 7007)

26 Sec. 7. (a) There is created within the Department an
27 Infant Mortality Reduction Advisory Board to advise the
28 Department on the implementation of this Act and other
29 activities related to the reduction of infant mortality in
30 the State of Illinois. The Board shall consist of the
31 Secretary of Human Services (or his or her designee), who

1 shall serve as chairman, and one additional representative of
2 the Department of Human Services designated by the Secretary;
3 one representative each from the Departments of Children and
4 Family Services, and Public Health, ~~and Public Aid~~; a
5 representative from the University of Illinois' Division of
6 Specialized Care for Children; a representative from the
7 State Board of Education and 4 members of the Illinois
8 General Assembly, one each appointed by the President and
9 Minority Leader of the Senate and the Speaker and Minority
10 Leader of the House of Representatives. In addition, the
11 Governor shall appoint 4 physicians licensed to practice
12 medicine in all of its branches, one of whom shall be an
13 individual with a specialty in obstetrics and gynecology, one
14 of whom shall be an individual with a specialty in perinatal
15 medicine, one of whom shall be an individual with a specialty
16 in neonatal medicine and one of whom shall be an individual
17 with a specialty in pediatrics; the director of a perinatal
18 center; a hospital administrator; a representative from a
19 local health department; a social worker; a nutritionist; a
20 registered professional nurse; 4 individuals involved in
21 programs to reduce infant mortality and 2 public members, one
22 of whom shall be a senior citizen 60 years of age or older.

23 Each legislative member shall serve during his term of
24 office in the Illinois General Assembly. Each member
25 appointed by the Governor shall serve a term of 3 years or
26 until his successor is appointed. Any member appointed to
27 fill a vacancy occurring prior to the expiration of the term
28 for which his predecessor was appointed shall be appointed
29 for the remainder of such term. Members of the Board shall
30 serve without compensation but shall be reimbursed for
31 necessary expenses incurred in the performance of their
32 duties.

33 (b) The Board shall advise the Secretary on efforts to
34 reduce infant mortality in the State of Illinois. In

1 addition, the Board shall review the formula developed
2 pursuant to Section 4 and make such recommendations as it
3 deems appropriate. In performing its duties the Board may
4 hold hearings throughout the State and advise and receive
5 advice from any local advisory bodies created to address the
6 infant mortality problem.

7 (c) The Board shall report to the General Assembly on or
8 before April 15th of each year, a listing of activities taken
9 to address infant mortality and a annual summary of data
10 collected under Section 4 of this Act.

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

12 Section 385. The Alzheimer's Disease Assistance Act is
13 amended by changing Section 6 as follows:

14 (410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

15 Sec. 6. ADA Advisory Committee. There is created the
16 Alzheimer's Disease Advisory Committee consisting of 21
17 voting members appointed by the Director of the Department,
18 as well as 5 nonvoting members as hereinafter provided in
19 this Section. The Director or his designee shall serve as
20 one of the 21 voting members and as the Chairman of the
21 Committee. Those appointed as voting members shall include
22 persons who are experienced in research and the delivery of
23 services to victims and their families. Such members shall
24 include 4 physicians licensed to practice medicine in all of
25 its branches, one representative of a postsecondary
26 educational institution which administers or is affiliated
27 with a medical center in the State, one representative of a
28 licensed hospital, one registered nurse, one representative
29 of a long term care facility under the Nursing Home Care Act,
30 one representative of an area agency on aging as defined by
31 Section 3.07 of the Illinois Act on the Aging, one social
32 worker, one representative of an organization established

1 under the Illinois Insurance Code for the purpose of
 2 providing health insurance, 5 family members or
 3 representatives of victims of Alzheimer's disease and related
 4 disorders, and 4 members of the general public. Among the
 5 physician appointments shall be persons with specialties in
 6 the fields of neurology, family medicine, psychiatry and
 7 pharmacology. Among the general public members, at least 2
 8 appointments shall include persons 65 years of age or older.

9 In addition to the 21 voting members, the Secretary of
 10 Human Services (or his or her designee) and one additional
 11 representative of the Department of Human Services designated
 12 by the Secretary plus the Directors of the following State
 13 agencies or their designees shall serve as nonvoting members:
 14 Department on Aging, ~~Department of Public Aid,~~ and
 15 Guardianship and Advocacy Commission.

16 Each voting member appointed by the Director of Public
 17 Health shall serve for a term of 2 years, and until his
 18 successor is appointed and qualified. Members of the
 19 Committee shall not be compensated but shall be reimbursed
 20 for expenses actually incurred in the performance of their
 21 duties. No more than 11 voting members may be of the same
 22 political party. Vacancies shall be filled in the same
 23 manner as original appointments.

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

25 Section 390. The Hemophilia Care Act is amended by
 26 changing the title and Sections 1, 3, and 4 as follows:

27 (410 ILCS 420/Act title)

28 An Act establishing in the Illinois Department of Human
 29 Services ~~Public Aid~~ a program for the care of persons
 30 suffering from hemophilia, establishing a Hemophilia Advisory
 31 Committee and designating powers and duties in relation
 32 thereto.

1 (410 ILCS 420/1) (from Ch. 111 1/2, par. 2901)

2 Sec. 1. Definitions. As used in this Act, unless the
3 context clearly requires otherwise:

4 (1) "Department" means the Illinois Department of Human
5 Services Public-Aid.

6 (1.5) "Secretary Director" means the Secretary of Human
7 Services Director-of-Public-Aid.

8 (2) (Blank).

9 (3) "Hemophilia" means a bleeding tendency resulting
10 from a genetically determined deficiency in the blood.

11 (4) "Committee" means the Hemophilia Advisory Committee
12 created under this Act.

13 (5) "Eligible person" means any resident of the State
14 suffering from hemophilia.

15 (6) "Family" means:

16 (a) In the case of a patient who is a dependent of
17 another person or couple as defined by the Illinois
18 Income Tax Act, all those persons for whom exemption is
19 claimed in the State income tax return of the person or
20 couple whose dependent the eligible person is, and

21 (b) In all other cases, all those persons for whom
22 exemption is claimed in the State income tax return of
23 the eligible person, or of the eligible person and his
24 spouse.

25 (7) "Eligible cost of hemophilia services" means the
26 cost of blood transfusions, blood derivatives, and for
27 outpatient services, of physician charges, medical supplies,
28 and appliances, used in the treatment of eligible persons for
29 hemophilia, plus one half of the cost of hospital inpatient
30 care, minus any amount of such cost which is eligible for
31 payment or reimbursement by any hospital or medical insurance
32 program, by any other government medical or financial
33 assistance program, or by any charitable assistance program.

34 (8) "Gross income" means the base income for State

1 income tax purposes of all members of the family.

2 (9) "Available family income" means the lesser of:

3 (a) Gross income minus the sum of (1) \$5,500, and

4 (2) \$3,500 times the number of persons in the family, or

5 (b) One half of gross income.

6 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

7 (410 ILCS 420/3) (from Ch. 111 1/2, par. 2903)

8 Sec. 3. The powers and duties of the Department shall
9 include the following:

10 (1) With the advice and counsel of the Committee,
11 develop standards for determining eligibility for care and
12 treatment under this program. Among other standards
13 developed under this Section, persons suffering from
14 hemophilia must be evaluated in a center properly staffed and
15 equipped for such evaluation, but not operated by the
16 Department.

17 (2) (Blank).

18 (3) Extend financial assistance to eligible persons in
19 order that they may obtain blood and blood derivatives for
20 use in hospitals, in medical and dental facilities, or at
21 home. The Department shall extend financial assistance in
22 each fiscal year to each family containing one or more
23 eligible persons in the amount of (a) the family's eligible
24 cost of hemophilia services for that fiscal year, minus (b)
25 one fifth of its available family income for its next
26 preceding taxable year. The Secretary ~~Director~~ may extend
27 financial assistance in the case of unusual hardships,
28 according to specific procedures and conditions adopted for
29 this purpose in the rules and regulations promulgated by the
30 Department to implement and administer this Act.

31 (4) (Blank).

32 (5) Promulgate rules and regulations with the advice and
33 counsel of the Committee for the implementation and

1 administration of this Act.

2 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

3 (410 ILCS 420/4) (from Ch. 111 1/2, par. 2904)

4 Sec. 4. The Secretary ~~Director~~ shall appoint a
5 Hemophilia Advisory Committee to advise and consult with the
6 Department in the administration of this Act. The Committee
7 shall meet on call of the Chairman not less than twice
8 annually. A report shall be given to the Committee from the
9 Director semiannually, detailing plans and activities of the
10 Department under this Act. The Committee shall consist of
11 the Secretary ~~Director~~ as Chairman ex-officio and 8 members,
12 selected as follows:

13 (1) Two eligible persons, as defined in Section 1 of
14 this Act, or members of an organization representing eligible
15 persons;

16 (2) Two medical specialists in hemophilia patient care;
17 and

18 (3) Four members of the general public other than
19 persons identified in (1) and (2).

20 The terms of members of the Committee shall be 4 years
21 except that, of those members initially appointed to the
22 Committee, one of those appointed from each constituency
23 group shall serve for a term of 4 years, and one shall serve
24 for a term of 2 years. The length of terms of initial
25 appointees shall be determined by lot from among members of
26 each constituency group at the Committee's first meeting. In
27 the event that a vacancy occurs on the Committee, the
28 Secretary ~~Director~~ shall within 60 days appoint a new member
29 to complete the unexpired portion of the term. No member may
30 be succeeded other than by another representative of the same
31 constituency group.

32 The initial members shall be appointed by October 15,
33 1977, and shall take office on November 1, 1977. Thereafter,

1 on or before October 15 of each odd numbered year, the
 2 Secretary Director shall appoint 4 members as necessary to
 3 maintain an 8 member Committee, whose terms shall commence on
 4 November 1 of the year in which they are appointed.

5 Members of the Committee shall receive no compensation,
 6 but shall be reimbursed for actual expenses incurred in
 7 carrying out their duties.

8 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

9 Section 395. The Renal Disease Treatment Act is amended
 10 by changing the title and Sections 1, 2, 3, and 3.01 as
 11 follows:

12 (410 ILCS 430/Act title)

13 An Act to establish in the Department of Human Services
 14 ~~Public-Aid~~ a program for the care of persons suffering from
 15 chronic renal diseases, designating powers and duties in
 16 relation thereto, and making an appropriation therefor.

17 (410 ILCS 430/1) (from Ch. 111 1/2, par. 22.31)

18 Sec. 1. The Department of Human Services ~~Public-Aid~~ shall
 19 establish a program for the care and treatment of persons
 20 suffering from chronic renal diseases. This program shall
 21 assist persons suffering from chronic renal diseases who
 22 require lifesaving care and treatment for such renal disease,
 23 but who are unable to pay for such services on a continuing
 24 basis.

25 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

26 (410 ILCS 430/2) (from Ch. 111 1/2, par. 22.32)

27 Sec. 2. The Secretary of Human Services ~~Director--of~~
 28 ~~Public--Aid~~ shall appoint a Renal Disease Advisory Committee
 29 to consult with the Department in the administration of this
 30 Act. The Committee shall be composed of 15 persons

1 representing hospitals and medical schools which establish
 2 dialysis centers or kidney transplant programs, voluntary
 3 agencies interested in kidney diseases, physicians licensed
 4 to practice medicine in all of its branches, and the general
 5 public. Each member shall hold office for a term of 4 years
 6 and until his successor is appointed and qualified, except
 7 that the terms of the members appointed pursuant to Public
 8 Act 78-538 shall expire as designated at the time of
 9 appointment, 1 at the end of the first year, 1 at the end of
 10 the second year, 1 at the end of the third year, and 1 at the
 11 end of the fourth year, after the date of appointment. Any
 12 person appointed to fill a vacancy occurring prior to the
 13 expiration of the term for which his predecessor was
 14 appointed shall be appointed for the remainder of such term.
 15 The Committee shall meet as frequently as the Secretary of
 16 Human Services ~~Director--of-Public-Aid~~ deems necessary, but
 17 not less than once each year. The Committee members shall
 18 receive no compensation but shall be reimbursed for actual
 19 expenses incurred in carrying out their duties as members of
 20 this Committee.

21 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

22 (410 ILCS 430/3) (from Ch. 111 1/2, par. 22.33)

23 Sec. 3. Duties of Departments of Human Services ~~Public~~
 24 ~~Aid~~ and Public Health.

25 (A) The Department of Human Services ~~Public-Aid~~ shall:

26 (a) With the advice of the Renal Disease Advisory
 27 Committee, develop standards for determining eligibility
 28 for care and treatment under this program. Among other
 29 standards so developed under this paragraph, candidates,
 30 to be eligible for care and treatment, must be evaluated
 31 in a center properly staffed and equipped for such
 32 evaluation.

33 (b) (Blank).

1 (c) (Blank).

2 (d) Extend financial assistance to persons
3 suffering from chronic renal diseases in obtaining the
4 medical, surgical, nursing, pharmaceutical, and technical
5 services necessary in caring for such diseases, including
6 the renting of home dialysis equipment. The Renal Disease
7 Advisory Committee shall recommend to the Department the
8 extent of financial assistance, including the reasonable
9 charges and fees, for:

- 10 (1) Treatment in a dialysis facility;
- 11 (2) Hospital treatment for dialysis and
12 transplant surgery;
- 13 (3) Treatment in a limited care facility;
- 14 (4) Home dialysis training; and
- 15 (5) Home dialysis.

16 (e) Assist in equipping dialysis centers.

17 (B) The Department of Public Health shall:

18 (a) Assist in the development and expansion of
19 programs for the care and treatment of persons suffering
20 from chronic renal diseases, including dialysis and
21 other medical or surgical procedures and techniques that
22 will have a lifesaving effect in the care and treatment
23 of persons suffering from these diseases.

24 (b) Assist in the development of programs for the
25 prevention of chronic renal diseases.

26 (c) Institute and carry on an educational program
27 among physicians, hospitals, public health departments,
28 and the public concerning chronic renal diseases,
29 including the dissemination of information and the
30 conducting of educational programs concerning the
31 prevention of chronic renal diseases and the methods for
32 the care and treatment of persons suffering from these
33 diseases.

34 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

1 (410 ILCS 430/3.01) (from Ch. 111 1/2, par. 22.33.01)

2 Sec. 3.01. The provisions of the Illinois Administrative
3 Procedure Act are hereby expressly adopted and shall apply to
4 all administrative rules and procedures of the Department of
5 Human Services Public Aid under this Act, except that Section
6 5-35 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 Department is precluded by law from exercising any
10 discretion.

11 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

12 Section 397. The Genetic Information Privacy Act is
13 amended by changing Section 22 as follows:

14 (410 ILCS 513/22)

15 Sec. 22. Tests to determine inherited characteristics in
16 paternity proceedings. Nothing in this Act shall be
17 construed to affect or restrict in any way the ordering of or
18 use of results from deoxyribonucleic acid (DNA) testing or
19 other tests to determine inherited characteristics by the
20 court in a judicial proceeding under the Illinois Parentage
21 Act of 1984 or by the Illinois Department of Human Services
22 Public Aid in an administrative paternity proceeding under
23 Article X of the Illinois Public Aid Code and rules
24 promulgated under that Article.

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

26 Section 400. The Head and Spinal Cord Injury Act is
27 amended by changing Section 6 as follows:

28 (410 ILCS 515/6) (from Ch. 111 1/2, par. 7856)

29 Sec. 6. (a) There is hereby created the Advisory Council
30 on Spinal Cord and Head Injuries within the Department of

1 Human Services. The Council shall consist of 28 29 members,
2 appointed by the Governor with the advice and consent of the
3 Senate. Members shall serve 3-year terms and until their
4 successors are appointed by the Governor with the advice and
5 consent of the Senate. The members appointed by the Governor
6 shall include 2 neurosurgeons, 2 orthopedic surgeons, 2
7 rehabilitation specialists, one of whom shall be a registered
8 nurse, 4 persons with head injuries or family members of
9 persons with head injuries, 4 persons with spinal cord
10 injuries or family members of persons with spinal cord
11 injuries, a representative of an Illinois college or
12 university, and a representative from health institutions or
13 private industry. These members shall not serve more than 2
14 consecutive 3-year terms. The Governor shall appoint one
15 individual from each of the following entities to the Council
16 as ex-officio members: the unit of the Department of Human
17 Services that is responsible for the administration of the
18 vocational rehabilitation program, another unit within the
19 Department of Human Services that provides services for
20 individuals with disabilities, the State Board of Education,
21 the Department of Public Health, the Department of Insurance,
22 ~~the Department of Public Aid,~~ the Division of Specialized
23 Care for Children of the University of Illinois, the
24 Statewide Independent Living Council, and the State
25 Rehabilitation Advisory Council. Ex-officio members are not
26 subject to limit of 2 consecutive 3-year terms. The
27 appointment of individuals representing State agencies shall
28 be conditioned on their continued employment with their
29 respective agencies.

30 (b) From funds appropriated for such purpose, the
31 Department of Human Services shall provide to the Council the
32 necessary staff and expenses to carry out the duties and
33 responsibilities assigned by the Council. Such staff shall
34 consist of a director and other support staff.

1 (c) Meetings shall be held at least every 90 days or at
2 the call of the Council chairman, who shall be elected by the
3 Council.

4 (d) Each member shall be reimbursed for reasonable and
5 necessary expenses actually incurred in the performance of
6 his official duties.

7 (e) The Council shall adopt written procedures to govern
8 its activities. Consultants shall be provided for the Council
9 from appropriations made for such purpose.

10 (f) The Council shall make recommendations to the
11 Governor for developing and administering a State plan to
12 provide services for spinal cord and head injured persons.

13 (g) No member of the Council may participate in or seek
14 to influence a decision or vote of the Council if the member
15 would be directly involved with the matter or if he would
16 derive income from it. A violation of this prohibition shall
17 be grounds for a person to be removed as a member of the
18 Council by the Governor.

19 (h) The Council shall:

20 (1) promote meetings and programs for the
21 discussion of reducing the debilitating effects of spinal
22 cord and head injuries and disseminate information in
23 cooperation with any other department, agency or entity
24 on the prevention, evaluation, care, treatment and
25 rehabilitation of persons affected by spinal cord and
26 head injuries;

27 (2) study and review current prevention,
28 evaluation, care, treatment and rehabilitation
29 technologies and recommend appropriate preparation,
30 training, retraining and distribution of manpower and
31 resources in the provision of services to spinal cord and
32 head injured persons through private and public
33 residential facilities, day programs and other
34 specialized services;

1 (3) recommend specific methods, means and
2 procedures which should be adopted to improve and upgrade
3 the State's service delivery system for spinal cord and
4 head injured citizens of this State;

5 (4) participate in developing and disseminating
6 criteria and standards which may be required for future
7 funding or licensing of facilities, day programs and
8 other specialized services for spinal cord and head
9 injured persons in this State;

10 (5) report annually to the Governor and the General
11 Assembly on its activities, and on the results of its
12 studies and the recommendations of the Council; and

13 (6) be the advisory board for purposes of federal
14 programs regarding traumatic brain injury.

15 (i) The Department of Human Services may accept on
16 behalf of the Council federal funds, gifts and donations from
17 individuals, private organizations and foundations, and any
18 other funds that may become available.

19 (Source: P.A. 89-507, eff. 7-1-97; 90-453, eff. 8-16-97.)

20 Section 405. The Vital Records Act is amended by
21 changing Sections 12, 17, 22, 24, and 25.1 as follows:

22 (410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)

23 Sec. 12. Live births; place of registration.

24 (1) Each live birth which occurs in this State shall be
25 registered with the local or subregistrar of the district in
26 which the birth occurred as provided in this Section, within
27 7 days after the birth. When a birth occurs on a moving
28 conveyance, the city, village, township, or road district in
29 which the child is first removed from the conveyance shall be
30 considered the place of birth and a birth certificate shall
31 be filed in the registration district in which the place is
32 located.

1 (2) When a birth occurs in an institution, the person in
2 charge of the institution or his designated representative
3 shall obtain and record all the personal and statistical
4 particulars relative to the parents of the child that are
5 required to properly complete the live birth certificate;
6 shall secure the required personal signatures on the hospital
7 worksheet; shall prepare the certificate from this worksheet;
8 and shall file the certificate with the local registrar. The
9 institution shall retain the hospital worksheet permanently
10 or as otherwise specified by rule. The physician in
11 attendance shall verify or provide the date of birth and
12 medical information required by the certificate, within 24
13 hours after the birth occurs.

14 (3) When a birth occurs outside an institution, the
15 certificate shall be prepared and filed by one of the
16 following in the indicated order of priority:

17 (a) The physician in attendance at or immediately
18 after the birth, or in the absence of such a person,

19 (b) Any other person in attendance at or
20 immediately after the birth, or in the absence of such a
21 person,

22 (c) The father, the mother, or in the absence of
23 the father and the inability of the mother, the person in
24 charge of the premises where the birth occurred.

25 (4) Unless otherwise provided in this Act, if the mother
26 was not married to the father of the child at either the time
27 of conception or the time of birth, the name of the father
28 shall be entered on the child's birth certificate only if the
29 mother and the person to be named as the father have signed
30 an acknowledgment of parentage in accordance with subsection
31 (5).

32 Unless otherwise provided in this Act, if the mother was
33 married at the time of conception or birth and the presumed
34 father (that is, the mother's husband) is not the biological

1 father of the child, the name of the biological father shall
2 be entered on the child's birth certificate only if, in
3 accordance with subsection (5), (i) the mother and the person
4 to be named as the father have signed an acknowledgment of
5 parentage and (ii) the mother and presumed father have signed
6 a denial of paternity.

7 (5) Upon the birth of a child to an unmarried woman, or
8 upon the birth of a child to a woman who was married at the
9 time of conception or birth and whose husband is not the
10 biological father of the child, the institution at the time
11 of birth and the local registrar or county clerk after the
12 birth shall do the following:

13 (a) Provide (i) an opportunity for the child's
14 mother and father to sign an acknowledgment of parentage
15 and (ii) if the presumed father is not the biological
16 father, an opportunity for the mother and presumed father
17 to sign a denial of paternity. The signing and
18 witnessing of the acknowledgment of parentage or, if the
19 presumed father of the child is not the biological
20 father, the acknowledgment of parentage and denial of
21 paternity conclusively establishes a parent and child
22 relationship in accordance with Sections 5 and 6 of the
23 Illinois Parentage Act of 1984.

24 The Illinois Department of Human Services Public-Aid
25 shall furnish the acknowledgment of parentage and denial
26 of paternity form to institutions, county clerks, and
27 State and local registrars' offices. The form shall
28 include instructions to send the original signed and
29 witnessed acknowledgment of parentage and denial of
30 paternity to the Illinois Department of Human Services
31 Public-Aid.

32 (b) Provide the following documents, furnished by
33 the Illinois Department of Human Services Public-Aid, to
34 the child's mother, biological father, and (if the person

1 presumed to be the child's father is not the biological
2 father) presumed father for their review at the time the
3 opportunity is provided to establish a parent and child
4 relationship:

5 (i) An explanation of the implications of,
6 alternatives to, legal consequences of, and the
7 rights and responsibilities that arise from signing
8 an acknowledgment of parentage and, if necessary, a
9 denial of paternity, including an explanation of the
10 parental rights and responsibilities of child
11 support, visitation, custody, retroactive support,
12 health insurance coverage, and payment of birth
13 expenses.

14 (ii) An explanation of the benefits of having
15 a child's parentage established and the availability
16 of parentage establishment and support enforcement
17 services.

18 (iii) A request for an application for child
19 support services from the Illinois Department of
20 Human Services Public-Aid.

21 (iv) Instructions concerning the opportunity
22 to speak, either by telephone or in person, with
23 staff of the Illinois Department of Human Services
24 Public--Aid who are trained to clarify information
25 and answer questions about paternity establishment.

26 (v) Instructions for completing and signing
27 the acknowledgment of parentage and denial of
28 paternity.

29 (c) Provide an oral explanation of the documents
30 and instructions set forth in subdivision (5)(b),
31 including an explanation of the implications of,
32 alternatives to, legal consequences of, and the rights
33 and responsibilities that arise from signing an
34 acknowledgment of parentage and, if necessary, a denial

1 of paternity. The oral explanation may be given in
2 person or through the use of video or audio equipment.

3 (6) The institution, State or local registrar, or county
4 clerk shall provide an opportunity for the child's father or
5 mother to sign a rescission of parentage. The signing and
6 witnessing of the rescission of parentage voids the
7 acknowledgment of parentage and nullifies the presumption of
8 paternity if executed and filed with the Illinois Department
9 of Human Services Public Aid within the time frame contained
10 in Section 5 of the Illinois Parentage Act of 1984. The
11 Illinois Department of Human Services Public Aid shall
12 furnish the rescission of parentage form to institutions,
13 county clerks, and State and local registrars' offices. The
14 form shall include instructions to send the original signed
15 and witnessed rescission of parentage to the Illinois
16 Department of Human Services Public Aid.

17 (7) An acknowledgment of paternity signed pursuant to
18 Section 6 of the Illinois Parentage Act of 1984 may be
19 challenged in court only on the basis of fraud, duress, or
20 material mistake of fact, with the burden of proof upon the
21 challenging party. Pending outcome of a challenge to the
22 acknowledgment of paternity, the legal responsibilities of
23 the signatories shall remain in full force and effect, except
24 upon order of the court upon a showing of good cause.

25 (8) When the process for acknowledgment of parentage as
26 provided for under subsection (5) establishes the paternity
27 of a child whose certificate of birth is on file in another
28 state, the Illinois Department of Human Services Public Aid
29 shall forward a copy of the acknowledgment of parentage, the
30 denial of paternity, if applicable, and the rescission of
31 parentage, if applicable, to the birth record agency of the
32 state where the child's certificate of birth is on file.

33 (9) In the event the parent-child relationship has been
34 established in accordance with subdivision (a)(1) of Section

1 6 of the Parentage Act of 1984, the names of the biological
2 mother and biological father so established shall be entered
3 on the child's birth certificate, and the names of the
4 surrogate mother and surrogate mother's husband, if any,
5 shall not be on the birth certificate.

6 (Source: P.A. 90-18, eff. 7-1-97; 90-790, eff. 8-14-98;
7 91-308, eff. 7-29-99.)

8 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

9 Sec. 17. (1) For a person born in this State, the State
10 Registrar of Vital Records shall establish a new certificate
11 of birth when he receives any of the following:

12 (a) A certificate of adoption as provided in
13 Section 16 or a certified copy of the order of adoption
14 together with the information necessary to identify the
15 original certificate of birth and to establish the new
16 certificate of birth; except that a new certificate of
17 birth shall not be established if so requested by the
18 court ordering the adoption, the adoptive parents, or the
19 adopted person.

20 (b) A certificate of adoption or a certified copy
21 of the order of adoption entered in a court of competent
22 jurisdiction of any other state or country declaring
23 adopted a child born in the State of Illinois, together
24 with the information necessary to identify the original
25 certificate of birth and to establish the new certificate
26 of birth; except that a new certificate of birth shall
27 not be established if so requested by the court ordering
28 the adoption, the adoptive parents, or the adopted
29 person.

30 (c) A request that a new certificate be established
31 and such evidence as required by regulation proving that
32 such person has been legitimized, or that the circuit
33 court, the Illinois Department of Human Services Public

1 Aid, or a court or administrative agency of any other
2 state has established the paternity of such a person by
3 judicial or administrative processes or by voluntary
4 acknowledgment, which is accompanied by the social
5 security numbers of all persons determined and presumed
6 to be the parents.

7 (d) An affidavit by a physician that he has
8 performed an operation on a person, and that by reason of
9 the operation the sex designation on such person's birth
10 record should be changed. The State Registrar of Vital
11 Records may make any investigation or require any further
12 information he deems necessary.

13 Each request for a new certificate of birth shall be
14 accompanied by a fee of \$15 and entitles the applicant to one
15 certification or certified copy of the new certificate. If
16 the request is for additional copies, it shall be accompanied
17 by a fee of \$2 for each additional certification or certified
18 copy.

19 (2) When a new certificate of birth is established, the
20 actual place and date of birth shall be shown; provided, in
21 the case of adoption of a person born in this State by
22 parents who were residents of this State at the time of the
23 birth of the adopted person, the place of birth may be shown
24 as the place of residence of the adoptive parents at the time
25 of such person's birth, if specifically requested by them,
26 and any new certificate of birth established prior to the
27 effective date of this amendatory Act may be corrected
28 accordingly if so requested by the adoptive parents or the
29 adopted person when of legal age. The social security numbers
30 of the parents shall not be recorded on the certificate of
31 birth. The social security numbers may only be used for
32 purposes allowed under federal law. The new certificate shall
33 be substituted for the original certificate of birth:

34 (a) Thereafter, the original certificate and the

1 evidence of adoption, paternity, legitimation, or sex
2 change shall not be subject to inspection or
3 certification except upon order of the circuit court or
4 as provided by regulation.

5 (b) Upon receipt of notice of annulment of
6 adoption, the original certificate of birth shall be
7 restored to its place in the files, and the new
8 certificate and evidence shall not be subject to
9 inspection or certification except upon order of the
10 circuit court.

11 (3) If no certificate of birth is on file for the person
12 for whom a new certificate is to be established under this
13 Section, a delayed record of birth shall be filed with the
14 State Registrar of Vital Records as provided in Section 14 or
15 Section 15 of this Act before a new certificate of birth is
16 established, except that when the date and place of birth and
17 parentage have been established in the adoption proceedings,
18 a delayed record shall not be required.

19 (4) When a new certificate of birth is established by
20 the State Registrar of Vital Records, all copies of the
21 original certificate of birth in the custody of any custodian
22 of permanent local records in this State shall be transmitted
23 to the State Registrar of Vital Records as directed, and
24 shall be sealed from inspection.

25 (5) Nothing in this Section shall be construed to
26 prohibit the amendment of a birth certificate in accordance
27 with subsection (6) of Section 22.

28 (Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626,
29 eff. 8-9-96; 90-18, eff. 7-1-97.)

30 (410 ILCS 535/22) (from Ch. 111 1/2, par. 73-22)

31 Sec. 22. (1) A certificate or record filed under this
32 Act may be amended only in accordance with this Act and such
33 regulations as the Department may adopt to protect the

1 integrity of vital records. An application for an amendment
2 shall be accompanied by a fee of \$15 which includes the
3 provision of one certification or certified copy of the
4 amended birth record. If the request is for additional
5 copies, it shall be accompanied by a fee of \$2 for each
6 additional certification or certified copy. Such amendments
7 may only be made in connection with the original certificates
8 and may not be made on copies of such certificates without
9 the approval of the State Registrar of Vital Records. The
10 provisions of this Section shall also be applicable to a
11 certificate or record filed under any former Act relating to
12 the registration of births, stillbirths, and deaths. Any
13 original certificate or record filed with the county clerk
14 prior to January 1, 1916, may be amended by the county clerk
15 under the same provisions of this Section, or regulations
16 adopted pursuant thereto, as apply to the State Registrar of
17 Vital Records governing amendments to certificates or records
18 filed with the Department subsequent to December 31, 1915.

19 (2) A certificate that is amended under this Section
20 after its filing shall have the correction entered on its
21 face; shall clearly indicate that an amendment has been made;
22 and shall show the date of the amendment. A summary
23 description of the evidence submitted in support of an
24 amendment shall be permanently retained by the Department
25 either as an original record or in microphotographic form.
26 Documents from which such summary descriptions are made may
27 be returned by the Department to the person or persons
28 submitting them. The Department shall prescribe by
29 regulation the conditions under which, within one year after
30 the date of occurrence, additions or minor corrections may be
31 made without the certificate being considered amended.

32 (3) An amendment to a delayed birth registration
33 established under the provisions of Section 15 of this Act
34 may be made by the State Registrar of Vital Records only upon

1 the basis of an order from the court which originally
2 established the facts of birth.

3 (4) Upon receipt of a certified copy of a court order
4 changing the name or names of a person born in this State,
5 the official custodian shall amend the original certificate
6 of birth to reflect the changes.

7 (5) (Blank).

8 (6) When the paternity of a child with a certificate of
9 birth on file in this State is established through voluntary
10 acknowledgment or by a court or administrative agency under
11 the laws of this or any other state, the State Registrar of
12 Vital Records shall amend the original record accordingly,
13 upon notification from a circuit court of this State or the
14 Illinois Department of Human Services ~~Public--Aid~~, or upon
15 receipt of a certified copy of another state's acknowledgment
16 or judicial or administrative determination of paternity.

17 (7) Notwithstanding any other provision of this Act, if
18 an adopted person applies in accordance with this Section for
19 the amendment of the name on his or her birth certificate,
20 the State Registrar shall amend the birth certificate if the
21 person provides documentation or other evidence supporting
22 the application that would be deemed sufficient if the
23 documentation or evidence had been submitted in support of an
24 application by a person who has not been adopted.

25 (8) When paternity has been established after the birth
26 in accordance with Section 12, the State Registrar of Vital
27 Records shall amend the original record accordingly.

28 (9) Upon application by the parents not later than one
29 year after an acknowledgment of parentage under this Act or
30 the Illinois Public Aid Code or a judicial or administrative
31 determination or establishment of paternity or parentage, the
32 State Registrar of Vital Records shall amend the child's name
33 on the child's certificate of birth in accordance with the
34 application. No more than one application to change a

1 child's name may be made under this subsection (9).

2 (10) When a certificate is amended by the State
3 Registrar of Vital Records under this Section, the State
4 Registrar of Vital Records shall furnish a copy of the
5 summary description to the custodian of any permanent local
6 records and such records shall be amended accordingly.

7 (Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626,
8 eff. 8-9-96; 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

9 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

10 Sec. 24. (1) To protect the integrity of vital records,
11 to insure their proper use, and to insure the efficient and
12 proper administration of the vital records system, access to
13 vital records, and indexes thereof, including vital records
14 in the custody of local registrars and county clerks
15 originating prior to January 1, 1916, is limited to the
16 custodian and his employees, and then only for administrative
17 purposes, except that the indexes of those records in the
18 custody of local registrars and county clerks, originating
19 prior to January 1, 1916, shall be made available to persons
20 for the purpose of genealogical research. Original,
21 photographic or microphotographic reproductions of original
22 records of births 100 years old and older and deaths 50 years
23 old and older, and marriage records 75 years old and older on
24 file in the State Office of Vital Records and in the custody
25 of the county clerks may be made available for inspection in
26 the Illinois State Archives reference area, Illinois Regional
27 Archives Depositories, and other libraries approved by the
28 Illinois State Registrar and the Director of the Illinois
29 State Archives, provided that the photographic or
30 microphotographic copies are made at no cost to the county or
31 to the State of Illinois. It is unlawful for any custodian
32 to permit inspection of, or to disclose information contained
33 in, vital records, or to copy or permit to be copied, all or

1 part of any such record except as authorized by this Act or
2 regulations adopted pursuant thereto.

3 (2) The State Registrar of Vital Records, or his agent,
4 and any municipal, county, multi-county, public health
5 district, or regional health officer recognized by the
6 Department may examine vital records for the purpose only of
7 carrying out the public health programs and responsibilities
8 under his jurisdiction.

9 (3) The State Registrar of Vital Records, may disclose,
10 or authorize the disclosure of, data contained in the vital
11 records when deemed essential for bona fide research purposes
12 which are not for private gain.

13 This amendatory Act of 1973 does not apply to any home
14 rule unit.

15 (4) The State Registrar shall exchange with the Illinois
16 Department of Human Services ~~Public-Aid~~ information that may
17 be necessary for the establishment of paternity and the
18 establishment, modification, and enforcement of child support
19 orders entered pursuant to the Illinois Public Aid Code, the
20 Illinois Marriage and Dissolution of Marriage Act, the
21 Non-Support of Spouse and Children Act, the Non-Support
22 Punishment Act, the Revised Uniform Reciprocal Enforcement of
23 Support Act, the Uniform Interstate Family Support Act, or
24 the Illinois Parentage Act of 1984. Notwithstanding any
25 provisions in this Act to the contrary, the State Registrar
26 shall not be liable to any person for any disclosure of
27 information to the Illinois Department of Human Services
28 ~~Public--Aid~~ under this subsection or for any other action
29 taken in good faith to comply with the requirements of this
30 subsection.

31 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

32 (410 ILCS 535/25.1) (from Ch. 111 1/2, par. 73-25.1)

33 Sec. 25.1. (a) When the State Registrar of Vital Records

1 receives or prepares a death certificate the Registrar shall
2 make an appropriate notation in the birth certificate record
3 of that person that the person is deceased. The Registrar
4 shall also notify the appropriate municipal or county
5 custodian of such birth record that the person is deceased,
6 and such custodian shall likewise make an appropriate
7 notation in its records.

8 (b) In response to any inquiry, the Registrar or a
9 custodian shall not provide a copy of a birth certificate or
10 information concerning the birth record of any deceased
11 person except as provided in this subsection (b) or as
12 otherwise provided in this Act or as approved by the
13 Department. When a copy of the birth certificate of a
14 deceased person is requested, the Registrar or custodian
15 shall require the person making the request to complete an
16 information form, which shall be developed and furnished by
17 the Department and shall include, at a minimum, the name,
18 address, telephone number, social security number and
19 driver's license number of the person making the request.
20 Before furnishing the copy, the custodian shall prominently
21 stamp on the copy the word "DECEASED" and write or stamp on
22 the copy the date of death of the deceased person. The
23 custodian shall retain the information form completed by the
24 person making the request, and note on the birth certificate
25 record that such a request was made. The custodian shall
26 make the information form available to the Department of
27 State Police or any local law enforcement agency upon
28 request. A city or county custodian shall promptly submit
29 copies of all completed forms to the Registrar.

30 (c) The Registrar shall furnish, no later than 60 days
31 after receipt of a form used to request a birth certificate
32 record of a deceased person, a copy of the form and a copy of
33 the corresponding birth certificate record to the Illinois
34 Department---of--Public--Aid--and--the Department of Human

1 Services. The ~~Illinois-Department--of--Public--Aid--and--the~~
2 Department of Human Services shall, upon receipt of such
3 information, check its ~~their~~ records to ensure that no claim
4 for public assistance under the Illinois Public Aid Code is
5 being made either by a person purporting to be the deceased
6 person or by any person on behalf of the deceased person.

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

8 Section 410. The Illinois Vehicle Code is amended by
9 changing Sections 2-109.1, 2-123, 3-412, and 16-104b as
10 follows:

11 (625 ILCS 5/2-109.1)

12 Sec. 2-109.1. Exchange of information.

13 (a) The Secretary of State shall exchange information
14 with the Illinois Department of Human Services ~~Public--Aid~~
15 which may be necessary for the establishment of paternity and
16 the establishment, modification, and enforcement of child
17 support orders pursuant to the Illinois Public Aid Code, the
18 Illinois Marriage and Dissolution of Marriage Act, the
19 Non-Support of Spouse and Children Act, the Non-Support
20 Punishment Act, the Revised Uniform Reciprocal Enforcement of
21 Support Act, the Uniform Interstate Family Support Act, or
22 the Illinois Parentage Act of 1984.

23 (b) Notwithstanding any provisions in this Code to the
24 contrary, the Secretary of State shall not be liable to any
25 person for any disclosure of information to the Illinois
26 Department of Human Services ~~Public-Aid~~ under subsection (a)
27 or for any other action taken in good faith to comply with
28 the requirements of subsection (a).

29 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 7-1-00.)

30 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

31 Sec. 2-123. Sale and Distribution of Information.

1 (a) Except as otherwise provided in this Section, the
2 Secretary may make the driver's license, vehicle and title
3 registration lists, in part or in whole, and any statistical
4 information derived from these lists available to local
5 governments, elected state officials, state educational
6 institutions, public libraries and all other governmental
7 units of the State and Federal Government requesting them for
8 governmental purposes. The Secretary shall require any such
9 applicant for services to pay for the costs of furnishing
10 such services and the use of the equipment involved, and in
11 addition is empowered to establish prices and charges for the
12 services so furnished and for the use of the electronic
13 equipment utilized.

14 (b) The Secretary is further empowered to and he may, in
15 his discretion, furnish to any applicant, other than listed
16 in subsection (a) of this Section, vehicle or driver data on
17 a computer tape, disk, or printout at a fixed fee of \$250 in
18 advance and require in addition a further sufficient deposit
19 based upon the Secretary of State's estimate of the total
20 cost of the information requested and a charge of \$25 per
21 1,000 units or part thereof identified or the actual cost,
22 whichever is greater. The Secretary is authorized to refund
23 any difference between the additional deposit and the actual
24 cost of the request. This service shall not be in lieu of an
25 abstract of a driver's record nor of a title or registration
26 search. The information sold pursuant to this subsection
27 shall be the entire vehicle or driver data list, or part
28 thereof.

29 (c) Secretary of State may issue registration lists.
30 The Secretary of State shall compile and publish, at least
31 annually, a list of all registered vehicles. Each list of
32 registered vehicles shall be arranged serially according to
33 the registration numbers assigned to registered vehicles and
34 shall contain in addition the names and addresses of

1 registered owners and a brief description of each vehicle
2 including the serial or other identifying number thereof.
3 Such compilation may be in such form as in the discretion of
4 the Secretary of State may seem best for the purposes
5 intended.

6 (d) The Secretary of State shall furnish no more than 2
7 current available lists of such registrations to the sheriffs
8 of all counties and to the chiefs of police of all cities and
9 villages and towns of 2,000 population and over in this State
10 at no cost. Additional copies may be purchased at the fee of
11 \$500 each or at the cost of producing the list as determined
12 by the Secretary of State.

13 (e) The Secretary of State shall upon written request
14 and the payment of the fee of \$500 furnish the current
15 available list of such motor vehicle registrations to any
16 person so long as the supply of available registration lists
17 shall last.

18 (e-1) Commercial purchasers of driver and vehicle record
19 databases shall enter into a written agreement with the
20 Secretary of State that includes disclosure of the commercial
21 use of the intended purchase. Affected drivers, vehicle
22 owners, or registrants may request that their personally
23 identifiable information not be used for commercial
24 solicitation purposes.

25 (f) The Secretary of State shall make a title or
26 registration search of the records of his office and a
27 written report on the same for any person, upon written
28 application of such person, accompanied by a fee of \$5 for
29 each registration or title search. No fee shall be charged
30 for a title or registration search, or for the certification
31 thereof requested by a government agency.

32 The Secretary of State shall certify a title or
33 registration record upon written request. The fee for
34 certification shall be \$5 in addition to the fee required for

1 a title or registration search. Certification shall be made
2 under the signature of the Secretary of State and shall be
3 authenticated by Seal of the Secretary of State.

4 The Secretary of State may notify the vehicle owner or
5 registrant of the request for purchase of his title or
6 registration information as the Secretary deems appropriate.

7 The vehicle owner or registrant residence address and
8 other personally identifiable information on the record shall
9 not be disclosed. This nondisclosure shall not apply to
10 requests made by law enforcement officials, government
11 agencies, financial institutions, attorneys, insurers,
12 employers, automobile associated businesses, other business
13 entities for purposes consistent with the Illinois Vehicle
14 Code, the vehicle owner or registrant, or other entities as
15 the Secretary may exempt by rule and regulation. This
16 information may be withheld from the entities listed above,
17 except law enforcement and government agencies upon
18 presentation of a valid court order of protection for the
19 duration of the order.

20 No information shall be released to the requestor until
21 expiration of a 10 day period. This 10 day period shall not
22 apply to requests for information made by law enforcement
23 officials, government agencies, financial institutions,
24 attorneys, insurers, employers, automobile associated
25 businesses, persons licensed as a private detective or firms
26 licensed as a private detective agency under the Private
27 Detective, Private Alarm, and Private Security Act of 1983,
28 who are employed by or are acting on behalf of law
29 enforcement officials, government agencies, financial
30 institutions, attorneys, insurers, employers, automobile
31 associated businesses, and other business entities for
32 purposes consistent with the Illinois Vehicle Code, the
33 vehicle owner or registrant or other entities as the
34 Secretary may exempt by rule and regulation.

1 Any misrepresentation made by a requestor of title or
2 vehicle information shall be punishable as a petty offense,
3 except in the case of persons licensed as a private detective
4 or firms licensed as a private detective agency which shall
5 be subject to disciplinary sanctions under Section 22 or 25
6 of the Private Detective, Private Alarm, and Private Security
7 Act of 1983.

8 (g) 1. The Secretary of State may, upon receipt of a
9 written request and a fee of \$6, furnish to the person or
10 agency so requesting a driver's record. Such document
11 may include a record of: current driver's license
12 issuance information, except that the information on
13 judicial driving permits shall be available only as
14 otherwise provided by this Code; convictions; orders
15 entered revoking, suspending or cancelling a driver's
16 license or privilege; and notations of accident
17 involvement. All other information, unless otherwise
18 permitted by this Code, shall remain confidential.

19 2. The Secretary of State may certify an abstract
20 of a driver's record upon written request therefor.
21 Such certification shall be made under the signature of
22 the Secretary of State and shall be authenticated by the
23 Seal of his office.

24 3. All requests for driving record information
25 shall be made in a manner prescribed by the Secretary.

26 The Secretary of State may notify the affected
27 driver of the request for purchase of his driver's record
28 as the Secretary deems appropriate.

29 The affected driver residence address and other
30 personally identifiable information on the record shall
31 not be disclosed. This nondisclosure shall not apply to
32 requests made by law enforcement officials, government
33 agencies, financial institutions, attorneys, insurers,
34 employers, automobile associated businesses, other

1 business entities for purposes consistent with the
2 Illinois Vehicle Code, the affected driver, or other
3 entities as the Secretary may exempt by rule and
4 regulation. This information may be withheld from the
5 entities listed above, except law enforcement and
6 government agencies, upon presentation of a valid court
7 order of protection for the duration of the order.

8 No information shall be released to the requester
9 until expiration of a 10 day period. This 10 day period
10 shall not apply to requests for information made by law
11 enforcement officials, government agencies, financial
12 institutions, attorneys, insurers, employers, automobile
13 associated businesses, persons licensed as a private
14 detective or firms licensed as a private detective agency
15 under the Private Detective, Private Alarm, and Private
16 Security Act of 1983, who are employed by or are acting
17 on behalf of law enforcement officials, government
18 agencies, financial institutions, attorneys, insurers,
19 employers, automobile associated businesses, and other
20 business entities for purposes consistent with the
21 Illinois Vehicle Code, the affected driver or other
22 entities as the Secretary may exempt by rule and
23 regulation.

24 Any misrepresentation made by a requestor of driver
25 information shall be punishable as a petty offense,
26 except in the case of persons licensed as a private
27 detective or firms licensed as a private detective agency
28 which shall be subject to disciplinary sanctions under
29 Section 22 or 25 of the Private Detective, Private Alarm,
30 and Private Security Act of 1983.

31 4. The Secretary of State may furnish without fee,
32 upon the written request of a law enforcement agency, any
33 information from a driver's record on file with the
34 Secretary of State when such information is required in

1 the enforcement of this Code or any other law relating to
2 the operation of motor vehicles, including records of
3 dispositions; documented information involving the use of
4 a motor vehicle; whether such individual has, or
5 previously had, a driver's license; and the address and
6 personal description as reflected on said driver's
7 record.

8 5. Except as otherwise provided in this Section,
9 the Secretary of State may furnish, without fee,
10 information from an individual driver's record on file,
11 if a written request therefor is submitted by any public
12 transit system or authority, public defender, law
13 enforcement agency, a state or federal agency, or an
14 Illinois local intergovernmental association, if the
15 request is for the purpose of a background check of
16 applicants for employment with the requesting agency, or
17 for the purpose of an official investigation conducted by
18 the agency, or to determine a current address for the
19 driver so public funds can be recovered or paid to the
20 driver, or for any other lawful purpose.

21 The Secretary may also furnish the courts a copy of
22 an abstract of a driver's record, without fee, subsequent
23 to an arrest for a violation of Section 11-501 or a
24 similar provision of a local ordinance. Such abstract
25 may include records of dispositions; documented
26 information involving the use of a motor vehicle as
27 contained in the current file; whether such individual
28 has, or previously had, a driver's license; and the
29 address and personal description as reflected on said
30 driver's record.

31 6. Any certified abstract issued by the Secretary
32 of State or transmitted electronically by the Secretary
33 of State pursuant to this Section, to a court or on
34 request of a law enforcement agency, for the record of a

1 named person as to the status of the person's driver's
2 license shall be prima facie evidence of the facts
3 therein stated and if the name appearing in such abstract
4 is the same as that of a person named in an information
5 or warrant, such abstract shall be prima facie evidence
6 that the person named in such information or warrant is
7 the same person as the person named in such abstract and
8 shall be admissible for any prosecution under this Code
9 and be admitted as proof of any prior conviction or proof
10 of records, notices, or orders recorded on individual
11 driving records maintained by the Secretary of State.

12 7. Subject to any restrictions contained in the
13 Juvenile Court Act of 1987, and upon receipt of a proper
14 request and a fee of \$6, the Secretary of State shall
15 provide a driver's record to the affected driver, or the
16 affected driver's attorney, upon verification. Such
17 record shall contain all the information referred to in
18 paragraph 1 of this subsection (g) plus: any recorded
19 accident involvement as a driver; information recorded
20 pursuant to subsection (e) of Section 6-117 and paragraph
21 (4) of subsection (a) of Section 6-204 of this Code. All
22 other information, unless otherwise permitted by this
23 Code, shall remain confidential.

24 (h) The Secretary shall not disclose social security
25 numbers except pursuant to a written request by, or with the
26 prior written consent of, the individual except: (1) to
27 officers and employees of the Secretary who have a need to
28 know the social security numbers in performance of their
29 official duties, (2) to law enforcement officials for a
30 lawful, civil or criminal law enforcement investigation, and
31 if the head of the law enforcement agency has made a written
32 request to the Secretary specifying the law enforcement
33 investigation for which the social security numbers are being
34 sought, (3) to the United States Department of

1 Transportation, or any other State, pursuant to the
2 administration and enforcement of the Commercial Motor
3 Vehicle Safety Act of 1986, (4) pursuant to the order of a
4 court of competent jurisdiction, or (5) to the Department of
5 Human Services Public Aid for utilization in the child
6 support enforcement duties assigned to that Department under
7 provisions of the Public Aid Code after the individual has
8 received advanced meaningful notification of what
9 redisclosure is sought by the Secretary in accordance with
10 the federal Privacy Act; provided, the redisclosure shall not
11 be authorized by the Secretary prior to September 30, 1992.

12 (i) The Secretary of State is empowered to promulgate
13 rules and regulations to effectuate this Section.

14 (j) Medical statements or medical reports received in
15 the Secretary of State's Office shall be confidential. No
16 confidential information may be open to public inspection or
17 the contents disclosed to anyone, except officers and
18 employees of the Secretary who have a need to know the
19 information contained in the medical reports and the Driver
20 License Medical Advisory Board, unless so directed by an
21 order of a court of competent jurisdiction.

22 (k) All fees collected under this Section shall be paid
23 into the Road Fund of the State Treasury, except that \$3 of
24 the \$6 fee for a driver's record shall be paid into the
25 Secretary of State Special Services Fund.

26 (l) The Secretary of State shall report his
27 recommendations to the General Assembly by January 1, 1993,
28 regarding the sale and dissemination of the information
29 maintained by the Secretary, including the sale of lists of
30 driver and vehicle records.

31 (m) Notations of accident involvement that may be
32 disclosed under this Section shall not include notations
33 relating to damage to a vehicle or other property being
34 transported by a tow truck. This information shall remain

1 confidential, provided that nothing in this subsection (m)
2 shall limit disclosure of any notification of accident
3 involvement to any law enforcement agency or official.

4 (n) Requests made by the news media for driver's
5 license, vehicle, or title registration information may be
6 furnished without charge or at a reduced charge, as
7 determined by the Secretary, when the specific purpose for
8 requesting the documents is deemed to be in the public
9 interest. Waiver or reduction of the fee is in the public
10 interest if the principal purpose of the request is to access
11 and disseminate information regarding the health, safety, and
12 welfare or the legal rights of the general public and is not
13 for the principal purpose of gaining a personal or commercial
14 benefit.

15 (Source: P.A. 90-144, eff. 7-23-97; 90-330, eff. 8-8-97;
16 90-400, eff. 8-15-97; 90-655, eff. 7-30-98; 91-37, eff.
17 7-1-99; 91-357, eff. 7-29-99; 91-716, eff. 10-1-00.)

18 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

19 Sec. 3-412. Registration plates and registration
20 stickers to be furnished by the Secretary of State.

21 (a) The Secretary of State upon registering a vehicle
22 subject to annual registration for the first time shall
23 issue or shall cause to be issued to the owner one
24 registration plate for a motorcycle, trailer, semitrailer,
25 motorized pedalcycle or truck-tractor, 2 registration plates
26 for other motor vehicles and, where applicable, current
27 registration stickers for motor vehicles of the first
28 division. The provisions of this Section may be made
29 applicable to such vehicles of the second division, as the
30 Secretary of State may, from time to time, in his discretion
31 designate. On subsequent annual registrations during the term
32 of the registration plate as provided in Section 3-414.1, the
33 Secretary shall issue or cause to be issued registration

1 stickers as evidence of current registration. However, the
2 issuance of annual registration stickers to vehicles
3 registered under the provisions of Section 3-402.1 of this
4 Code may not be required if the Secretary deems the issuance
5 unnecessary.

6 (b) Every registration plate shall have displayed upon
7 it the registration number assigned to the vehicle for which
8 it is issued, the name of this State, which may be
9 abbreviated, the year number for which it was issued, which
10 may be abbreviated, the phrase "Land of Lincoln", except as
11 provided in Sections 3-626, 3-629, 3-633, 3-634, 3-637,
12 3-638, and 3-642, and such other letters or numbers as the
13 Secretary may prescribe. However, for apportionment plates
14 issued to vehicles registered under Section 3-402.1, the
15 phrase "Land of Lincoln" may be omitted to allow for the word
16 "apportioned" to be displayed. The Secretary may in his
17 discretion prescribe that letters be used as prefixes only on
18 registration plates issued to vehicles of the first division
19 which are registered under this Code and only as suffixes on
20 registration plates issued to other vehicles. Every
21 registration sticker issued as evidence of current
22 registration shall designate the year number for which it is
23 issued and such other letters or numbers as the Secretary may
24 prescribe and shall be of a contrasting color with the
25 registration plates and registration stickers of the previous
26 year.

27 (c) Each registration plate and the required letters and
28 numerals thereon, except the year number for which issued,
29 shall be of sufficient size to be plainly readable from a
30 distance of 100 feet during daylight, and shall be coated
31 with reflectorizing material. The dimensions of the plate
32 issued to vehicles of the first division shall be 6 by 12
33 inches.

34 (d) The Secretary of State shall issue for every

1 passenger motor vehicle rented without a driver the same type
2 of registration plates as the type of plates issued for a
3 private passenger vehicle.

4 (e) The Secretary of State shall issue for every
5 passenger car used as a taxicab or livery, distinctive
6 registration plates.

7 (f) The Secretary of State shall issue for every
8 motorcycle distinctive registration plates distinguishing
9 between motorcycles having 150 or more cubic centimeters
10 piston displacement, or having less than 150 cubic centimeter
11 piston displacement.

12 (g) Registration plates issued to vehicles for-hire may
13 display a designation as determined by the Secretary that
14 such vehicles are for-hire.

15 (h) The Secretary of State shall issue for each electric
16 vehicle distinctive registration plates which shall
17 distinguish between electric vehicles having a maximum
18 operating speed of 45 miles per hour or more and those having
19 a maximum operating speed of less than 45 miles per hour.

20 (i) The Secretary of State shall issue for every public
21 and private ambulance registration plates identifying the
22 vehicle as an ambulance. The Secretary shall forward to the
23 Department of Human Services ~~Public~~ registration
24 information for the purpose of verification of claims filed
25 with the Department by ambulance owners for payment for
26 services to public assistance recipients.

27 (j) The Secretary of State shall issue for every public
28 and private medical carrier or rescue vehicle livery
29 registration plates displaying numbers within ranges of
30 numbers reserved respectively for medical carriers and rescue
31 vehicles. The Secretary shall forward to the Department of
32 Human Services ~~Public~~ registration information for the
33 purpose of verification of claims filed with the Department
34 by owners of medical carriers or rescue vehicles for payment

1 for services to public assistance recipients.
2 (Source: P.A. 89-424, eff. 6-1-96; 89-564, eff. 7-1-97;
3 89-612, eff. 8-9-96; 89-621, eff. 1-1-97; 89-639, eff.
4 1-1-97; 90-14, eff. 7-1-97; 90-533, eff. 11-14-97; 90-655,
5 eff. 7-30-98.)

6 (625 ILCS 5/16-104b)

7 Sec. 16-104b. Amounts for Trauma Center Fund. In
8 counties that have elected not to distribute moneys under the
9 disbursement formulas in Sections 27.5 and 27.6 of the Clerks
10 of Courts Act, the Circuit Clerk of the County, when
11 collecting fees, fines, costs, additional penalties, bail
12 balances assessed or forfeited, and any other amount imposed
13 upon a conviction of or an order of supervision for a
14 violation of laws or ordinances regulating the movement of
15 traffic that amounts to \$55 or more, shall remit \$5 of the
16 total amount collected, less 2 1/2% of the \$5 to help defray
17 the administrative costs incurred by the Clerk, except that
18 upon a conviction or order of supervision for driving under
19 the influence of alcohol or drugs the Clerk shall remit \$30
20 of the total amount collected (\$5 for a traffic violation
21 that amounts to \$55 or more and an additional fee of \$25 to
22 be collected by the Circuit Clerk for a conviction or order
23 of supervision for driving under the influence of alcohol or
24 drugs), less the 2 1/2%, within 60 days to the State
25 Treasurer to be deposited into the Trauma Center Fund. Of the
26 amounts deposited into the Trauma Center Fund under this
27 Section, 50% shall be disbursed to the Department of Public
28 Health and 50% shall be disbursed to the Department of Human
29 Services Public-Aid. Not later than March 1 of each year the
30 Circuit Clerk shall submit a report of the amount of funds
31 remitted to the State Treasurer under this Section during the
32 preceding calendar year.

33 (Source: P.A. 88-667, eff. 9-16-94; 89-105, eff. 1-1-96.)

1 Section 415. The Clerks of Courts Act is amended by
2 changing Section 27.6 as follows:

3 (705 ILCS 105/27.6)

4 Sec. 27.6. (a) All fees, fines, costs, additional
5 penalties, bail balances assessed or forfeited, and any other
6 amount paid by a person to the circuit clerk equalling an
7 amount of \$55 or more, except the additional fee required by
8 subsections (b) and (c), restitution under Section 5-5-6 of
9 the Unified Code of Corrections, reimbursement for the costs
10 of an emergency response as provided under Section 5-5-3 of
11 the Unified Code of Corrections, any fees collected for
12 attending a traffic safety program under paragraph (c) of
13 Supreme Court Rule 529, any fee collected on behalf of a
14 State's Attorney under Section 4-2002 of the Counties Code or
15 a sheriff under Section 4-5001 of the Counties Code, or any
16 cost imposed under Section 124A-5 of the Code of Criminal
17 Procedure of 1963, for convictions, orders of supervision, or
18 any other disposition for a violation of Chapters 3, 4, 6,
19 11, and 12 of the Illinois Vehicle Code, or a similar
20 provision of a local ordinance, and any violation of the
21 Child Passenger Protection Act, or a similar provision of a
22 local ordinance, shall be disbursed within 60 days after
23 receipt by the circuit clerk as follows: 44.5% shall be
24 disbursed to the entity authorized by law to receive the fine
25 imposed in the case; 16.825% shall be disbursed to the State
26 Treasurer; and 38.675% shall be disbursed to the county's
27 general corporate fund. Of the 16.825% disbursed to the State
28 Treasurer, 2/17 shall be deposited by the State Treasurer
29 into the Violent Crime Victims Assistance Fund, 5.052/17
30 shall be deposited into the Traffic and Criminal Conviction
31 Surcharge Fund, 3/17 shall be deposited into the Drivers
32 Education Fund, and 6.948/17 shall be deposited into the
33 Trauma Center Fund. Of the 6.948/17 deposited into the Trauma

1 Center Fund from the 16.825% disbursed to the State
2 Treasurer, 50% shall be disbursed to the Department of Public
3 Health and 50% shall be disbursed to the Department of Human
4 Services Public-Aid. For fiscal year 1993, amounts deposited
5 into the Violent Crime Victims Assistance Fund, the Traffic
6 and Criminal Conviction Surcharge Fund, or the Drivers
7 Education Fund shall not exceed 110% of the amounts deposited
8 into those funds in fiscal year 1991. Any amount that
9 exceeds the 110% limit shall be distributed as follows: 50%
10 shall be disbursed to the county's general corporate fund and
11 50% shall be disbursed to the entity authorized by law to
12 receive the fine imposed in the case. Not later than March 1
13 of each year the circuit clerk shall submit a report of the
14 amount of funds remitted to the State Treasurer under this
15 Section during the preceding year based upon independent
16 verification of fines and fees. All counties shall be
17 subject to this Section, except that counties with a
18 population under 2,000,000 may, by ordinance, elect not to be
19 subject to this Section. For offenses subject to this
20 Section, judges shall impose one total sum of money payable
21 for violations. The circuit clerk may add on no additional
22 amounts except for amounts that are required by Sections
23 27.3a and 27.3c of this Act, unless those amounts are
24 specifically waived by the judge. With respect to money
25 collected by the circuit clerk as a result of forfeiture of
26 bail, ex parte judgment or guilty plea pursuant to Supreme
27 Court Rule 529, the circuit clerk shall first deduct and pay
28 amounts required by Sections 27.3a and 27.3c of this Act.
29 This Section is a denial and limitation of home rule powers
30 and functions under subsection (h) of Section 6 of Article
31 VII of the Illinois Constitution.

32 (b) In addition to any other fines and court costs
33 assessed by the courts, any person convicted or receiving an
34 order of supervision for driving under the influence of

1 alcohol or drugs shall pay an additional fee of \$25 to the
2 clerk of the circuit court. This amount, less 2 1/2% that
3 shall be used to defray administrative costs incurred by the
4 clerk, shall be remitted by the clerk to the Treasurer within
5 60 days after receipt for deposit into the Trauma Center
6 Fund. This additional fee of \$25 shall not be considered a
7 part of the fine for purposes of any reduction in the fine
8 for time served either before or after sentencing. Not later
9 than March 1 of each year the Circuit Clerk shall submit a
10 report of the amount of funds remitted to the State Treasurer
11 under this subsection during the preceding calendar year.

12 (c) In addition to any other fines and court costs
13 assessed by the courts, any person convicted for a violation
14 of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of
15 1961 or a person sentenced for a violation of the Cannabis
16 Control Act or the Controlled Substance Act shall pay an
17 additional fee of \$100 to the clerk of the circuit court.
18 This amount, less 2 1/2% that shall be used to defray
19 administrative costs incurred by the clerk, shall be remitted
20 by the clerk to the Treasurer within 60 days after receipt
21 for deposit into the Trauma Center Fund. This additional fee
22 of \$100 shall not be considered a part of the fine for
23 purposes of any reduction in the fine for time served either
24 before or after sentencing. Not later than March 1 of each
25 year the Circuit Clerk shall submit a report of the amount of
26 funds remitted to the State Treasurer under this subsection
27 during the preceding calendar year.

28 (Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96;
29 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

30 Section 420. The Attorney Act is amended by changing
31 Section 1 as follows:

32 (705 ILCS 205/1) (from Ch. 13, par. 1)

1 Sec. 1. No person shall be permitted to practice as an
2 attorney or counselor at law within this State without having
3 previously obtained a license for that purpose from the
4 Supreme Court of this State.

5 No person shall receive any compensation directly or
6 indirectly for any legal services other than a regularly
7 licensed attorney.

8 A license, as provided for herein, constitutes the person
9 receiving the same an attorney and counselor at law,
10 according to the law and customs thereof, for and during his
11 good behavior in the practice and authorizes him to demand
12 and receive fees for any services which he may render as an
13 attorney and counselor at law in this State. No person shall
14 be granted a license or renewal authorized by this Act who
15 has defaulted on an educational loan guaranteed by the
16 Illinois Student Assistance Commission; however, a license or
17 renewal may be issued to the aforementioned persons who have
18 established a satisfactory repayment record as determined by
19 the Illinois Student Assistance Commission. No person shall
20 be granted a license or renewal authorized by this Act who is
21 more than 30 days delinquent in complying with a child
22 support order; a license or renewal may be issued, however,
23 if the person has established a satisfactory repayment record
24 as determined (i) by the Illinois Department of Human
25 Services Public-Aid for cases being enforced under Article X
26 of the Illinois Public Aid Code or (ii) in all other cases by
27 order of court or by written agreement between the custodial
28 parent and non-custodial parent. No person shall be refused a
29 license under this Act on account of sex.

30 Any person practicing, charging or receiving fees for
31 legal services within this State, either directly or
32 indirectly, without being licensed to practice as herein
33 required, is guilty of contempt of court and shall be
34 punished accordingly, upon complaint being filed in any

1 Circuit Court of this State. Such proceedings shall be
2 conducted in the Courts of the respective counties where the
3 alleged contempt has been committed in the same manner as in
4 cases of indirect contempt and with the right of review by
5 the parties thereto.

6 The provisions of this Act shall be in addition to other
7 remedies permitted by law and shall not be construed to
8 deprive courts of this State of their inherent right to
9 punish for contempt or to restrain the unauthorized practice
10 of law.

11 Nothing in this Act shall be construed to prohibit
12 representation of a party by a person who is not an attorney
13 in a proceeding before either panel of the Illinois Labor
14 Relations Board under the Illinois Public Labor Relations
15 Act, as now or hereafter amended, the Illinois Educational
16 Labor Relations Board under the Illinois Educational Labor
17 Relations Act, as now or hereafter amended, the State Civil
18 Service Commission, the local Civil Service Commissions, or
19 the University Civil Service Merit Board, to the extent
20 allowed pursuant to rules and regulations promulgated by
21 those Boards and Commissions.

22 (Source: P.A. 91-798, eff. 7-9-00.)

23 Section 425. The Juvenile Court Act of 1987 is amended
24 by changing Section 6-9 as follows:

25 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

26 Sec. 6-9. Enforcement of liability of parents and
27 others.

28 (1) If parentage is at issue in any proceeding under
29 this Act, the Illinois Parentage Act of 1984 shall apply and
30 the court shall enter orders consistent with that Act. If it
31 appears at any hearing that a parent or any other person
32 named in the petition, liable under the law for the support

1 of the minor, is able to contribute to his or her support,
2 the court shall enter an order requiring that parent or other
3 person to pay the clerk of the court, or to the guardian or
4 custodian appointed under Sections 2-27, 3-28, 4-25 or 5-740,
5 a reasonable sum from time to time for the care, support and
6 necessary special care or treatment, of the minor. If the
7 court determines at any hearing that a parent or any other
8 person named in the petition, liable under the law for the
9 support of the minor, is able to contribute to help defray
10 the costs associated with the minor's detention in a county
11 or regional detention center, the court shall enter an order
12 requiring that parent or other person to pay the clerk of the
13 court a reasonable sum for the care and support of the minor.

14 The court may require reasonable security for the payments.
15 Upon failure to pay, the court may enforce obedience to the
16 order by a proceeding as for contempt of court.

17 If it appears that the person liable for the support of
18 the minor is able to contribute to legal fees for
19 representation of the minor, the court shall enter an order
20 requiring that person to pay a reasonable sum for the
21 representation, to the attorney providing the representation
22 or to the clerk of the court for deposit in the appropriate
23 account or fund. The sum may be paid as the court directs,
24 and the payment thereof secured and enforced as provided in
25 this Section for support.

26 If it appears at the detention or shelter care hearing of
27 a minor before the court under Section 5-501 that a parent or
28 any other person liable for support of the minor is able to
29 contribute to his or her support, that parent or other person
30 shall be required to pay a fee for room and board at a rate
31 not to exceed \$10 per day established, with the concurrence
32 of the chief judge of the judicial circuit, by the county
33 board of the county in which the minor is detained unless the
34 court determines that it is in the best interest and welfare

1 of the minor to waive the fee. The concurrence of the chief
2 judge shall be in the form of an administrative order. Each
3 week, on a day designated by the clerk of the circuit court,
4 that parent or other person shall pay the clerk for the
5 minor's room and board. All fees for room and board
6 collected by the circuit court clerk shall be disbursed into
7 the separate county fund under Section 6-7.

8 Upon application, the court shall waive liability for
9 support or legal fees under this Section if the parent or
10 other person establishes that he or she is indigent and
11 unable to pay the incurred liability, and the court may
12 reduce or waive liability if the parent or other person
13 establishes circumstances showing that full payment of
14 support or legal fees would result in financial hardship to
15 the person or his or her family.

16 (2) When a person so ordered to pay for the care and
17 support of a minor is employed for wages, salary or
18 commission, the court may order him to make the support
19 payments for which he is liable under this Act out of his
20 wages, salary or commission and to assign so much thereof as
21 will pay the support. The court may also order him to make
22 discovery to the court as to his place of employment and the
23 amounts earned by him. Upon his failure to obey the orders of
24 court he may be punished as for contempt of court.

25 (3) If the minor is a recipient of public aid under the
26 Illinois Public Aid Code, the court shall order that payments
27 made by a parent or through assignment of his wages, salary
28 or commission be made directly to (a) the Illinois Department
29 of Human Services Public Aid if the minor is a recipient of
30 aid under Article V of the Code, (b) the Department of Human
31 Services if the minor is a recipient of aid under Article IV
32 of the Code, or (c) the local governmental unit responsible
33 for the support of the minor if he is a recipient under
34 Articles VI or VII of the Code. The order shall permit the

1 Illinois--Department--of--Public-Aid, the Department of Human
 2 Services, or the local governmental unit, as the case may be,
 3 to direct that subsequent payments be made directly to the
 4 guardian or custodian of the minor, or to some other person
 5 or agency in the minor's behalf, upon removal of the minor
 6 from the public aid rolls; and upon such direction and
 7 removal of the minor from the public aid rolls, the Illinois
 8 Department--of--Public--Aid, Department of Human Services, or
 9 local governmental unit, as the case requires, shall give
 10 written notice of such action to the court. Payments received
 11 by the Illinois-Department-of-Public-Aid, Department of Human
 12 Services, or local governmental unit are to be covered,
 13 respectively, into the General Revenue Fund of the State
 14 Treasury or General Assistance Fund of the governmental unit,
 15 as provided in Section 10-19 of the Illinois Public Aid Code.
 16 (Source: P.A. 90-157, eff. 1-1-98; 90-483, eff. 1-1-98;
 17 90-590, eff. 1-1-99; 90-655, eff. 7-30-98; 91-357, eff.
 18 7-29-99.)

19 Section 430. The Court of Claims Act is amended by
 20 changing Section 21 as follows:

21 (705 ILCS 505/21) (from Ch. 37, par. 439.21)

22 Sec. 21. The court is authorized to impose, by uniform
 23 rules, a fee of \$15 for the filing of a petition in any case
 24 in which the award sought is more than \$50 and less than
 25 \$1,000 and \$35 in any case in which the award sought is
 26 \$1,000 or more; and to charge and collect for copies of
 27 opinions or other documents filed in the Court of Claims such
 28 fees as may be prescribed by the rules of the Court. All fees
 29 and charges so collected shall be forthwith paid into the
 30 State Treasury.

31 A petitioner who is a prisoner in an Illinois Department
 32 of Corrections facility who files a pleading, motion, or

1 other filing that purports to be a legal document against the
2 State, the Illinois Department of Corrections, the Prisoner
3 Review Board, or any of their officers or employees in which
4 the court makes a specific finding that it is frivolous shall
5 pay all filing fees and court costs in the manner provided in
6 Article XXII of the Code of Civil Procedure.

7 In claims based upon lapsed appropriations or lost
8 warrant or in claims filed under the Law Enforcement
9 Officers, Civil Defense Workers, Civil Air Patrol Members,
10 Paramedics, Firemen, Chaplains, and State Employees
11 Compensation Act, the Illinois National Guardsman's
12 Compensation Act, or the Crime Victims Compensation Act or in
13 claims filed by medical vendors for medical services rendered
14 by the claimant to persons eligible for Medical Assistance
15 under programs administered by the Illinois Department of
16 Human Services Public Aid, no filing fee shall be required.

17 (Source: P.A. 90-492, eff. 8-17-97; 90-505, eff. 8-19-97;
18 90-655, eff. 7-30-98.)

19 Section 435. The Criminal Code of 1961 is amended by
20 changing Sections 12-2 and 12-4 as follows:

21 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)
22 Sec. 12-2. Aggravated assault.

23 (a) A person commits an aggravated assault, when, in
24 committing an assault, he:

25 (1) Uses a deadly weapon or any device manufactured
26 and designed to be substantially similar in appearance to
27 a firearm, other than by discharging a firearm in the
28 direction of another person, a peace officer, a person
29 summoned or directed by a peace officer, a correctional
30 officer or a fireman or in the direction of a vehicle
31 occupied by another person, a peace officer, a person
32 summoned or directed by a peace officer, a correctional

1 officer or a fireman while the officer or fireman is
2 engaged in the execution of any of his official duties,
3 or to prevent the officer or fireman from performing his
4 official duties, or in retaliation for the officer or
5 fireman performing his official duties;

6 (2) Is hooded, robed or masked in such manner as to
7 conceal his identity or any device manufactured and
8 designed to be substantially similar in appearance to a
9 firearm;

10 (3) Knows the individual assaulted to be a teacher
11 or other person employed in any school and such teacher
12 or other employee is upon the grounds of a school or
13 grounds adjacent thereto, or is in any part of a building
14 used for school purposes;

15 (4) Knows the individual assaulted to be a
16 supervisor, director, instructor or other person employed
17 in any park district and such supervisor, director,
18 instructor or other employee is upon the grounds of the
19 park or grounds adjacent thereto, or is in any part of a
20 building used for park purposes;

21 (5) Knows the individual assaulted to be a
22 caseworker, investigator, or other person employed by the
23 ~~State--Department--of--Public-Aid~~, a County Department of
24 Public Aid, or the Department of Human Services (acting
25 as successor to the Illinois Department of Public Aid
26 under the Department of Human Services Act) and such
27 caseworker, investigator, or other person is upon the
28 grounds of a public aid office or grounds adjacent
29 thereto, or is in any part of a building used for public
30 aid purposes, or upon the grounds of a home of a public
31 aid applicant, recipient or any other person being
32 interviewed or investigated in the employees' discharge
33 of his duties, or on grounds adjacent thereto, or is in
34 any part of a building in which the applicant, recipient,

1 or other such person resides or is located;

2 (6) Knows the individual assaulted to be a peace
3 officer, or a community policing volunteer, or a fireman
4 while the officer or fireman is engaged in the execution
5 of any of his official duties, or to prevent the officer,
6 community policing volunteer, or fireman from performing
7 his official duties, or in retaliation for the officer,
8 community policing volunteer, or fireman performing his
9 official duties, and the assault is committed other than
10 by the discharge of a firearm in the direction of the
11 officer or fireman or in the direction of a vehicle
12 occupied by the officer or fireman;

13 (7) Knows the individual assaulted to be an
14 emergency medical technician - ambulance, emergency
15 medical technician - intermediate, emergency medical
16 technician - paramedic, ambulance driver or other medical
17 assistance or first aid personnel employed by a
18 municipality or other governmental unit engaged in the
19 execution of any of his official duties, or to prevent
20 the emergency medical technician - ambulance, emergency
21 medical technician - intermediate, emergency medical
22 technician - paramedic, ambulance driver, or other
23 medical assistance or first aid personnel from performing
24 his official duties, or in retaliation for the emergency
25 medical technician - ambulance, emergency medical
26 technician - intermediate, emergency medical technician -
27 paramedic, ambulance driver, or other medical assistance
28 or first aid personnel performing his official duties;

29 (8) Knows the individual assaulted to be the
30 driver, operator, employee or passenger of any
31 transportation facility or system engaged in the business
32 of transportation of the public for hire and the
33 individual assaulted is then performing in such capacity
34 or then using such public transportation as a passenger

1 or using any area of any description designated by the
2 transportation facility or system as a vehicle boarding,
3 departure, or transfer location;

4 (9) Or the individual assaulted is on or about a
5 public way, public property, or public place of
6 accommodation or amusement;

7 (10) Knows the individual assaulted to be an
8 employee of the State of Illinois, a municipal
9 corporation therein or a political subdivision thereof,
10 engaged in the performance of his authorized duties as
11 such employee;

12 (11) Knowingly and without legal justification,
13 commits an assault on a physically handicapped person;

14 (12) Knowingly and without legal justification,
15 commits an assault on a person 60 years of age or older;

16 (13) Discharges a firearm;

17 (14) Knows the individual assaulted to be a
18 correctional officer, while the officer is engaged in the
19 execution of any of his or her official duties, or to
20 prevent the officer from performing his or her official
21 duties, or in retaliation for the officer performing his
22 or her official duties; or

23 (15) Knows the individual assaulted to be a
24 correctional employee, while the employee is engaged in
25 the execution of any of his or her official duties, or to
26 prevent the employee from performing his or her official
27 duties, or in retaliation for the employee performing his
28 or her official duties, and the assault is committed
29 other than by the discharge of a firearm in the direction
30 of the employee or in the direction of a vehicle occupied
31 by the employee.

32 (a-5) A person commits an aggravated assault when he or
33 she knowingly and without lawful justification shines or
34 flashes a laser gunsight or other laser device that is

1 attached or affixed to a firearm, or used in concert with a
2 firearm, so that the laser beam strikes near or in the
3 immediate vicinity of any person.

4 (b) Sentence.

5 Aggravated assault as defined in paragraphs (1) through
6 (5) and (7) through (12) of subsection (a) of this Section is
7 a Class A misdemeanor. Aggravated assault as defined in
8 paragraphs (13), (14), and (15) of subsection (a) of this
9 Section and as defined in subsection (a-5) of this Section is
10 a Class 4 felony. Aggravated assault as defined in paragraph
11 (6) of subsection (a) of this Section is a Class A
12 misdemeanor if a firearm is not used in the commission of the
13 assault. Aggravated assault as defined in paragraph (6) of
14 subsection (a) of this Section is a Class 4 felony if a
15 firearm is used in the commission of the assault.

16 (Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99;
17 91-672, eff. 1-1-00.)

18 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

19 Sec. 12-4. Aggravated Battery.

20 (a) A person who, in committing a battery, intentionally
21 or knowingly causes great bodily harm, or permanent
22 disability or disfigurement commits aggravated battery.

23 (b) In committing a battery, a person commits aggravated
24 battery if he or she:

25 (1) Uses a deadly weapon other than by the
26 discharge of a firearm;

27 (2) Is hooded, robed or masked, in such manner as
28 to conceal his identity;

29 (3) Knows the individual harmed to be a teacher or
30 other person employed in any school and such teacher or
31 other employee is upon the grounds of a school or grounds
32 adjacent thereto, or is in any part of a building used
33 for school purposes;

1 (4) Knows the individual harmed to be a supervisor,
2 director, instructor or other person employed in any park
3 district and such supervisor, director, instructor or
4 other employee is upon the grounds of the park or grounds
5 adjacent thereto, or is in any part of a building used
6 for park purposes;

7 (5) Knows the individual harmed to be a caseworker,
8 investigator, or other person employed by the-State
9 Department-of-Public-Aid, a County Department of Public
10 Aid, or the Department of Human Services (acting as
11 successor to the Illinois Department of Public Aid under
12 the Department of Human Services Act) and such
13 caseworker, investigator, or other person is upon the
14 grounds of a public aid office or grounds adjacent
15 thereto, or is in any part of a building used for public
16 aid purposes, or upon the grounds of a home of a public
17 aid applicant, recipient, or any other person being
18 interviewed or investigated in the employee's discharge
19 of his duties, or on grounds adjacent thereto, or is in
20 any part of a building in which the applicant, recipient,
21 or other such person resides or is located;

22 (6) Knows the individual harmed to be a peace
23 officer, a community policing volunteer, a correctional
24 institution employee, or a fireman while such officer,
25 volunteer, employee or fireman is engaged in the
26 execution of any official duties including arrest or
27 attempted arrest, or to prevent the officer, volunteer,
28 employee or fireman from performing official duties, or
29 in retaliation for the officer, volunteer, employee or
30 fireman performing official duties, and the battery is
31 committed other than by the discharge of a firearm;

32 (7) Knows the individual harmed to be an emergency
33 medical technician - ambulance, emergency medical
34 technician - intermediate, emergency medical technician -

1 paramedic, ambulance driver, other medical assistance,
2 first aid personnel, or hospital emergency room personnel
3 engaged in the performance of any of his or her official
4 duties, or to prevent the emergency medical technician -
5 ambulance, emergency medical technician - intermediate,
6 emergency medical technician - paramedic, ambulance
7 driver, other medical assistance, first aid personnel, or
8 hospital emergency room personnel from performing
9 official duties, or in retaliation for performing
10 official duties;

11 (8) Is, or the person battered is, on or about a
12 public way, public property or public place of
13 accommodation or amusement;

14 (9) Knows the individual harmed to be the driver,
15 operator, employee or passenger of any transportation
16 facility or system engaged in the business of
17 transportation of the public for hire and the individual
18 assaulted is then performing in such capacity or then
19 using such public transportation as a passenger or using
20 any area of any description designated by the
21 transportation facility or system as a vehicle boarding,
22 departure, or transfer location;

23 (10) Knowingly and without legal justification and
24 by any means causes bodily harm to an individual of 60
25 years of age or older;

26 (11) Knows the individual harmed is pregnant;

27 (12) Knows the individual harmed to be a judge whom
28 the person intended to harm as a result of the judge's
29 performance of his or her official duties as a judge;

30 (13) Knows the individual harmed to be an employee
31 of the Illinois Department of Children and Family
32 Services engaged in the performance of his authorized
33 duties as such employee;

34 (14) Knows the individual harmed to be a person who

1 is physically handicapped; or

2 (15) Knowingly and without legal justification and
3 by any means causes bodily harm to a merchant who detains
4 the person for an alleged commission of retail theft
5 under Section 16A-5 of this Code. In this item (15),
6 "merchant" has the meaning ascribed to it in Section
7 16A-2.4 of this Code.

8 For the purpose of paragraph (14) of subsection (b) of
9 this Section, a physically handicapped person is a person who
10 suffers from a permanent and disabling physical
11 characteristic, resulting from disease, injury, functional
12 disorder or congenital condition.

13 (c) A person who administers to an individual or causes
14 him to take, without his consent or by threat or deception,
15 and for other than medical purposes, any intoxicating,
16 poisonous, stupefying, narcotic, anesthetic, or controlled
17 substance commits aggravated battery.

18 (d) A person who knowingly gives to another person any
19 food that contains any substance or object that is intended
20 to cause physical injury if eaten, commits aggravated
21 battery.

22 ~~(d-3)~~ ~~(d-5)~~ A person commits aggravated battery when he
23 or she knowingly and without lawful justification shines or
24 flashes a laser gunsight or other laser device that is
25 attached or affixed to a firearm, or used in concert with a
26 firearm, so that the laser beam strikes upon or against the
27 person of another.

28 (d-5) An inmate of a penal institution who causes or
29 attempts to cause a correctional employee of the penal
30 institution to come into contact with blood, seminal fluid,
31 urine, or feces, by throwing, tossing, or expelling that
32 fluid or material commits aggravated battery. For purposes
33 of this subsection (d-5), "correctional employee" means a
34 person who is employed by a penal institution.

1 (e) Sentence.

2 Aggravated battery is a Class 3 felony.

3 (Source: P.A. 90-115, eff. 1-1-98; 90-651, eff. 1-1-99;
4 90-735, eff. 8-11-98; 91-357, eff. 7-29-99; 91-488, eff.
5 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; revised
6 1-7-00.)

7 Section 440. The Sexually Violent Persons Commitment Act
8 is amended by changing Section 90 as follows:

9 (725 ILCS 207/90)

10 Sec. 90. Committed persons ability to pay for services.
11 Each person committed or detained under this Act who receives
12 services provided directly or funded by the Department and
13 the estate of that person is liable for the payment of sums
14 representing charges for services to the person at a rate to
15 be determined by the Department. Services charges against
16 that person take effect on the date of admission or the
17 effective date of this Section. The Department in its rules
18 may establish a maximum rate for the cost of services. In
19 the case of any person who has received residential services
20 from the Department, whether directly from the Department or
21 through a public or private agency or entity funded by the
22 Department, the liability shall be the same regardless of the
23 source of services. When the person is placed in a facility
24 outside the Department, the facility shall collect
25 reimbursement from the person. The Department may supplement
26 the contribution of the person to private facilities after
27 all other sources of income have been utilized; however the
28 supplement shall not exceed the allowable rate under Title
29 XVIII or Title XIX of the Federal Social Security Act for
30 those persons eligible for those respective programs. The
31 Department may pay the actual costs of services or
32 maintenance in the facility and may collect reimbursement for

1 the entire amount paid from the person or an amount not to
2 exceed the maximum. Lesser or greater amounts may be
3 accepted by the Department when conditions warrant that
4 action or when offered by persons not liable under this Act.
5 Nothing in this Section shall preclude the Department from
6 applying federal benefits that are specifically provided for
7 the care and treatment of a disabled person toward the cost
8 of care provided by a State facility or private agency. The
9 Department may investigate the financial condition of each
10 person committed under this Act, may make determinations of
11 the ability of each such person to pay sums representing
12 services charges, and for those purposes may set a standard
13 as a basis of judgment of ability to pay. The Department
14 shall by rule make provisions for unusual and exceptional
15 circumstances in the application of that standard. The
16 Department may issue to any person liable under this Act a
17 statement of amount due as treatment charges requiring him or
18 her to pay monthly, quarterly, or otherwise as may be
19 arranged, an amount not exceeding that required under this
20 Act, plus fees to which the Department may be entitled under
21 this Act.

22 (a) Whenever an individual is covered, in part or in
23 whole, under any type of insurance arrangement, private or
24 public, for services provided by the Department, the proceeds
25 from the insurance shall be considered as part of the
26 individual's ability to pay notwithstanding that the
27 insurance contract was entered into by a person other than
28 the individual or that the premiums for the insurance were
29 paid for by a person other than the individual. Remittances
30 from intermediary agencies under Title XVIII of the Federal
31 Social Security Act for services to committed persons shall
32 be deposited with the State Treasurer and placed in the
33 Mental Health Fund. Payments received from the Department of
34 Human Services Public--Aid under Title XIX of the Federal

1 Social Security Act for services to those persons shall be
2 deposited with the State Treasurer and shall be placed in the
3 General Revenue Fund.

4 (b) Any person who has been issued a Notice of
5 Determination of sums due as services charges may petition
6 the Department for a review of that determination. The
7 petition must be in writing and filed with the Department
8 within 90 days from the date of the Notice of Determination.
9 The Department shall provide for a hearing to be held on the
10 charges for the period covered by the petition. The
11 Department may after the hearing, cancel, modify, or increase
12 the former determination to an amount not to exceed the
13 maximum provided for the person by this Act. The Department
14 at its expense shall take testimony and preserve a record of
15 all proceedings at the hearing upon any petition for a
16 release from or modification of the determination. The
17 petition and other documents in the nature of pleadings and
18 motions filed in the case, a transcript of testimony,
19 findings of the Department, and orders of the Secretary
20 constitute the record. The Secretary shall furnish a
21 transcript of the record to any person upon payment of 75¢
22 per page for each original transcript and 25¢ per page for
23 each copy of the transcript. Any person aggrieved by the
24 decision of the Department upon a hearing may, within 30 days
25 thereafter, file a petition with the Department for review of
26 the decision by the Board of Reimbursement Appeals
27 established in the Mental Health and Developmental
28 Disabilities Code. The Board of Reimbursement Appeals may
29 approve action taken by the Department or may remand the case
30 to the Secretary with recommendation for redetermination of
31 charges.

32 (c) Upon receiving a petition for review under
33 subsection (b) of this Section, the Department shall
34 thereupon notify the Board of Reimbursement Appeals which

1 shall render its decision thereon within 30 days after the
2 petition is filed and certify such decision to the
3 Department. Concurrence of a majority of the Board is
4 necessary in any such decision. Upon request of the
5 Department, the State's Attorney of the county in which a
6 client who is liable under this Act for payment of sums
7 representing services charges resides, shall institute
8 appropriate legal action against any such client, or within
9 the time provided by law shall file a claim against the
10 estate of the client who fails or refuses to pay those
11 charges. The court shall order the payment of sums due for
12 services charges for such period or periods of time as the
13 circumstances require. The order may be entered against any
14 defendant and may be based upon the proportionate ability of
15 each defendant to contribute to the payment of sums
16 representing services charges including the actual charges
17 for services in facilities outside the Department where the
18 Department has paid those charges. Orders for the payment of
19 money may be enforced by attachment as for contempt against
20 the persons of the defendants and, in addition, as other
21 judgments for the payment of money, and costs may be adjudged
22 against the defendants and apportioned among them.

23 (d) The money collected shall be deposited into the
24 Mental Health Fund.

25 (Source: P.A. 90-793, eff. 8-14-98.)

26 Section 445. The Unified Code of Corrections is amended
27 by changing Sections 3-2-2 and 3-5-4 as follows:

28 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

29 Sec. 3-2-2. Powers and Duties of the Department.

30 (1) In addition to the powers, duties and
31 responsibilities which are otherwise provided by law, the
32 Department shall have the following powers:

1 (a) To accept persons committed to it by the courts
2 of this State for care, custody, treatment and
3 rehabilitation.

4 (b) To develop and maintain reception and
5 evaluation units for purposes of analyzing the custody
6 and rehabilitation needs of persons committed to it and
7 to assign such persons to institutions and programs under
8 its control or transfer them to other appropriate
9 agencies. In consultation with the Department of
10 Alcoholism and Substance Abuse (now the Department of
11 Human Services), the Department of Corrections shall
12 develop a master plan for the screening and evaluation of
13 persons committed to its custody who have alcohol or drug
14 abuse problems, and for making appropriate treatment
15 available to such persons; the Department shall report to
16 the General Assembly on such plan not later than April 1,
17 1987. The maintenance and implementation of such plan
18 shall be contingent upon the availability of funds.

19 (b-5) To develop, in consultation with the
20 Department of State Police, a program for tracking and
21 evaluating each inmate from commitment through release
22 for recording his or her gang affiliations, activities,
23 or ranks.

24 (c) To maintain and administer all State
25 correctional institutions and facilities under its
26 control and to establish new ones as needed. Pursuant to
27 its power to establish new institutions and facilities,
28 the Department may, with the written approval of the
29 Governor, authorize the Department of Central Management
30 Services to enter into an agreement of the type described
31 in subsection (d) of Section 405-300 of the Department of
32 Central Management Services Law (20 ILCS 405/405-300).
33 The Department shall designate those institutions which
34 shall constitute the State Penitentiary System.

1 Pursuant to its power to establish new institutions
2 and facilities, the Department may authorize the
3 Department of Central Management Services to accept bids
4 from counties and municipalities for the construction,
5 remodeling or conversion of a structure to be leased to
6 the Department of Corrections for the purposes of its
7 serving as a correctional institution or facility. Such
8 construction, remodeling or conversion may be financed
9 with revenue bonds issued pursuant to the Industrial
10 Building Revenue Bond Act by the municipality or county.
11 The lease specified in a bid shall be for a term of not
12 less than the time needed to retire any revenue bonds
13 used to finance the project, but not to exceed 40 years.
14 The lease may grant to the State the option to purchase
15 the structure outright.

16 Upon receipt of the bids, the Department may certify
17 one or more of the bids and shall submit any such bids to
18 the General Assembly for approval. Upon approval of a
19 bid by a constitutional majority of both houses of the
20 General Assembly, pursuant to joint resolution, the
21 Department of Central Management Services may enter into
22 an agreement with the county or municipality pursuant to
23 such bid.

24 (c-5) To build and maintain regional juvenile
25 detention centers and to charge a per diem to the
26 counties as established by the Department to defray the
27 costs of housing each minor in a center. In this
28 subsection (c-5), "juvenile detention center" means a
29 facility to house minors during pendency of trial who
30 have been transferred from proceedings under the Juvenile
31 Court Act of 1987 to prosecutions under the criminal laws
32 of this State in accordance with Section 5-805 of the
33 Juvenile Court Act of 1987, whether the transfer was by
34 operation of law or permissive under that Section. The

1 Department shall designate the counties to be served by
2 each regional juvenile detention center.

3 (d) To develop and maintain programs of control,
4 rehabilitation and employment of committed persons within
5 its institutions.

6 (e) To establish a system of supervision and
7 guidance of committed persons in the community.

8 (f) To establish in cooperation with the Department
9 of Transportation to supply a sufficient number of
10 prisoners for use by the Department of Transportation to
11 clean up the trash and garbage along State, county,
12 township, or municipal highways as designated by the
13 Department of Transportation. The Department of
14 Corrections, at the request of the Department of
15 Transportation, shall furnish such prisoners at least
16 annually for a period to be agreed upon between the
17 Director of Corrections and the Director of
18 Transportation. The prisoners used on this program shall
19 be selected by the Director of Corrections on whatever
20 basis he deems proper in consideration of their term,
21 behavior and earned eligibility to participate in such
22 program - where they will be outside of the prison
23 facility but still in the custody of the Department of
24 Corrections. Prisoners convicted of first degree murder,
25 or a Class X felony, or armed violence, or aggravated
26 kidnapping, or criminal sexual assault, aggravated
27 criminal sexual abuse or a subsequent conviction for
28 criminal sexual abuse, or forcible detention, or arson,
29 or a prisoner adjudged a Habitual Criminal shall not be
30 eligible for selection to participate in such program.
31 The prisoners shall remain as prisoners in the custody of
32 the Department of Corrections and such Department shall
33 furnish whatever security is necessary. The Department of
34 Transportation shall furnish trucks and equipment for the

1 highway cleanup program and personnel to supervise and
2 direct the program. Neither the Department of Corrections
3 nor the Department of Transportation shall replace any
4 regular employee with a prisoner.

5 (g) To maintain records of persons committed to it
6 and to establish programs of research, statistics and
7 planning.

8 (h) To investigate the grievances of any person
9 committed to the Department, to inquire into any alleged
10 misconduct by employees or committed persons, and to
11 investigate the assets of committed persons to implement
12 Section 3-7-6 of this Code; and for these purposes it may
13 issue subpoenas and compel the attendance of witnesses
14 and the production of writings and papers, and may
15 examine under oath any witnesses who may appear before
16 it; to also investigate alleged violations of a parolee's
17 or releasee's conditions of parole or release; and for
18 this purpose it may issue subpoenas and compel the
19 attendance of witnesses and the production of documents
20 only if there is reason to believe that such procedures
21 would provide evidence that such violations have
22 occurred.

23 If any person fails to obey a subpoena issued under
24 this subsection, the Director may apply to any circuit
25 court to secure compliance with the subpoena. The
26 failure to comply with the order of the court issued in
27 response thereto shall be punishable as contempt of
28 court.

29 (i) To appoint and remove the chief administrative
30 officers, and administer programs of training and
31 development of personnel of the Department. Personnel
32 assigned by the Department to be responsible for the
33 custody and control of committed persons or to
34 investigate the alleged misconduct of committed persons

1 or employees or alleged violations of a parolee's or
2 releasee's conditions of parole shall be conservators of
3 the peace for those purposes, and shall have the full
4 power of peace officers outside of the facilities of the
5 Department in the protection, arrest, retaking and
6 reconfining of committed persons or where the exercise of
7 such power is necessary to the investigation of such
8 misconduct or violations.

9 (j) To cooperate with other departments and
10 agencies and with local communities for the development
11 of standards and programs for better correctional
12 services in this State.

13 (k) To administer all moneys and properties of the
14 Department.

15 (l) To report annually to the Governor on the
16 committed persons, institutions and programs of the
17 Department.

18 (l-5) In a confidential annual report to the
19 Governor, the Department shall identify all inmate gangs
20 by specifying each current gang's name, population and
21 allied gangs. The Department shall further specify the
22 number of top leaders identified by the Department for
23 each gang during the past year, and the measures taken by
24 the Department to segregate each leader from his or her
25 gang and allied gangs. The Department shall further
26 report the current status of leaders identified and
27 segregated in previous years. All leaders described in
28 the report shall be identified by inmate number or other
29 designation to enable tracking, auditing, and
30 verification without revealing the names of the leaders.
31 Because this report contains law enforcement intelligence
32 information collected by the Department, the report is
33 confidential and not subject to public disclosure.

34 (m) To make all rules and regulations and exercise

1 all powers and duties vested by law in the Department.

2 (n) To establish rules and regulations for
3 administering a system of good conduct credits,
4 established in accordance with Section 3-6-3, subject to
5 review by the Prisoner Review Board.

6 (o) To administer the distribution of funds from
7 the State Treasury to reimburse counties where State
8 penal institutions are located for the payment of
9 assistant state's attorneys' salaries under Section
10 4-2001 of the Counties Code.

11 (p) To exchange information with the Department of
12 Human Services and the Illinois Department of Public Aid
13 for the purpose of verifying living arrangements and for
14 other purposes directly connected with the administration
15 of this Code and the Illinois Public Aid Code.

16 (q) To establish a diversion program.

17 The program shall provide a structured environment
18 for selected technical parole or mandatory supervised
19 release violators and committed persons who have violated
20 the rules governing their conduct while in work release.
21 This program shall not apply to those persons who have
22 committed a new offense while serving on parole or
23 mandatory supervised release or while committed to work
24 release.

25 Elements of the program shall include, but shall not
26 be limited to, the following:

27 (1) The staff of a diversion facility shall
28 provide supervision in accordance with required
29 objectives set by the facility.

30 (2) Participants shall be required to maintain
31 employment.

32 (3) Each participant shall pay for room and
33 board at the facility on a sliding-scale basis
34 according to the participant's income.

- 1 (4) Each participant shall:
 - 2 (A) provide restitution to victims in
 - 3 accordance with any court order;
 - 4 (B) provide financial support to his
 - 5 dependents; and
 - 6 (C) make appropriate payments toward any
 - 7 other court-ordered obligations.
- 8 (5) Each participant shall complete community
- 9 service in addition to employment.
- 10 (6) Participants shall take part in such
- 11 counseling, educational and other programs as the
- 12 Department may deem appropriate.
- 13 (7) Participants shall submit to drug and
- 14 alcohol screening.
- 15 (8) The Department shall promulgate rules
- 16 governing the administration of the program.
- 17 (r) To enter into intergovernmental cooperation
- 18 agreements under which persons in the custody of the
- 19 Department may participate in a county impact
- 20 incarceration program established under Section 3-6038 or
- 21 3-15003.5 of the Counties Code.
- 22 (r-5) To enter into intergovernmental cooperation
- 23 agreements under which minors adjudicated delinquent and
- 24 committed to the Department of Corrections, Juvenile
- 25 Division, may participate in a county juvenile impact
- 26 incarceration program established under Section 3-6039 of
- 27 the Counties Code.
- 28 (r-10) To systematically and routinely identify
- 29 with respect to each streetgang active within the
- 30 correctional system: (1) each active gang; (2) every
- 31 existing inter-gang affiliation or alliance; and (3) the
- 32 current leaders in each gang. The Department shall
- 33 promptly segregate leaders from inmates who belong to
- 34 their gangs and allied gangs. "Segregate" means no

1 physical contact and, to the extent possible under the
2 conditions and space available at the correctional
3 facility, prohibition of visual and sound communication.
4 For the purposes of this paragraph (r-10), "leaders"
5 means persons who:

6 (i) are members of a criminal streetgang;

7 (ii) with respect to other individuals within
8 the streetgang, occupy a position of organizer,
9 supervisor, or other position of management or
10 leadership; and

11 (iii) are actively and personally engaged in
12 directing, ordering, authorizing, or requesting
13 commission of criminal acts by others, which are
14 punishable as a felony, in furtherance of streetgang
15 related activity both within and outside of the
16 Department of Corrections.

17 "Streetgang", "gang", and "streetgang related" have the
18 meanings ascribed to them in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act.

20 (s) To operate a super-maximum security
21 institution, in order to manage and supervise inmates who
22 are disruptive or dangerous and provide for the safety
23 and security of the staff and the other inmates.

24 (t) To monitor any unprivileged conversation or any
25 unprivileged communication, whether in person or by
26 mail, telephone, or other means, between an inmate who,
27 before commitment to the Department, was a member of an
28 organized gang and any other person without the need to
29 show cause or satisfy any other requirement of law before
30 beginning the monitoring, except as constitutionally
31 required. The monitoring may be by video, voice, or other
32 method of recording or by any other means. As used in
33 this subdivision (1)(t), "organized gang" has the meaning
34 ascribed to it in Section 10 of the Illinois Streetgang

1 Terrorism Omnibus Prevention Act.

2 As used in this subdivision (1)(t), "unprivileged
3 conversation" or "unprivileged communication" means a
4 conversation or communication that is not protected by
5 any privilege recognized by law or by decision, rule, or
6 order of the Illinois Supreme Court.

7 (u) To establish a Women's and Children's
8 Pre-release Community Supervision Program for the purpose
9 of providing housing and services to eligible female
10 inmates, as determined by the Department, and their
11 newborn and young children.

12 (v) To do all other acts necessary to carry out the
13 provisions of this Chapter.

14 (2) The Department of Corrections shall by January 1,
15 1998, consider building and operating a correctional facility
16 within 100 miles of a county of over 2,000,000 inhabitants,
17 especially a facility designed to house juvenile participants
18 in the impact incarceration program.

19 (Source: P.A. 90-14, eff. 7-1-97; 90-590, eff. 1-1-99;
20 90-658, eff. 1-1-99; 91-239, eff. 1-1-00; 91-357, eff.
21 7-29-99.)

22 (730 ILCS 5/3-5-4)

23 Sec. 3-5-4. Exchange of information for child support
24 enforcement.

25 (a) The Department shall exchange with the Illinois
26 Department of Human Services Public-Aid information that may
27 be necessary for the enforcement of child support orders
28 entered pursuant to the Illinois Public Aid Code, the
29 Illinois Marriage and Dissolution of Marriage Act, the
30 Non-Support of Spouse and Children Act, the Non-Support
31 Punishment Act, the Revised Uniform Reciprocal Enforcement of
32 Support Act, the Uniform Interstate Family Support Act, or
33 the Illinois Parentage Act of 1984.

1 (b) Notwithstanding any provisions in this Code to the
 2 contrary, the Department shall not be liable to any person
 3 for any disclosure of information to the Illinois Department
 4 of Human Services Public Aid under subsection (a) or for any
 5 other action taken in good faith to comply with the
 6 requirements of subsection (a).

7 (Source: P.A. 90-18, eff. 1-1-97; 91-613, eff. 10-1-99.)

8 Section 450. The County Jail Act is amended by changing
 9 Section 17 as follows:

10 (730 ILCS 125/17) (from Ch. 75, par. 117)

11 Sec. 17. Bedding, clothing, fuel, and medical aid;
 12 reimbursement for medical or hospital expenses. The Warden
 13 of the jail shall furnish necessary bedding, clothing, fuel
 14 and medical aid for all prisoners under his charge, and keep
 15 an accurate account of the same. When medical or hospital
 16 services are required by any person held in custody, the
 17 county, private hospital, physician or any public agency
 18 which provides such services shall be entitled to obtain
 19 reimbursement from the county or from the Arrestee's Medical
 20 Costs Fund to the extent that moneys in the Fund are
 21 available for the cost of such services. The county board of
 22 a county may adopt an ordinance or resolution providing for
 23 reimbursement for the cost of those services at the rates of
 24 the Department of Human Services Public Aid's rates for
 25 medical assistance. To the extent that such person is
 26 reasonably able to pay for such care, including reimbursement
 27 from any insurance program or from other medical benefit
 28 programs available to such person, he or she shall reimburse
 29 the county or arresting authority. If such person has
 30 already been determined eligible for medical assistance under
 31 The Illinois Public Aid Code at the time the person is
 32 initially detained pending trial, the cost of such services,

1 to the extent such cost exceeds \$2,500, shall be reimbursed
2 by the Department of Human Services Public--Aid under that
3 Code. A reimbursement under any public or private program
4 authorized by this Section shall be paid to the county or
5 arresting authority to the same extent as would have been
6 obtained had the services been rendered in a non-custodial
7 environment.

8 An arresting authority shall be responsible for any
9 incurred medical expenses relating to the arrestee until such
10 time as the arrestee is placed in the custody of the sheriff.
11 However, the arresting authority shall not be so responsible
12 if the arrest was made pursuant to a request by the sheriff.
13 When medical or hospital services are required by any person
14 held in custody, the county or arresting authority shall be
15 entitled to obtain reimbursement from the Arrestee's Medical
16 Costs Fund to the extent moneys are available from the Fund.
17 To the extent that the person is reasonably able to pay for
18 that care, including reimbursement from any insurance program
19 or from other medical benefit programs available to the
20 person, he or she shall reimburse the county.

21 The county shall be entitled to a \$10 fee for each
22 conviction or order of supervision for a criminal violation,
23 other than a petty offense or business offense. The fee
24 shall be taxed as costs to be collected from the defendant,
25 if possible, upon conviction or entry of an order of
26 supervision. The fee shall not be considered a part of the
27 fine for purposes of any reduction in the fine.

28 All such fees collected shall be deposited by the county
29 in a fund to be established and known as the Arrestee's
30 Medical Costs Fund. Moneys in the Fund shall be used solely
31 for reimbursement of costs for medical expenses relating to
32 the arrestee and administration of the Fund.

33 For the purposes of this Section, "arresting authority"
34 means a unit of local government, other than a county, which

1 employs peace officers and whose peace officers have made the
2 arrest of a person. For the purposes of this Section,
3 "medical expenses relating to the arrestee" means only those
4 expenses incurred for medical care or treatment provided to
5 an arrestee on account of an injury suffered by the arrestee
6 during the course of his arrest; the term does not include
7 any expenses incurred for medical care or treatment provided
8 to an arrestee on account of a health condition of the
9 arrestee which existed prior to the time of his arrest.
10 (Source: P.A. 89-654, eff. 8-14-96; 89-676, 8-14-96; 90-14,
11 eff. 7-1-97.)

12 Section 455. The Code of Civil Procedure is amended by
13 changing Section 12-710 as follows:

14 (735 ILCS 5/12-710) (from Ch. 110, par. 12-710)

15 Sec. 12-710. Adverse claims; Trial.

16 (a) In the event any indebtedness or other property due
17 from or in the possession of a garnishee is claimed by any
18 other person, the court shall permit the claimant to appear
19 and maintain his or her claim. A claimant not voluntarily
20 appearing shall be served with notice as the court shall
21 direct. If a claimant fails to appear after being served
22 with notice in the manner directed, he or she shall be
23 concluded by the judgment entered in the garnishment
24 proceeding.

25 (b) If the adverse claimant appears and, within the time
26 the court allows, files his or her claim and serves a copy
27 thereof upon the judgment creditor, the judgment debtor, and
28 the garnishee, he or she is then a party to the garnishment
29 proceeding; and his or her claim shall be tried and
30 determined with the other issues in the garnishment action.
31 Upon certification by the Illinois Department of Human
32 Services Public--Aid that a person who is receiving support

1 payments under this Section is a public aid recipient, any
2 support payments subsequently received by the clerk of the
3 court shall be transmitted to the Illinois Department of
4 Human Services Public-Aid until the Department gives notice
5 to cease such transmittal. If the adverse claimant is
6 entitled to all or part of the indebtedness or other
7 property, the court shall enter judgment in accordance with
8 the interests of the parties.

9 (c) Claims for the support of a spouse or dependent
10 children shall be superior to all other claims for
11 garnishment of property.

12 (Source: P.A. 87-1252.)

13 Section 460. The Mental Health and Developmental
14 Disabilities Confidentiality Act is amended by changing
15 Section 7.1 as follows:

16 (740 ILCS 110/7.1)

17 Sec. 7.1. Interagency disclosures.

18 (a) Nothing in this Act shall be construed to prevent
19 the interagency disclosure of the name, social security
20 number, and information concerning services rendered,
21 currently being rendered, or proposed to be rendered
22 regarding a recipient of services. This disclosure may be
23 made only between agencies or departments of the State
24 including, but not limited to: (i) the Department of Human
25 Services, (ii) (blank), ~~the-Department-of-Public-Aid~~, (iii)
26 the Department of Public Health, (iv) the State Board of
27 Education, and (v) the Department of Children and Family
28 Services for the purpose of a diligent search for a missing
29 parent pursuant to Sections 2-15 and 2-16 of the Juvenile
30 Court Act of 1987 if the Department of Children and Family
31 Services has reason to believe the parent is residing in a
32 mental health facility, when one or more agencies or

1 departments of the State have entered into a prior
2 interagency agreement, memorandum of understanding, or
3 similar agreement to jointly provide or cooperate in the
4 provision of or funding of mental health or developmental
5 disabilities services.

6 The Department of Children and Family Services shall not
7 redisclose the information received under this Section other
8 than for purposes of service provision or as necessary for
9 proceedings under the Juvenile Court Act of 1987.

10 (b) This Section applies to, but is not limited to,
11 interagency disclosures under interagency agreements entered
12 into in compliance with the Early Intervention Services
13 System Act.

14 (c) Information disclosed under this Section shall be
15 for the limited purpose of coordinating State efforts in
16 providing efficient interagency service systems and avoiding
17 duplication of interagency services.

18 (d) Information disclosed under this Section shall be
19 limited to the recipient's name, address, social security
20 number or other individually assigned identifying number, or
21 information generally descriptive of services rendered or to
22 be rendered. The disclosure of individual clinical or
23 treatment records or other confidential information is not
24 authorized by this Section.

25 (Source: P.A. 89-507, eff. 7-1-97; 90-608, eff. 6-30-98.)

26 Section 465. The Illinois Marriage and Dissolution of
27 Marriage Act is amended by changing Sections 505, 505.1,
28 505.2, 505.3, 506, 507, 507.1, 510, 516, 704, 705, 709, and
29 712 as follows:

30 (750 ILCS 5/505) (from Ch. 40, par. 505)

31 Sec. 505. Child support; contempt; penalties.

32 (a) In a proceeding for dissolution of marriage, legal

1 separation, declaration of invalidity of marriage, a
 2 proceeding for child support following dissolution of the
 3 marriage by a court which lacked personal jurisdiction over
 4 the absent spouse, a proceeding for modification of a
 5 previous order for child support under Section 510 of this
 6 Act, or any proceeding authorized under Section 501 or 601 of
 7 this Act, the court may order either or both parents owing a
 8 duty of support to a child of the marriage to pay an amount
 9 reasonable and necessary for his support, without regard to
 10 marital misconduct. The duty of support owed to a minor
 11 child includes the obligation to provide for the reasonable
 12 and necessary physical, mental and emotional health needs of
 13 the child.

14 (1) The Court shall determine the minimum amount of
 15 support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

24 (2) The above guidelines shall be applied in each
 25 case unless the court makes a finding that application of
 26 the guidelines would be inappropriate, after considering
 27 the best interests of the child in light of evidence
 28 including but not limited to one or more of the following
 29 relevant factors:

- 30 (a) the financial resources and needs of the
31 child;
- 32 (b) the financial resources and needs of the
33 custodial parent;
- 34 (c) the standard of living the child would

1 have enjoyed had the marriage not been dissolved;

2 (d) the physical and emotional condition of
3 the child, and his educational needs; and

4 (e) the financial resources and needs of the
5 non-custodial parent.

6 If the court deviates from the guidelines, the
7 court's finding shall state the amount of support that
8 would have been required under the guidelines, if
9 determinable. The court shall include the reason or
10 reasons for the variance from the guidelines.

11 (3) "Net income" is defined as the total of all
12 income from all sources, minus the following deductions:

13 (a) Federal income tax (properly calculated
14 withholding or estimated payments);

15 (b) State income tax (properly calculated
16 withholding or estimated payments);

17 (c) Social Security (FICA payments);

18 (d) Mandatory retirement contributions
19 required by law or as a condition of employment;

20 (e) Union dues;

21 (f) Dependent and individual
22 health/hospitalization insurance premiums;

23 (g) Prior obligations of support or
24 maintenance actually paid pursuant to a court order;

25 (h) Expenditures for repayment of debts that
26 represent reasonable and necessary expenses for the
27 production of income, medical expenditures necessary
28 to preserve life or health, reasonable expenditures
29 for the benefit of the child and the other parent,
30 exclusive of gifts. The court shall reduce net
31 income in determining the minimum amount of support
32 to be ordered only for the period that such payments
33 are due and shall enter an order containing
34 provisions for its self-executing modification upon

1 termination of such payment period.

2 (4) In cases where the court order provides for
3 health/hospitalization insurance coverage pursuant to
4 Section 505.2 of this Act, the premiums for that
5 insurance, or that portion of the premiums for which the
6 supporting party is responsible in the case of insurance
7 provided through an employer's health insurance plan
8 where the employer pays a portion of the premiums, shall
9 be subtracted from net income in determining the minimum
10 amount of support to be ordered.

11 (4.5) In a proceeding for child support following
12 dissolution of the marriage by a court that lacked
13 personal jurisdiction over the absent spouse, and in
14 which the court is requiring payment of support for the
15 period before the date an order for current support is
16 entered, there is a rebuttable presumption that the
17 supporting party's net income for the prior period was
18 the same as his or her net income at the time the order
19 for current support is entered.

20 (5) If the net income cannot be determined because
21 of default or any other reason, the court shall order
22 support in an amount considered reasonable in the
23 particular case. The final order in all cases shall
24 state the support level in dollar amounts. However, if
25 the court finds that the child support amount cannot be
26 expressed exclusively as a dollar amount because all or a
27 portion of the payor's net income is uncertain as to
28 source, time of payment, or amount, the court may order a
29 percentage amount of support in addition to a specific
30 dollar amount and enter such other orders as may be
31 necessary to determine and enforce, on a timely basis,
32 the applicable support ordered.

33 (6) If (i) the non-custodial parent was properly
34 served with a request for discovery of financial

1 information relating to the non-custodial parent's
2 ability to provide child support, (ii) the non-custodial
3 parent failed to comply with the request, despite having
4 been ordered to do so by the court, and (iii) the
5 non-custodial parent is not present at the hearing to
6 determine support despite having received proper notice,
7 then any relevant financial information concerning the
8 non-custodial parent's ability to provide child support
9 that was obtained pursuant to subpoena and proper notice
10 shall be admitted into evidence without the need to
11 establish any further foundation for its admission.

12 (a-5) In an action to enforce an order for support based
13 on the respondent's failure to make support payments as
14 required by the order, notice of proceedings to hold the
15 respondent in contempt for that failure may be served on the
16 respondent by personal service or by regular mail addressed
17 to the respondent's last known address. The respondent's
18 last known address may be determined from records of the
19 clerk of the court, from the Federal Case Registry of Child
20 Support Orders, or by any other reasonable means.

21 (b) Failure of either parent to comply with an order to
22 pay support shall be punishable as in other cases of
23 contempt. In addition to other penalties provided by law the
24 Court may, after finding the parent guilty of contempt, order
25 that the parent be:

26 (1) placed on probation with such conditions of
27 probation as the Court deems advisable;

28 (2) sentenced to periodic imprisonment for a period
29 not to exceed 6 months; provided, however, that the Court
30 may permit the parent to be released for periods of time
31 during the day or night to:

32 (A) work; or

33 (B) conduct a business or other self-employed
34 occupation.

1 The Court may further order any part or all of the
2 earnings of a parent during a sentence of periodic
3 imprisonment paid to the Clerk of the Circuit Court or to the
4 parent having custody or to the guardian having custody of
5 the minor children of the sentenced parent for the support of
6 said minor children until further order of the Court.

7 If there is a unity of interest and ownership sufficient
8 to render no financial separation between a non-custodial
9 parent and another person or persons or business entity, the
10 court may pierce the ownership veil of the person, persons,
11 or business entity to discover assets of the non-custodial
12 parent held in the name of that person, those persons, or
13 that business entity. The following circumstances are
14 sufficient to authorize a court to order discovery of the
15 assets of a person, persons, or business entity and to compel
16 the application of any discovered assets toward payment on
17 the judgment for support:

18 (1) the non-custodial parent and the person,
19 persons, or business entity maintain records together.

20 (2) the non-custodial parent and the person,
21 persons, or business entity fail to maintain an arms
22 length relationship between themselves with regard to any
23 assets.

24 (3) the non-custodial parent transfers assets to
25 the person, persons, or business entity with the intent
26 to perpetrate a fraud on the custodial parent.

27 With respect to assets which are real property, no order
28 entered under this paragraph shall affect the rights of bona
29 fide purchasers, mortgagees, judgment creditors, or other
30 lien holders who acquire their interests in the property
31 prior to the time a notice of lis pendens pursuant to the
32 Code of Civil Procedure or a copy of the order is placed of
33 record in the office of the recorder of deeds for the county
34 in which the real property is located.

1 The court may also order in cases where the parent is 90
2 days or more delinquent in payment of support or has been
3 adjudicated in arrears in an amount equal to 90 days
4 obligation or more, that the parent's Illinois driving
5 privileges be suspended until the court determines that the
6 parent is in compliance with the order of support. The court
7 may also order that the parent be issued a family financial
8 responsibility driving permit that would allow limited
9 driving privileges for employment and medical purposes in
10 accordance with Section 7-702.1 of the Illinois Vehicle Code.
11 The clerk of the circuit court shall certify the order
12 suspending the driving privileges of the parent or granting
13 the issuance of a family financial responsibility driving
14 permit to the Secretary of State on forms prescribed by the
15 Secretary. Upon receipt of the authenticated documents, the
16 Secretary of State shall suspend the parent's driving
17 privileges until further order of the court and shall, if
18 ordered by the court, subject to the provisions of Section
19 7-702.1 of the Illinois Vehicle Code, issue a family
20 financial responsibility driving permit to the parent.

21 In addition to the penalties or punishment that may be
22 imposed under this Section, any person whose conduct
23 constitutes a violation of Section 15 of the Non-Support
24 Punishment Act may be prosecuted under that Act, and a person
25 convicted under that Act may be sentenced in accordance with
26 that Act. The sentence may include but need not be limited
27 to a requirement that the person perform community service
28 under Section 50 of that Act or participate in a work
29 alternative program under Section 50 of that Act. A person
30 may not be required to participate in a work alternative
31 program under Section 50 of that Act if the person is
32 currently participating in a work program pursuant to Section
33 505.1 of this Act.

34 A support obligation, or any portion of a support

1 obligation, which becomes due and remains unpaid for 30 days
2 or more shall accrue interest at the rate of 9% per annum.

3 (c) A one-time charge of 20% is imposable upon the
4 amount of past-due child support owed on July 1, 1988 which
5 has accrued under a support order entered by the court. The
6 charge shall be imposed in accordance with the provisions of
7 Section 10-21 of the Illinois Public Aid Code and shall be
8 enforced by the court upon petition.

9 (d) Any new or existing support order entered by the
10 court under this Section shall be deemed to be a series of
11 judgments against the person obligated to pay support
12 thereunder, each such judgment to be in the amount of each
13 payment or installment of support and each such judgment to
14 be deemed entered as of the date the corresponding payment or
15 installment becomes due under the terms of the support order.
16 Each such judgment shall have the full force, effect and
17 attributes of any other judgment of this State, including the
18 ability to be enforced. A lien arises by operation of law
19 against the real and personal property of the noncustodial
20 parent for each installment of overdue support owed by the
21 noncustodial parent.

22 (e) When child support is to be paid through the clerk
23 of the court in a county of 1,000,000 inhabitants or less,
24 the order shall direct the obligor to pay to the clerk, in
25 addition to the child support payments, all fees imposed by
26 the county board under paragraph (3) of subsection (u) of
27 Section 27.1 of the Clerks of Courts Act. Unless paid in
28 cash or pursuant to an order for withholding, the payment of
29 the fee shall be by a separate instrument from the support
30 payment and shall be made to the order of the Clerk.

31 (f) All orders for support, when entered or modified,
32 shall include a provision requiring the obligor to notify the
33 court and, in cases in which a party is receiving child and
34 spouse services under Article X of the Illinois Public Aid

1 Code, the Illinois Department of Human Services Public--Aid,
2 within 7 days, (i) of the name and address of any new
3 employer of the obligor, (ii) whether the obligor has access
4 to health insurance coverage through the employer or other
5 group coverage and, if so, the policy name and number and the
6 names of persons covered under the policy, and (iii) of any
7 new residential or mailing address or telephone number of the
8 non-custodial parent. In any subsequent action to enforce a
9 support order, upon a sufficient showing that a diligent
10 effort has been made to ascertain the location of the
11 non-custodial parent, service of process or provision of
12 notice necessary in the case may be made at the last known
13 address of the non-custodial parent in any manner expressly
14 provided by the Code of Civil Procedure or this Act, which
15 service shall be sufficient for purposes of due process.

16 (g) An order for support shall include a date on which
17 the current support obligation terminates. The termination
18 date shall be no earlier than the date on which the child
19 covered by the order will attain the age of majority or is
20 otherwise emancipated. The order for support shall state that
21 the termination date does not apply to any arrearage that may
22 remain unpaid on that date. Nothing in this subsection shall
23 be construed to prevent the court from modifying the order.

24 (h) An order entered under this Section shall include a
25 provision requiring the obligor to report to the obligee and
26 to the clerk of court within 10 days each time the obligor
27 obtains new employment, and each time the obligor's
28 employment is terminated for any reason. The report shall be
29 in writing and shall, in the case of new employment, include
30 the name and address of the new employer. Failure to report
31 new employment or the termination of current employment, if
32 coupled with nonpayment of support for a period in excess of
33 60 days, is indirect criminal contempt. For any obligor
34 arrested for failure to report new employment bond shall be

1 set in the amount of the child support that should have been
2 paid during the period of unreported employment. An order
3 entered under this Section shall also include a provision
4 requiring the obligor and obligee parents to advise each
5 other of a change in residence within 5 days of the change
6 except when the court finds that the physical, mental, or
7 emotional health of a party or that of a minor child, or
8 both, would be seriously endangered by disclosure of the
9 party's address.

10 (Source: P.A. 90-18, eff. 7-1-97; 90-476, eff. 1-1-98;
11 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff.
12 8-11-98; 91-113, eff. 7-15-99; 91-397, eff. 1-1-00; 91-655,
13 eff. 6-1-00; 91-767, eff. 6-9-00; revised 6-28-00.)

14 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

15 Sec. 505.1. (a) Whenever it is determined in a
16 proceeding to establish or enforce a child support or
17 maintenance obligation that the person owing a duty of
18 support is unemployed, the court may order the person to seek
19 employment and report periodically to the court with a diary,
20 listing or other memorandum of his or her efforts in
21 accordance with such order. Additionally, the court may order
22 the unemployed person to report to the Department of
23 Employment Security for job search services or to make
24 application with the local Job Training Partnership Act
25 provider for participation in job search, training or work
26 programs and where the duty of support is owed to a child
27 receiving support services under Article X of the Illinois
28 Public Aid Code, as amended, the court may order the
29 unemployed person to report to the Illinois Department of
30 Human Services Public Aid for participation in job search,
31 training or work programs established under Section 9-6 and
32 Article IXA of that Code.

33 (b) Whenever it is determined that a person owes

1 past-due support for a child or for a child and the parent
 2 with whom the child is living, and the child is receiving
 3 assistance under the Illinois Public Aid Code, the court
 4 shall order at the request of the Illinois Department of
 5 Human Services Public-Aid:

6 (1) that the person pay the past-due support in
 7 accordance with a plan approved by the court; or

8 (2) if the person owing past-due support is
 9 unemployed, is subject to such a plan, and is not
 10 incapacitated, that the person participate in such job
 11 search, training, or work programs established under
 12 Section 9-6 and Article IXA of the Illinois Public Aid
 13 Code as the court deems appropriate.

14 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

15 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

16 Sec. 505.2. Health insurance.

17 (a) Definitions. As used in this Section:

18 (1) "Obligee" means the individual to whom the duty
 19 of support is owed or the individual's legal
 20 representative.

21 (2) "Obligor" means the individual who owes a duty
 22 of support pursuant to an order for support.

23 (3) "Public office" means any elected official or
 24 any State or local agency which is or may become
 25 responsible by law for enforcement of, or which is or may
 26 become authorized to enforce, an order for support,
 27 including, but not limited to: the Attorney General, the
 28 ~~Illinois--Department--of--Public--Aid,~~ the Illinois
 29 Department of Human Services, the Illinois Department of
 30 Children and Family Services, and the various State's
 31 Attorneys, Clerks of the Circuit Court and supervisors of
 32 general assistance.

33 (b) Order.

1 (1) Whenever the court establishes, modifies or
2 enforces an order for child support or for child support
3 and maintenance the court shall include in the order a
4 provision for the health care coverage of the child which
5 shall, upon request of the obligee or Public Office,
6 require that any child covered by the order be named as a
7 beneficiary of any health insurance plan that is
8 available to the obligor through an employer or labor
9 union or trade union. If the court finds that such a
10 plan is not available to the obligor, or that the plan is
11 not accessible to the obligee, the court may, upon
12 request of the obligee or Public Office, order the
13 obligor to name the child covered by the order as a
14 beneficiary of any health insurance plan that is
15 available to the obligor on a group basis, or as a
16 beneficiary of an independent health insurance plan to be
17 obtained by the obligor, after considering the following
18 factors:

19 (A) the medical needs of the child;

20 (B) the availability of a plan to meet those
21 needs; and

22 (C) the cost of such a plan to the obligor.

23 (2) If the employer or labor union or trade union
24 offers more than one plan, the order shall require the
25 obligor to name the child as a beneficiary of the plan in
26 which the obligor is enrolled.

27 (3) Nothing in this Section shall be construed to
28 limit the authority of the court to establish or modify a
29 support order to provide for payment of expenses,
30 including deductibles, copayments and any other health
31 expenses, which are in addition to expenses covered by an
32 insurance plan of which a child is ordered to be named a
33 beneficiary pursuant to this Section.

34 (c) Implementation and enforcement.

1 (1) When the court order requires that a minor
2 child be named as a beneficiary of a health insurance
3 plan, other than a health insurance plan available
4 through an employer or labor union or trade union, the
5 obligor shall provide written proof to the obligee or
6 Public Office that the required insurance has been
7 obtained, or that application for insurability has been
8 made, within 30 days of receiving notice of the court
9 order. Unless the obligor was present in court when the
10 order was issued, notice of the order shall be given
11 pursuant to Illinois Supreme Court Rules. If an obligor
12 fails to provide the required proof, he may be held in
13 contempt of court.

14 (2) When the court requires that a minor child be
15 named as a beneficiary of a health insurance plan
16 available through an employer or labor union or trade
17 union, the court's order shall be implemented in
18 accordance with the Income Withholding for Support Act
19 ~~Section-706-17,-as-new-or-hereafter-amended.~~

20 (d) Failure to maintain insurance. The dollar amount of
21 the premiums for court-ordered health insurance, or that
22 portion of the premiums for which the obligor is responsible
23 in the case of insurance provided under a group health
24 insurance plan through an employer or labor union or trade
25 union where the employer or labor union or trade union pays a
26 portion of the premiums, shall be considered an additional
27 child support obligation owed by the obligor. Whenever the
28 obligor fails to provide or maintain health insurance
29 pursuant to an order for support, the obligor shall be liable
30 to the obligee for the dollar amount of the premiums which
31 were not paid, and shall also be liable for all medical
32 expenses incurred by the minor child which would have been
33 paid or reimbursed by the health insurance which the obligor
34 was ordered to provide or maintain. In addition, the obligee

1 may petition the court to modify the order based solely on
2 the obligor's failure to pay the premiums for court-ordered
3 health insurance.

4 (e) Authorization for payment. The signature of the
5 obligee is a valid authorization to the insurer to process a
6 claim for payment under the insurance plan to the provider of
7 the health care services or to the obligee.

8 (f) Disclosure of information. The obligor's employer
9 or labor union or trade union shall disclose to the obligee
10 or Public Office, upon request, information concerning any
11 dependent coverage plans which would be made available to a
12 new employee or labor union member or trade union member.
13 The employer or labor union or trade union shall disclose
14 such information whether or not a court order for medical
15 support has been entered.

16 (g) Employer obligations. If a parent is required by an
17 order for support to provide coverage for a child's health
18 care expenses and if that coverage is available to the parent
19 through an employer who does business in this State, the
20 employer must do all of the following upon receipt of a copy
21 of the order of support or order for withholding:

22 (1) The employer shall, upon the parent's request,
23 permit the parent to include in that coverage a child who
24 is otherwise eligible for that coverage, without regard
25 to any enrollment season restrictions that might
26 otherwise be applicable as to the time period within
27 which the child may be added to that coverage.

28 (2) If the parent has health care coverage through
29 the employer but fails to apply for coverage of the
30 child, the employer shall include the child in the
31 parent's coverage upon application by the child's other
32 parent or the Illinois Department of Human Services
33 Public-Aid.

34 (3) The employer may not eliminate any child from

1 the parent's health care coverage unless the employee is
2 no longer employed by the employer and no longer covered
3 under the employer's group health plan or unless the
4 employer is provided with satisfactory written evidence
5 of either of the following:

6 (A) The order for support is no longer in
7 effect.

8 (B) The child is or will be included in a
9 comparable health care plan obtained by the parent
10 under such order that is currently in effect or will
11 take effect no later than the date the prior
12 coverage is terminated.

13 The employer may eliminate a child from a parent's
14 health care plan obtained by the parent under such order
15 if the employer has eliminated dependent health care
16 coverage for all of its employees.

17 (Source: P.A. 89-183, eff. 1-1-96; 89-507, eff. 7-1-97;
18 89-626, eff. 8-9-96; 90-18, eff. 7-1-97; revised 3-9-00.)

19 (750 ILCS 5/505.3)

20 Sec. 505.3. Information to State Case Registry.

21 (a) When an order for support is entered or modified
22 under this Act, the clerk of the circuit court shall, within
23 5 business days, provide to the State Case Registry
24 established under Section 10-27 of the Illinois Public Aid
25 Code the court docket number and county in which the order is
26 entered or modified and the following information, which the
27 parties shall disclose to the court:

28 (1) The names of the custodial and non-custodial
29 parents and of the child or children covered by the
30 order.

31 (2) The dates of birth of the custodial and
32 non-custodial parents and of the child or children
33 covered by the order.

1 (3) The social security numbers of the custodial
2 and non-custodial parents and of the child or children
3 covered by the order.

4 (4) The residential and mailing addresses for the
5 custodial and non-custodial parents.

6 (5) The telephone numbers for the custodial and
7 non-custodial parents.

8 (6) The driver's license numbers for the custodial
9 and non-custodial parents.

10 (7) The name, address, and telephone number of each
11 parent's employer or employers.

12 (b) When a child support order is entered or modified
13 for a case in which a party is receiving child and spouse
14 support services under Article X of the Illinois Public Aid
15 Code, the clerk shall provide the State Case Registry with
16 the following information:

17 (1) The information specified in subsection (a) of
18 this Section.

19 (2) The amount of monthly or other periodic support
20 owed under the order and other amounts, including
21 arrearages, interest, or late payment penalties and fees,
22 due or overdue under the order.

23 (3) Any amounts described in subdivision (2) of
24 this subsection (b) that have been received by the clerk.

25 (4) The distribution of the amounts received by the
26 clerk.

27 (c) A party shall report to the clerk of the circuit
28 court changes in information required to be the disclosed
29 under this Section within 5 business days of the change.

30 (d) To the extent that updated information is in the
31 clerk's possession, the clerk shall provide updates of the
32 information specified in subsection (b) of this Section
33 within 5 business days after the request of the Illinois
34 Department of Human Services Public-Aid's-request for that

1 updated information.

2 (Source: P.A. 91-212, eff. 7-20-99; revised 1-16-01.)

3 (750 ILCS 5/506) (from Ch. 40, par. 506)

4 Sec. 506. Representation of child.

5 (a) Duties. In any proceedings involving the support,
6 custody, visitation, education, parentage, property interest,
7 or general welfare of a minor or dependent child, the court
8 may, on its own motion or that of any party, and subject to
9 the terms or specifications the court determines, appoint an
10 attorney to serve in one of the following capacities:

11 (1) as an attorney to represent the child;

12 (2) as a guardian ad litem to address issues the
13 court delineates;

14 (3) as a child's representative whose duty shall be
15 to advocate what the representative finds to be in the
16 best interests of the child after reviewing the facts and
17 circumstances of the case. The child's representative
18 shall have the same power and authority to take part in
19 the conduct of the litigation as does an attorney for a
20 party and shall possess all the powers of investigation
21 and recommendation as does a guardian ad litem. The
22 child's representative shall consider, but not be bound
23 by, the expressed wishes of the child. A child's
24 representative shall have received training in child
25 advocacy or shall possess such experience as determined
26 to be equivalent to such training by the chief judge of
27 the circuit where the child's representative has been
28 appointed. The child's representative shall not disclose
29 confidential communications made by the child, except as
30 required by law or by the Rules of Professional Conduct.
31 The child's representative shall not be called as a
32 witness regarding the issues set forth in this
33 subsection.

1 During the proceedings the court may appoint an
2 additional attorney to serve in another of the capacities
3 described in subdivisions (a)(1), (a)(2), or (a)(3) on its
4 own motion or that of a party only for good cause shown and
5 when the reasons for the additional appointment are set forth
6 in specific findings.

7 (b) Fees and costs. The court shall enter an order as
8 appropriate for costs, fees, and disbursements, including a
9 retainer, when the attorney, guardian ad litem, or child's
10 representative is appointed, and thereafter as necessary.
11 Such orders shall require payment by either or both parents,
12 by any other party or source, or from the marital estate or
13 the child's separate estate. The court may not order payment
14 by the Illinois Department of Human Services Public Aid in
15 cases in which the Department is providing child and spouse
16 support services under Article X of the Illinois Public Aid
17 Code. Unless otherwise ordered by the court at the time fees
18 and costs are approved, all fees and costs payable to an
19 attorney, guardian ad litem, or child's representative under
20 this Section are by implication deemed to be in the nature of
21 support of the child and are within the exceptions to
22 discharge in bankruptcy under 11 U.S.C.A. 523. The
23 provisions of Sections 501 and 508 of this Act shall apply to
24 fees and costs for attorneys appointed under this Section.
25 (Source: P.A. 90-309, eff. 1-1-98; 91-410, eff. 1-1-00.)

26 (750 ILCS 5/507) (from Ch. 40, par. 507)

27 Sec. 507. Payment of maintenance or support to court.

28 (a) In actions instituted under this Act, the court
29 shall order that maintenance and support payments be made to
30 the clerk of court as trustee for remittance to the person
31 entitled to receive the payments. However, the court in its
32 discretion may direct otherwise where circumstances so
33 warrant.

1 Upon notification in writing or by electronic
2 transmission from the Illinois Department of Human Services
3 Public--Aid to the clerk of the court that a person who is
4 receiving support payments under this Section is receiving
5 services under the Child Support Enforcement Program
6 established by Title IV-D of the Social Security Act, any
7 support payments subsequently received by the clerk of the
8 court shall be transmitted in accordance with the
9 instructions of the Illinois Department of Human Services
10 Public-Aid until the Department gives notice to the clerk of
11 the court to cease the transmittal. After providing the
12 notification authorized under this paragraph, the Illinois
13 Department of Human Services Public-Aid shall be entitled as
14 a party to notice of any further proceedings in the case.
15 The clerk of the court shall file a copy of the notification
16 to the Illinois Department of Human Services Public--Aid's
17 notificatiion in the court file. The failure of the clerk to
18 file a copy of the notification in the court file shall not,
19 however, affect the right of the Illinois Department of Human
20 Services Public--Aid's--right to receive notice of further
21 proceedings.

22 (b) The clerk of court shall maintain records listing
23 the amount of payments, the date payments are required to be
24 made and the names and addresses of the parties affected by
25 the order. For those cases in which support is payable to the
26 clerk of the circuit court for transmittal to the Illinois
27 Department of Human Services Public-Aid by order of the court
28 or upon notification of the Illinois Department of Human
29 Services Public--Aid, and the Illinois Department of Human
30 Services Public-Aid collects support by assignment, offset,
31 withholding, deduction or other process permitted by law, the
32 Illinois Department shall notify the clerk of the date and
33 amount of such collection. Upon notification, the clerk shall
34 record the collection on the payment record for the case.

1 (c) The parties affected by the order shall inform the
2 clerk of court of any change of address or of other condition
3 that may affect the administration of the order.

4 (d) The provisions of this Section shall not apply to
5 cases that come under the provisions of Sections 709 through
6 712.

7 (e) To the extent the provisions of this Section are
8 inconsistent with the requirements pertaining to the State
9 Disbursement Unit under Section 507.1 of this Act and Section
10 10-26 of the Illinois Public Aid Code, the requirements
11 pertaining to the State Disbursement Unit shall apply.

12 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;
13 90-790, eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff.
14 7-29-99.)

15 (750 ILCS 5/507.1)

16 Sec. 507.1. Payment of Support to State Disbursement
17 Unit.

18 (a) As used in this Section:

19 "Order for support", "obligor", "obligee", and "payor"
20 mean those terms as defined in the Income Withholding for
21 Support Act, except that "order for support" shall not mean
22 orders providing for spousal maintenance under which there is
23 no child support obligation.

24 (b) Notwithstanding any other provision of this Act to
25 the contrary, each order for support entered or modified on
26 or after October 1, 1999 shall require that support payments
27 be made to the State Disbursement Unit established under
28 Section 10-26 of the Illinois Public Aid Code if:

29 (1) a party to the order is receiving child and
30 spouse support services under Article X of the Illinois
31 Public Aid Code; or

32 (2) no party to the order is receiving child and
33 spouse support services, but the support payments are

1 made through income withholding.

2 (c) Support payments shall be made to the State
3 Disbursement Unit if:

4 (1) the order for support was entered before
5 October 1, 1999, and a party to the order is receiving
6 child and spouse support services under Article X of the
7 Illinois Public Aid Code; or

8 (2) no party to the order is receiving child and
9 spouse support services, and the support payments are
10 being made through income withholding.

11 (c-5) If no party to the order is receiving child and
12 spouse support services under Article X of the Illinois
13 Public Aid Code, and the support payments are not made
14 through income withholding, then support payments shall be
15 made as directed by the order for support.

16 (c-10) Within 15 days after the effective date of this
17 amendatory Act of the 91st General Assembly, the Illinois
18 Department shall provide written notice to the clerk of the
19 circuit court, the obligor, and, where applicable, the
20 obligor's payor to make payments to the State Disbursement
21 Unit if:

22 (1) the order for support was entered before
23 October 1, 1999, and a party to the order is receiving
24 child and spouse support services under Article X of the
25 Illinois Public Aid Code; or

26 (2) no party to the order is receiving child and
27 spouse support services, and the support payments are
28 being made through income withholding.

29 (c-15) Within 15 days after the effective date of this
30 amendatory Act of the 91st General Assembly, the clerk of the
31 circuit court shall provide written notice to the obligor to
32 make payments directly to the clerk of the circuit court if
33 no party to the order is receiving child and spouse support
34 services under Article X of the Illinois Public Aid Code, the

1 support payments are not made through income withholding, and
2 the order for support requires support payments to be made
3 directly to the clerk of the circuit court.

4 (c-20) If the State Disbursement Unit receives a support
5 payment that was not appropriately made to the Unit under
6 this Section, the Unit shall immediately return the payment
7 to the sender, including, if possible, instructions detailing
8 where to send the support payment.

9 (d) The notices required under subsections (c-10) and
10 (c-15) may be sent by ordinary mail, certified mail, return
11 receipt requested, facsimile transmission, or other
12 electronic process, or may be served upon the obligor or
13 payor using any method provided by law for service of a
14 summons. The Illinois Department of Human Services Public
15 Aid shall provide a copy of the notice to the obligee and to
16 the clerk of the court.

17 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

18 (750 ILCS 5/510) (from Ch. 40, par. 510)

19 Sec. 510. Modification and termination of provisions for
20 maintenance, support, educational expenses, and property
21 disposition.

22 (a) Except as otherwise provided in paragraph (f) of
23 Section 502 and in subsection (d), clause (3) of Section
24 505.2, the provisions of any judgment respecting maintenance
25 or support may be modified only as to installments accruing
26 subsequent to due notice by the moving party of the filing of
27 the motion for modification and, with respect to maintenance,
28 only upon a showing of a substantial change in circumstances.
29 An order for child support may be modified as follows:

30 (1) upon a showing of a substantial change in
31 circumstances; and

32 (2) without the necessity of showing a substantial
33 change in circumstances, as follows:

1 (A) upon a showing of an inconsistency of at
2 least 20%, but no less than \$10 per month, between
3 the amount of the existing order and the amount of
4 child support that results from application of the
5 guidelines specified in Section 505 of this Act
6 unless the inconsistency is due to the fact that the
7 amount of the existing order resulted from a
8 deviation from the guideline amount and there has
9 not been a change in the circumstances that resulted
10 in that deviation; or

11 (B) Upon a showing of a need to provide for
12 the health care needs of the child under the order
13 through health insurance or other means. In no
14 event shall the eligibility for or receipt of
15 medical assistance be considered to meet the need to
16 provide for the child's health care needs.

17 The provisions of subparagraph (a)(2)(A) shall apply only
18 in cases in which a party is receiving child and spouse
19 support services from the Illinois Department of Human
20 Services Public-Aid under Article X of the Illinois Public
21 Aid Code, and only when at least 36 months have elapsed since
22 the order for child support was entered or last modified.

23 (b) The provisions as to property disposition may not be
24 revoked or modified, unless the court finds the existence of
25 conditions that justify the reopening of a judgment under the
26 laws of this State.

27 (c) Unless otherwise agreed by the parties in a written
28 agreement set forth in the judgment or otherwise approved by
29 the court, the obligation to pay future maintenance is
30 terminated upon the death of either party, or the remarriage
31 of the party receiving maintenance, or if the party receiving
32 maintenance cohabits with another person on a resident,
33 continuing conjugal basis.

34 (d) Unless otherwise agreed in writing or expressly

1 provided in a judgment, provisions for the support of a child
2 are terminated by emancipation of the child, except as
3 otherwise provided herein, but not by the death of a parent
4 obligated to support or educate the child. An existing
5 obligation to pay for support or educational expenses, or
6 both, is not terminated by the death of a parent. When a
7 parent obligated to pay support or educational expenses, or
8 both, dies, the amount of support or educational expenses, or
9 both, may be enforced, modified, revoked or commuted to a
10 lump sum payment, as equity may require, and that
11 determination may be provided for at the time of the
12 dissolution of the marriage or thereafter.

13 (e) The right to petition for support or educational
14 expenses, or both, under Sections 505 and 513 is not
15 extinguished by the death of a parent. Upon a petition filed
16 before or after a parent's death, the court may award sums of
17 money out of the decedent's estate for the child's support or
18 educational expenses, or both, as equity may require. The
19 time within which a claim may be filed against the estate of
20 a decedent under Sections 505 and 513 and subsection (d) and
21 this subsection shall be governed by the provisions of the
22 Probate Act of 1975, as a barrable, noncontingent claim.

23 (Source: P.A. 87-714; 88-42; 88-307; 88-670, eff. 12-2-94.)

24 (750 ILCS 5/516) (from Ch. 40, par. 516)

25 Sec. 516. Public Aid collection fee. In all cases
26 instituted by the Illinois Department of Human Services
27 ~~Public--Aid~~ on behalf of a child or spouse, other than one
28 receiving a grant of financial aid under Article IV of The
29 Illinois Public Aid Code, on whose behalf an application has
30 been made and approved for support services as provided by
31 Section 10-1 of that Code, the court shall impose a
32 collection fee on the individual who owes a child or spouse
33 support obligation in an amount equal to 10% of the amount so

1 owed as long as such collection is required by federal law,
2 which fee shall be in addition to the support obligation.
3 The imposition of such fee shall be in accordance with
4 provisions of Title IV, Part D, of the Social Security Act
5 and regulations duly promulgated thereunder. The fee shall
6 be payable to the clerk of the circuit court for transmittal
7 to the Illinois Department of Human Services Public Aid and
8 shall continue until support services are terminated by that
9 Department.

10 (Source: P.A. 82-979.)

11 (750 ILCS 5/704) (from Ch. 40, par. 704)

12 Sec. 704. Public Aid Provisions.) Except as provided in
13 Sections 709 through 712, if maintenance, child support or
14 both, is awarded to persons who are recipients of aid under
15 "The Illinois Public Aid Code", the court shall direct the
16 husband or wife, as the case may be, to make the payments to
17 (1) the Illinois Department of Human Services Public Aid if
18 the persons are recipients under Articles III, IV or V of the
19 Code, or (2) the local governmental unit responsible for
20 their support if they are recipients under Article VI or VII
21 of the Code. The order shall permit the Illinois Department
22 of Human Services Public Aid or the local governmental unit,
23 as the case may be, to direct that subsequent payments be
24 made directly to the former spouse, the children, or both, or
25 to some person or agency in their behalf, upon removal of the
26 former spouse or children from the public aid rolls; and upon
27 such direction and removal of the recipients from the public
28 aid rolls, the Illinois Department or local governmental
29 unit, as the case requires, shall give written notice of such
30 action to the court.

31 (Source: P.A. 81-1474.)

32 (750 ILCS 5/705) (from Ch. 40, par. 705)

1 Sec. 705. Support payments; receiving and disbursing
2 agents.

3 (1) The provisions of this Section shall apply, except
4 as provided in Sections 709 through 712.

5 (2) In a dissolution of marriage action filed in a
6 county of less than 3 million population in which an order or
7 judgment for child support is entered, and in supplementary
8 proceedings in any such county to enforce or vary the terms
9 of such order or judgment arising out of an action for
10 dissolution of marriage filed in such county, the court,
11 except as it otherwise orders, under subsection (4) of this
12 Section, may direct that child support payments be made to
13 the clerk of the court.

14 (3) In a dissolution of marriage action filed in any
15 county of 3 million or more population in which an order or
16 judgment for child support is entered, and in supplementary
17 proceedings in any such county to enforce or vary the terms
18 of such order or judgment arising out of an action for
19 dissolution of marriage filed in such county, the court,
20 except as it otherwise orders under subsection (4) of this
21 Section, may direct that child support payments be made
22 either to the clerk of the court or to the Court Service
23 Division of the County Department of Public Aid. After the
24 effective date of this Act, the court, except as it otherwise
25 orders under subsection (4) of this Section, may direct that
26 child support payments be made either to the clerk of the
27 court or to the Illinois Department of Human Services Public
28 Aid.

29 (4) In a dissolution of marriage action or supplementary
30 proceedings involving maintenance or child support payments,
31 or both, to persons who are recipients of aid under the
32 Illinois Public Aid Code, the court shall direct that such
33 payments be made to (a) the Illinois Department of Human
34 Services Public-Aid if the persons are recipients under

1 Articles III, IV, or V of the Code, or (b) the local
2 governmental unit responsible for their support if they are
3 recipients under Articles VI or VII of the Code. In
4 accordance with federal law and regulations, the Illinois
5 Department of Human Services Public Aid may continue to
6 collect current maintenance payments or child support
7 payments, or both, after those persons cease to receive
8 public assistance and until termination of services under
9 Article X of the Illinois Public Aid Code. The Illinois
10 Department of Human Services Public Aid shall pay the net
11 amount collected to those persons after deducting any costs
12 incurred in making the collection or any collection fee from
13 the amount of any recovery made. The order shall permit the
14 Illinois Department of Human Services Public Aid or the local
15 governmental unit, as the case may be, to direct that
16 payments be made directly to the former spouse, the children,
17 or both, or to some person or agency in their behalf, upon
18 removal of the former spouse or children from the public aid
19 rolls or upon termination of services under Article X of the
20 Illinois Public Aid Code; and upon such direction, the
21 Illinois Department or local governmental unit, as the case
22 requires, shall give notice of such action to the court in
23 writing or by electronic transmission.

24 (5) All clerks of the court and the Court Service
25 Division of a County Department of Public Aid and, after the
26 effective date of this Act, all clerks of the court and the
27 Illinois Department of Human Services Public Aid, receiving
28 child support payments under subsections (2) and (3) of this
29 Section shall disburse the payments to the person or persons
30 entitled thereto under the terms of the order or judgment.
31 They shall establish and maintain current records of all
32 moneys received and disbursed and of defaults and
33 delinquencies in required payments. The court, by order or
34 rule, shall make provision for the carrying out of these

1 duties.

2 Upon notification in writing or by electronic
3 transmission from the Illinois Department of Human Services
4 Public--Aid to the clerk of the court that a person who is
5 receiving support payments under this Section is receiving
6 services under the Child Support Enforcement Program
7 established by Title IV-D of the Social Security Act, any
8 support payments subsequently received by the clerk of the
9 court shall be transmitted in accordance with the
10 instructions of the Illinois Department of Human Services
11 Public-Aid until the Department gives notice to the clerk of
12 the court to cease the transmittal. After providing the
13 notification authorized under this paragraph, the Illinois
14 Department of Human Services Public-Aid shall be entitled as
15 a party to notice of any further proceedings in the case.
16 The clerk of the court shall file a copy of the notification
17 of the Illinois Department of Human Services Public--Aid's
18 notification in the court file. The failure of the clerk to
19 file a copy of the notification in the court file shall not,
20 however, affect the right of the Illinois Department of Human
21 Services Public--Aid's--right to receive notice of further
22 proceedings.

23 Payments under this Section to the Illinois Department of
24 Human Services Public--Aid pursuant to the Child Support
25 Enforcement Program established by Title IV-D of the Social
26 Security Act shall be paid into the Child Support Enforcement
27 Trust Fund. All payments under this Section to the Illinois
28 Department of Human Services shall be deposited in the DHS
29 Recoveries Trust Fund. Disbursements from these funds shall
30 be as provided in the Illinois Public Aid Code. Payments
31 received by a local governmental unit shall be deposited in
32 that unit's General Assistance Fund. Any order of court
33 directing payment of child support to a clerk of court or the
34 Court Service Division of a County Department of Public Aid,

1 which order has been entered on or after August 14, 1961, and
2 prior to the effective date of this Act, may be amended by
3 the court in line with this Act; and orders involving
4 payments of maintenance or child support to recipients of
5 public aid may in like manner be amended to conform to this
6 Act.

7 (6) No filing fee or costs will be required in any
8 action brought at the request of the Illinois Department of
9 Human Services Public-Aid in any proceeding under this Act.
10 However, any such fees or costs may be assessed by the court
11 against the respondent in the court's order of support or any
12 modification thereof in a proceeding under this Act.

13 (7) For those cases in which child support is payable to
14 the clerk of the circuit court for transmittal to the
15 Illinois Department of Human Services Public-Aid by order of
16 court or upon notification by the Illinois Department of
17 Human Services Public-Aid, the clerk shall transmit all such
18 payments, within 4 working days of receipt, to insure that
19 funds are available for immediate distribution by the
20 Department to the person or entity entitled thereto in
21 accordance with standards of the Child Support Enforcement
22 Program established under Title IV-D of the Social Security
23 Act. The clerk shall notify the Department of the date of
24 receipt and amount thereof at the time of transmittal. Where
25 the clerk has entered into an agreement of cooperation with
26 the Department to record the terms of child support orders
27 and payments made thereunder directly into the Department's
28 automated data processing system, the clerk shall account
29 for, transmit and otherwise distribute child support payments
30 in accordance with such agreement in lieu of the requirements
31 contained herein.

32 In any action filed in a county with a population of
33 1,000,000 or less, the court shall assess against the
34 respondent in any order of maintenance or child support any

1 sum up to \$36 annually authorized by ordinance of the county
2 board to be collected by the clerk of the court as costs for
3 administering the collection and disbursement of maintenance
4 and child support payments. Such sum shall be in addition to
5 and separate from amounts ordered to be paid as maintenance
6 or child support.

7 (8) To the extent the provisions of this Section are
8 inconsistent with the requirements pertaining to the State
9 Disbursement Unit under Section 507.1 of this Act and Section
10 10-26 of the Illinois Public Aid Code, the requirements
11 pertaining to the State Disbursement Unit shall apply.

12 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;
13 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff.
14 7-20-99; 91-357, eff. 7-29-99; revised 8-31-99.)

15 (750 ILCS 5/709) (from Ch. 40, par. 709)

16 Sec. 709. Mandatory child support payments to clerk.

17 (a) As of January 1, 1982, child support orders entered
18 in any county covered by this subsection shall be made
19 pursuant to the provisions of Sections 709 through 712 of
20 this Act. For purposes of these Sections, the term "child
21 support payment" or "payment" shall include any payment
22 ordered to be made solely for the purpose of the support of a
23 child or children or any payment ordered for general support
24 which includes any amount for support of any child or
25 children.

26 The provisions of Sections 709 through 712 shall be
27 applicable to any county with a population of 2 million or
28 more and to any other county which notifies the Supreme Court
29 of its desire to be included within the coverage of these
30 Sections and is certified pursuant to Supreme Court Rules.

31 The effective date of inclusion, however, shall be
32 subject to approval of the application for reimbursement of
33 the costs of the support program by the Department of Human

1 Services Public-Aid as provided in Section 712.

2 (b) In any proceeding for a dissolution of marriage,
3 legal separation, or declaration of invalidity of marriage,
4 or in any supplementary proceedings in which a judgment or
5 modification thereof for the payment of child support is
6 entered on or after January 1, 1982, in any county covered by
7 Sections 709 through 712, and the person entitled to payment
8 is receiving a grant of financial aid under Article IV of the
9 Illinois Public Aid Code or has applied and qualified for
10 support services under Section 10-1 of that Code, the court
11 shall direct: (1) that such payments be made to the clerk of
12 the court and (2) that the parties affected shall each
13 thereafter notify the clerk of any change of address or
14 change in other conditions that may affect the administration
15 of the order, including the fact that a party who was
16 previously not on public aid has become a recipient of public
17 aid, within 10 days of such change. All notices sent to the
18 obligor's last known address on file with the clerk shall be
19 deemed sufficient to proceed with enforcement pursuant to the
20 provisions of Sections 709 through 712.

21 In all other cases, the court may direct that payments be
22 made to the clerk of the court.

23 (c) Except as provided in subsection (d) of this
24 Section, the clerk shall disburse the payments to the person
25 or persons entitled thereto under the terms of the order or
26 judgment.

27 (d) The court shall determine, prior to the entry of the
28 support order, if the party who is to receive the support is
29 presently receiving public aid or has a current application
30 for public aid pending and shall enter the finding on the
31 record.

32 If the person entitled to payment is a recipient of aid
33 under the Illinois Public Aid Code, the clerk, upon being
34 informed of this fact by finding of the court, by

1 notification by the party entitled to payment, by the
2 Illinois Department of Human Services Public Aid or by the
3 local governmental unit, shall make all payments to: (1) the
4 Illinois Department of Human Services Public Aid if the
5 person is a recipient under Article III, IV, or V of the Code
6 or (2) the local governmental unit responsible for his or her
7 support if the person is a recipient under Article VI or VII
8 of the Code. In accordance with federal law and regulations,
9 the Illinois Department of Human Services Public Aid may
10 continue to collect current maintenance payments or child
11 support payments, or both, after those persons cease to
12 receive public assistance and until termination of services
13 under Article X of the Illinois Public Aid Code. The
14 Illinois Department of Human Services Public Aid shall pay
15 the net amount collected to those persons after deducting any
16 costs incurred in making the collection or any collection fee
17 from the amount of any recovery made. Upon termination of
18 public aid payments to such a recipient or termination of
19 services under Article X of the Illinois Public Aid Code, the
20 Illinois Department of Human Services Public Aid or the
21 appropriate local governmental unit shall notify the clerk in
22 writing or by electronic transmission that all subsequent
23 payments are to be sent directly to the person entitled
24 thereto.

25 Upon notification in writing or by electronic
26 transmission from the Illinois Department of Human Services
27 Public Aid to the clerk of the court that a person who is
28 receiving support payments under this Section is receiving
29 services under the Child Support Enforcement Program
30 established by Title IV-D of the Social Security Act, any
31 support payments subsequently received by the clerk of the
32 court shall be transmitted in accordance with the
33 instructions of the Illinois Department of Human Services
34 Public Aid until the Department gives notice to the clerk of

1 the court to cease the transmittal. After providing the
2 notification authorized under this paragraph, the Illinois
3 Department of Human Services Public-Aid shall be entitled as
4 a party to notice of any further proceedings in the case.
5 The clerk of the court shall file a copy of the Illinois
6 notification to the Department of Human Services Public-Aid's
7 notification in the court file. The failure of the clerk to
8 file a copy of the notification in the court file shall not,
9 however, affect the right of the Illinois Department of Human
10 Services Public-Aid's-right to receive notice of further
11 proceedings.

12 Payments under this Section to the Illinois Department of
13 Human Services Public--Aid pursuant to the Child Support
14 Enforcement Program established by Title IV-D of the Social
15 Security Act shall be paid into the Child Support Enforcement
16 Trust Fund. All payments under 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 the Illinois Public Aid Code. Payments
20 received by a local governmental unit shall be deposited in
21 that unit's General Assistance Fund.

22 (e) Any order or judgment may be amended by the court,
23 upon its own motion or upon the motion of either party, to
24 conform with the provisions of Sections 709 through 712,
25 either as to the requirement of making payments to the clerk
26 or, where payments are already being made to the clerk, as to
27 the statutory fees provided for under Section 711.

28 (f) The clerk may invest in any interest bearing account
29 or in any securities, monies collected for the benefit of a
30 payee, where such payee cannot be found; however, the
31 investment may be only for the period until the clerk is able
32 to locate and present the payee with such monies. The clerk
33 may invest in any interest bearing account, or in any
34 securities, monies collected for the benefit of any other

1 payee; however, this does not alter the clerk's obligation to
2 make payments to the payee in a timely manner. Any interest
3 or capital gains accrued shall be for the benefit of the
4 county and shall be paid into the special fund established in
5 subsection (b) of Section 711.

6 (g) The clerk shall establish and maintain a payment
7 record of all monies received and disbursed and such record
8 shall constitute prima facie evidence of such payment and
9 non-payment, as the case may be.

10 (h) For those cases in which child support is payable to
11 the clerk of the circuit court for transmittal to the
12 Illinois Department of Human Services Public Aid by order of
13 court or upon notification by the Illinois Department of
14 Human Services Public Aid, the clerk shall transmit all such
15 payments, within 4 working days of receipt, to insure that
16 funds are available for immediate distribution by the
17 Department to the person or entity entitled thereto in
18 accordance with standards of the Child Support Enforcement
19 Program established under Title IV-D of the Social Security
20 Act. The clerk shall notify the Department of the date of
21 receipt and amount thereof at the time of transmittal. Where
22 the clerk has entered into an agreement of cooperation with
23 the Department to record the terms of child support orders
24 and payments made thereunder directly into the Department's
25 automated data processing system, the clerk shall account
26 for, transmit and otherwise distribute child support payments
27 in accordance with such agreement in lieu of the requirements
28 contained herein.

29 (i) To the extent the provisions of this Section are
30 inconsistent with the requirements pertaining to the State
31 Disbursement Unit under Section 507.1 of this Act and Section
32 10-26 of the Illinois Public Aid Code, the requirements
33 pertaining to the State Disbursement Unit shall apply.

34 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;

1 revised 9-28-99.)

2 (750 ILCS 5/712) (from Ch. 40, par. 712)

3 Sec. 712. (a) The Supreme Court may make Rules
4 concerning the certification of counties for inclusion in the
5 child support enforcement program and the application of the
6 procedures created by Sections 709 through 712 in the various
7 counties.

8 The Supreme Court shall inform each circuit court and
9 clerk of the court of the availability of the program to
10 reimburse counties desiring to participate in the program of
11 enforcement of child support payments.

12 The Supreme Court shall also distribute to each circuit
13 court and clerk of the court any materials prepared by the
14 Child and Spouse Support Unit comparing child support
15 enforcement in counties included and not included in this
16 program.

17 (b) The Illinois Department of Human Services Public
18 Aid, through the Child and Spouse Support Unit provided for
19 by Section 10-3.1 of The Illinois Public Aid Code, shall have
20 general supervision of the child support programs created by
21 Sections 709 through 712 and shall have the powers and duties
22 provided in this Section, including the following:

23 (1) to make advance payments to any county included in
24 the program for expenses in preparing programs to enforce
25 payment of child support to the clerk from appropriations
26 made for such purposes by the General Assembly;

27 (2) to make payments to each covered county to pay for
28 its reasonable expenses actually necessary to maintain a
29 continuing program not paid for by fees, penalties, or other
30 monies; provided that, with respect to that portion of the
31 program on behalf of dependent children included in a grant
32 of financial aid under Article IV of The Illinois Public Aid
33 Code the Unit shall pay only such expenses as is its current

1 practice or as it may deem appropriate; provided further that
2 the Unit shall only pay expenses of the entire program
3 subject to the availability of federal monies to pay the
4 majority of expenses of the entire child support enforcement
5 program; provided further that the Unit or Department may set
6 standards relating to enforcement which have to be met by any
7 county seeking to enter a contract with the Department for
8 reimbursement of expenses of the entire enforcement program
9 prior to an application for reimbursement being approved and
10 the contract granted; and provided further that such
11 standards may relate to, but are not limited to the following
12 factors: maintenance of the payment record, the definition of
13 delinquency; the period of time in which a delinquency must
14 be determined, the payor notified, the remittance received,
15 the referral to the state's attorney made, and the payment
16 remitted by the clerk to the payee or other party entitled to
17 the payment; the conditions under which referral will not be
18 made to the state's attorney; and the definitions and
19 procedures for other matters necessary for the conduct and
20 operation of the program;

21 (3) to monitor the various local programs for
22 enforcement of child support payments to the clerk;

23 (4) to act to encourage enforcement whenever local
24 enforcement procedures are inadequate;

25 (5) to receive monies from any source for assistance in
26 enforcement of child support; and

27 (6) to assist any county desirous of assistance in
28 establishing and maintaining a child support enforcement
29 program.

30 (c) Any county may apply for financial assistance to the
31 Unit to initiate or maintain a program of child support
32 enforcement. Every county which desires such assistance
33 shall apply according to procedures established by the Unit.
34 In its application, it shall state the following: financial

1 needs, personnel requirements, anticipated caseloads, any
2 amounts collected or anticipated in fees or penalties, and
3 any other information required by the Unit.

4 (d) In the case that any advance money is given to any
5 county under this Section to initiate an enforcement system,
6 the county shall reimburse the state within 2 years from the
7 date such monies are given to it. The Unit may establish an
8 appropriate schedule of reimbursement for any county.

9 (e) In the event of the unavailability of federal monies
10 to pay for the greater part of the costs to a county of the
11 child support enforcement program under Sections 709 through
12 712 and the resulting cessation of state participation, the
13 operation of the child support enforcement program under
14 Sections 709 through 712 shall terminate. The date and the
15 method of termination shall be determined by Supreme Court
16 Rule.

17 (Source: P.A. 84-1395.)

18 Section 470. The Non-Support Punishment Act is amended
19 by changing Sections 7, 20, 25, 30, 35, and 60 as follows:

20 (750 ILCS 16/7)

21 Sec. 7. Prosecutions by Attorney General. In addition
22 to enforcement proceedings by the several State's Attorneys,
23 a proceeding for the enforcement of this Act may be
24 instituted and prosecuted by the Attorney General in cases
25 referred by the Illinois Department of Human Services Public
26 Aid involving persons receiving child and spouse support
27 services under Article X of the Illinois Public Aid Code.
28 Before referring a case to the Attorney General for
29 enforcement under this Act, the Department of Human Services
30 Public-Aid shall notify the person receiving child and spouse
31 support services under Article X of the Illinois Public Aid
32 Code of the Department's intent to refer the case to the

1 Attorney General under this Section for prosecution.

2 (Source: P.A. 91-613, eff. 10-1-99.)

3 (750 ILCS 16/20)

4 Sec. 20. Entry of order for support; income withholding.

5 (a) In a case in which no court or administrative order
6 for support is in effect against the defendant:

7 (1) at any time before the trial, upon motion of the
8 State's Attorney, or of the Attorney General if the
9 action has been instituted by his office, and upon notice
10 to the defendant, or at the time of arraignment or as a
11 condition of postponement of arraignment, the court may
12 enter such temporary order for support as may seem just,
13 providing for the support or maintenance of the spouse or
14 child or children of the defendant, or both, pendente
15 lite; or

16 (2) before trial with the consent of the defendant,
17 or at the trial on entry of a plea of guilty, or after
18 conviction, instead of imposing the penalty provided in
19 this Act, or in addition thereto, the court may enter an
20 order for support, subject to modification by the court
21 from time to time as circumstances may require, directing
22 the defendant to pay a certain sum for maintenance of the
23 spouse, or for support of the child or children, or both.

24 (b) The court shall determine the amount of child support
25 by using the guidelines and standards set forth in subsection
26 (a) of Section 505 and in Section 505.2 of the Illinois
27 Marriage and Dissolution of Marriage Act.

28 If (i) the non-custodial parent was properly served with
29 a request for discovery of financial information relating to
30 the non-custodial parent's ability to provide child support,
31 (ii) the non-custodial parent failed to comply with the
32 request, despite having been ordered to do so by the court,
33 and (iii) the non-custodial parent is not present at the

1 hearing to determine support despite having received proper
2 notice, then any relevant financial information concerning
3 the non-custodial parent's ability to provide support that
4 was obtained pursuant to subpoena and proper notice shall be
5 admitted into evidence without the need to establish any
6 further foundation for its admission.

7 (c) The court shall determine the amount of maintenance
8 using the standards set forth in Section 504 of the Illinois
9 Marriage and Dissolution of Marriage Act.

10 (d) The court may, for violation of any order under this
11 Section, punish the offender as for a contempt of court, but
12 no pendente lite order shall remain in effect longer than 4
13 months, or after the discharge of any panel of jurors
14 summoned for service thereafter in such court, whichever is
15 sooner.

16 (e) Any order for support entered by the court under this
17 Section shall be deemed to be a series of judgments against
18 the person obligated to pay support under the judgments, each
19 such judgment to be in the amount of each payment or
20 installment of support and each judgment to be deemed entered
21 as of the date the corresponding payment or installment
22 becomes due under the terms of the support order. Each
23 judgment shall have the full force, effect, and attributes of
24 any other judgment of this State, including the ability to be
25 enforced. Each judgment is subject to modification or
26 termination only in accordance with Section 510 of the
27 Illinois Marriage and Dissolution of Marriage Act. A lien
28 arises by operation of law against the real and personal
29 property of the noncustodial parent for each installment of
30 overdue support owed by the noncustodial parent.

31 (f) An order for support entered under this Section shall
32 include a provision requiring the obligor to report to the
33 obligee and to the clerk of the court within 10 days each
34 time the obligor obtains new employment, and each time the

1 obligor's employment is terminated for any reason. The
2 report shall be in writing and shall, in the case of new
3 employment, include the name and address of the new employer.

4 Failure to report new employment or the termination of
5 current employment, if coupled with nonpayment of support for
6 a period in excess of 60 days, is indirect criminal contempt.
7 For any obligor arrested for failure to report new
8 employment, bond shall be set in the amount of the child
9 support that should have been paid during the period of
10 unreported employment.

11 An order for support entered under this Section shall
12 also include a provision requiring the obligor and obligee
13 parents to advise each other of a change in residence within
14 5 days of the change except when the court finds that the
15 physical, mental, or emotional health of a party or of a
16 minor child, or both, would be seriously endangered by
17 disclosure of the party's address.

18 (g) An order for support entered or modified in a case in
19 which a party is receiving child and spouse support services
20 under Article X of the Illinois Public Aid Code shall include
21 a provision requiring the noncustodial parent to notify the
22 Illinois Department of Human Services ~~Public Aid~~, within 7
23 days, of the name and address of any new employer of the
24 noncustodial parent, whether the noncustodial parent has
25 access to health insurance coverage through the employer or
26 other group coverage and, if so, the policy name and number
27 and the names of persons covered under the policy.

28 (h) In any subsequent action to enforce an order for
29 support entered under this Act, upon sufficient showing that
30 diligent effort has been made to ascertain the location of
31 the noncustodial parent, service of process or provision of
32 notice necessary in that action may be made at the last known
33 address of the noncustodial parent, in any manner expressly
34 provided by the Code of Civil Procedure or in this Act, which

1 service shall be sufficient for purposes of due process.

2 (i) An order for support shall include a date on which
3 the current support obligation terminates. The termination
4 date shall be no earlier than the date on which the child
5 covered by the order will attain the age of majority or is
6 otherwise emancipated. The order for support shall state that
7 the termination date does not apply to any arrearage that may
8 remain unpaid on that date. Nothing in this subsection shall
9 be construed to prevent the court from modifying the order.

10 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00.)

11 (750 ILCS 16/25)

12 Sec. 25. Payment of support to State Disbursement Unit;
13 clerk of the court.

14 (a) As used in this Section, "order for support",
15 "obligor", "obligee", and "payor" mean those terms as defined
16 in the Income Withholding for Support Act.

17 (b) Each order for support entered or modified under
18 Section 20 of this Act shall require that support payments be
19 made to the State Disbursement Unit established under the
20 Illinois Public Aid Code, under the following circumstances:

21 (1) when a party to the order is receiving child and
22 spouse support services under Article X of the Illinois
23 Public Aid Code; or

24 (2) when no party to the order is receiving child
25 and spouse support services, but the support payments are
26 made through income withholding.

27 (c) When no party to the order is receiving child and
28 spouse support services, and payments are not being made
29 through income withholding, the court shall order the obligor
30 to make support payments to the clerk of the court.

31 (d) In the case of an order for support entered by the
32 court under this Act before a party commenced receipt of
33 child and spouse support services, upon receipt of these

1 services by a party the Illinois Department of Human Services
2 Public-Aid shall provide notice to the obligor to send any
3 support payments he or she makes personally to the State
4 Disbursement Unit until further direction of the Department.
5 The Department shall provide a copy of the notice to the
6 obligee and to the clerk of the court.

7 (e) If a State Disbursement Unit as specified by federal
8 law has not been created in Illinois upon the effective date
9 of this Act, then, until the creation of a State Disbursement
10 Unit as specified by federal law, the following provisions
11 regarding payment and disbursement of support payments shall
12 control and the provisions in subsections (a), (b), (c), and
13 (d) shall be inoperative. Upon the creation of a State
14 Disbursement Unit as specified by federal law, this
15 subsection (e) shall be inoperative and the payment and
16 disbursement provisions of subsections (a), (b), (c), and (d)
17 shall control.

18 (1) In cases in which an order for support is
19 entered under Section 20 of this Act, the court shall
20 order that maintenance and support payments be made to
21 the clerk of the court for remittance to the person or
22 agency entitled to receive the payments. However, the
23 court in its discretion may direct otherwise where
24 exceptional circumstances so warrant.

25 (2) The court shall direct that support payments be
26 sent by the clerk to (i) the Illinois Department of Human
27 Services Public--Aid if the person in whose behalf
28 payments are made is receiving aid under Articles III,
29 IV, or V of the Illinois Public Aid Code, or child and
30 spouse support services under Article X of the Code, or
31 (ii) to the local governmental unit responsible for the
32 support of the person if he or she is a recipient under
33 Article VI of the Code. In accordance with federal law
34 and regulations, the Illinois Department of Human

1 Services Publice--Aid may continue to collect current
2 maintenance payments or child support payments, or both,
3 after those persons cease to receive public assistance
4 and until termination of services under Article X of the
5 Illinois Public Aid Code. The Illinois Department shall
6 pay the net amount collected to those persons after
7 deducting any costs incurred in making the collection or
8 any collection fee from the amount of any recovery made.
9 The order shall permit the Illinois Department of Human
10 Services Publice-Aid or the local governmental unit, as
11 the case may be, to direct that support payments be made
12 directly to the spouse, children, or both, or to some
13 person or agency in their behalf, upon removal of the
14 spouse or children from the public aid rolls or upon
15 termination of services under Article X of the Illinois
16 Public Aid Code; and upon such direction, the Illinois
17 Department or the local governmental unit, as the case
18 requires, shall give notice of such action to the court
19 in writing or by electronic transmission.

20 (3) The clerk of the court shall establish and
21 maintain current records of all moneys received and
22 disbursed and of delinquencies and defaults in required
23 payments. The court, by order or rule, shall make
24 provision for the carrying out of these duties.

25 (4) Upon notification in writing or by electronic
26 transmission from the Illinois Department of Human
27 Services Publice--Aid to the clerk of the court that a
28 person who is receiving support payments under this
29 Section is receiving services under the Child Support
30 Enforcement Program established by Title IV-D of the
31 Social Security Act, any support payments subsequently
32 received by the clerk of the court shall be transmitted
33 in accordance with the instructions of the Illinois
34 Department of Human Services Publice--Aid until the

1 Department gives notice to cease the transmittal. After
2 providing the notification authorized under this
3 paragraph, the Illinois Department of Human Services
4 Public-Aid shall be a party and entitled to notice of any
5 further proceedings in the case. The clerk of the court
6 shall file a copy of the notification to the Illinois
7 Department of Human Services Public-Aid's-notificati
8 the court file. The failure of the clerk to file a copy
9 of the notification in the court file shall not, however,
10 affect the rights of the Illinois Department of Human
11 Services Public-Aid's-rights as a party or its right to
12 receive notice of further proceedings.

13 (5) Payments under this Section to the Illinois
14 Department of Human Services Public-Aid pursuant to the
15 Child Support Enforcement Program established by Title
16 IV-D of the Social Security Act shall be paid into the
17 Child Support Enforcement Trust Fund. All other payments
18 under this Section to the Illinois Department of Human
19 Services Public-Aid shall be deposited in the Public
20 Assistance Recoveries Trust Fund. Disbursements from
21 these funds shall be as provided in the Illinois Public
22 Aid Code. Payments received by a local governmental unit
23 shall be deposited in that unit's General Assistance
24 Fund.

25 (6) For those cases in which child support is
26 payable to the clerk of the circuit court for transmittal
27 to the Illinois Department of Human Services Public--Aid
28 by order of court or upon notification by the Illinois
29 Department of Human Services Public-Aid, the clerk shall
30 transmit all such payments, within 4 working days of
31 receipt, to insure that funds are available for immediate
32 distribution by the Department to the person or entity
33 entitled thereto in accordance with standards of the
34 Child Support Enforcement Program established under Title

1 IV-D of the Social Security Act. The clerk shall notify
2 the Department of the date of receipt and amount thereof
3 at the time of transmittal. Where the clerk has entered
4 into an agreement of cooperation with the Department to
5 record the terms of child support orders and payments
6 made thereunder directly into the Department's automated
7 data processing system, the clerk shall account for,
8 transmit and otherwise distribute child support payments
9 in accordance with such agreement in lieu of the
10 requirements contained herein.

11 (Source: P.A. 91-613, eff. 10-1-99.)

12 (750 ILCS 16/30)

13 Sec. 30. Information to State Case Registry.

14 (a) When an order for support is entered or modified
15 under Section 20 of this Act, the clerk of the court shall,
16 within 5 business days, provide to the State Case Registry
17 established under Section 10-27 of the Illinois Public Aid
18 Code the court docket number and county in which the order is
19 entered or modified and the following information, which the
20 parents involved in the case shall disclose to the court:

21 (1) the names of the custodial and noncustodial
22 parents and of the child or children covered by the
23 order;

24 (2) the dates of birth of the custodial and
25 noncustodial parents and of the child or children covered
26 by the order;

27 (3) the social security numbers of the custodial and
28 noncustodial parents and, if available, of the child or
29 children covered by the order;

30 (4) the residential and mailing address for the
31 custodial and noncustodial parents;

32 (5) the telephone numbers for the custodial and
33 noncustodial parents;

1 (6) the driver's license numbers for the custodial
2 and noncustodial parents; and

3 (7) the name, address, and telephone number of each
4 parent's employer or employers.

5 (b) When an order for support is entered or modified
6 under Section 20 in a case in which a party is receiving
7 child and spouse support services under Article X of the
8 Illinois Public Aid Code, the clerk shall provide the State
9 Case Registry with the following information within 5
10 business days:

11 (1) the information specified in subsection (a);

12 (2) the amount of monthly or other periodic support
13 owed under the order and other amounts, including
14 arrearages, interest, or late payment penalties and fees,
15 due or overdue under the order;

16 (3) any amounts described in subdivision (2) of this
17 subsection (b) that have been received by the clerk; and

18 (4) the distribution of the amounts received by the
19 clerk.

20 (c) A party shall report to the clerk of the circuit
21 court changes in information required to be disclosed under
22 this Section within 5 business days of the change.

23 (d) To the extent that updated information is in the
24 clerk's possession, the clerk shall provide updates of the
25 information specified in subsection (b) within 5 business
26 days after the request by the Illinois Department of Human
27 Services Public-Aid's-request for that updated information.

28 (Source: P.A. 91-613, eff. 10-1-99.)

29 (750 ILCS 16/35)

30 Sec. 35. Fine; release of defendant on probation;
31 violation of order for support; forfeiture of recognizance.

32 (a) Whenever a fine is imposed it may be directed by the
33 court to be paid, in whole or in part, to the spouse,

1 ex-spouse, or if the support of a child or children is
2 involved, to the custodial parent, to the clerk, probation
3 officer, or to the Illinois Department of Human Services
4 Public-Aid if a recipient of child and spouse support
5 services under Article X of the Illinois Public Aid Code is
6 involved as the case requires, to be disbursed by such
7 officers or agency under the terms of the order.

8 (b) The court may also relieve the defendant from custody
9 on probation for the period fixed in the order or judgment
10 upon his or her entering into a recognizance, with or without
11 surety, in the sum as the court orders and approves. The
12 condition of the recognizance shall be such that if the
13 defendant makes his or her personal appearance in court
14 whenever ordered to do so by the court, during such period as
15 may be so fixed, and further complies with the terms of the
16 order for support, or any subsequent modification of the
17 order, then the recognizance shall be void; otherwise it will
18 remain in full force and effect.

19 (c) If the court is satisfied by testimony in open court,
20 that at any time during the period of one year the defendant
21 has violated the terms of the order for support, it may
22 proceed with the trial of the defendant under the original
23 charge, or sentence him or her under the original conviction,
24 or enforce the suspended sentence, as the case may be. In
25 case of forfeiture of recognizance, and enforcement of
26 recognizance by execution, the sum so recovered may, in the
27 discretion of the court, be paid, in whole or in part, to the
28 spouse, ex-spouse, or if the support of a child or children
29 is involved, to the custodial parent, to the clerk, or to the
30 Illinois Department of Human Services Public--Aid if a
31 recipient of child and spouse support services under Article
32 X of the Illinois Public Aid Code is involved as the case
33 requires, to be disbursed by the clerk or the Department
34 under the terms of the order.

1 (Source: P.A. 91-613, eff. 10-1-99.)

2 (750 ILCS 16/60)

3 Sec. 60. Unemployed persons owing duty of support.

4 (a) Whenever it is determined in a proceeding to
5 establish or enforce a child support or maintenance
6 obligation that the person owing a duty of support is
7 unemployed, the court may order the person to seek employment
8 and report periodically to the court with a diary, listing or
9 other memorandum of his or her efforts in accordance with
10 such order. Additionally, the court may order the unemployed
11 person to report to the Department of Employment Security for
12 job search services or to make application with the local Job
13 Jobs Training Partnership Act provider for participation in
14 job search, training, or work programs and where the duty of
15 support is owed to a child receiving support services under
16 Article X of the Illinois Public Aid Code the court may order
17 the unemployed person to report to the Illinois Department of
18 Human Services Public-Aid for participation in job search,
19 training, or work programs established under Section 9-6 and
20 Article IXA of that Code.

21 (b) Whenever it is determined that a person owes past
22 due support for a child or for a child and the parent with
23 whom the child is living, and the child is receiving
24 assistance under the Illinois Public Aid Code, the court
25 shall order at the request of the Illinois Department of
26 Human Services Public-Aid:

27 (1) that the person pay the past-due support in
28 accordance with a plan approved by the court; or

29 (2) if the person owing past-due support is
30 unemployed, is subject to such a plan, and is not
31 incapacitated, that the person participate in such job
32 search, training, or work programs established under
33 Section 9-6 and Article IXA of the Illinois Public Aid

1 Code as the court deems appropriate.

2 (Source: P.A. 91-613, eff. 10-1-99; revised 10-1-99.)

3 Section 475. The Uniform Interstate Family Support Act is
4 amended by changing Sections 102, 310, and 320 as follows:

5 (750 ILCS 22/102)

6 Sec. 102. Tribunal of State. The circuit court is a
7 tribunal of this State. The Illinois Department of Human
8 Services Public-Aid is an initiating tribunal. The Illinois
9 Department of Human Services Public-Aid is also a responding
10 tribunal of this State to the extent that it can
11 administratively establish paternity and establish, modify,
12 and enforce an administrative child-support order under
13 authority of Article X of the Illinois Public Aid Code.

14 (Source: P.A. 90-240, eff. 7-28-97.)

15 (750 ILCS 22/310)

16 Sec. 310. Duties of the Illinois Department of Human
17 Services Public-Aid.

18 (a) The Illinois Department of Human Services Public-Aid
19 is the state information agency under this Act.

20 (b) The state information agency shall:

21 (1) compile and maintain a current list, including
22 addresses, of the tribunals in this State which have
23 jurisdiction under this Act and any support enforcement
24 agencies in this State and transmit a copy to the state
25 information agency of every other state;

26 (2) maintain a register of tribunals and support
27 enforcement agencies received from other states;

28 (3) forward to the appropriate tribunal in the
29 place in this State in which the individual obligee or
30 the obligor resides, or in which the obligor's property
31 is believed to be located, all documents concerning a

1 proceeding under this Act received from an initiating
2 tribunal or the state information agency of the
3 initiating state; and

4 (4) obtain information concerning the location of
5 the obligor and the obligor's property within this State
6 not exempt from execution, by such means as postal
7 verification and federal or state locator services,
8 examination of telephone directories, requests for the
9 obligor's address from employers, and examination of
10 governmental records, including, to the extent not
11 prohibited by other law, those relating to real property,
12 vital statistics, law enforcement, taxation, motor
13 vehicles, driver's licenses, and social security.

14 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
15 by P.A. 88-691.)

16 (750 ILCS 22/320)

17 Sec. 320. Payment of Support to State Disbursement Unit.

18 (a) As used in this Section:

19 "Order for support", "obligor", "obligee", and "payor"
20 mean those terms as defined in the Income Withholding for
21 Support Act, except that "order for support" means an order
22 entered by any tribunal of this State but shall not mean
23 orders providing for spousal maintenance under which there is
24 no child support obligation.

25 (b) Notwithstanding any other provision of this Act to
26 the contrary, each order for support entered or modified on
27 or after October 1, 1999 shall require that support payments
28 be made to the State Disbursement Unit established under
29 Section 10-26 of the Illinois Public Aid Code if:

30 (1) a party to the order is receiving child and
31 spouse support services under Article X of the Illinois
32 Public Aid Code; or

33 (2) no party to the order is receiving child and

1 spouse support services, but the support payments are
2 made through income withholding.

3 (c) Support payments shall be made to the State
4 Disbursement Unit if:

5 (1) the order for support was entered before
6 October 1, 1999, and a party to the order is receiving
7 child and spouse support services under Article X of the
8 Illinois Public Aid Code; or

9 (2) no party to the order is receiving child and
10 spouse support services, and the support payments are
11 being made through income withholding.

12 (c-5) If no party to the order is receiving child and
13 spouse support services under Article X of the Illinois
14 Public Aid Code, and the support payments are not made
15 through income withholding, then support payments shall be
16 made as directed by the order for support.

17 (c-10) Within 15 days after the effective date of this
18 amendatory Act of the 91st General Assembly, the Illinois
19 Department shall provide written notice to the clerk of the
20 circuit court, the obligor, and, where applicable, the
21 obligor's payor to make payments to the State Disbursement
22 Unit if:

23 (1) the order for support was entered before
24 October 1, 1999, and a party to the order is receiving
25 child and spouse support services under Article X of the
26 Illinois Public Aid Code; or

27 (2) no party to the order is receiving child and
28 spouse support services, and the support payments are
29 being made through income withholding.

30 (c-15) Within 15 days after the effective date of this
31 amendatory Act of the 91st General Assembly, the clerk of the
32 circuit court shall provide written notice to the obligor to
33 make payments directly to the clerk of the circuit court if
34 no party to the order is receiving child and spouse support

1 services under Article X of the Illinois Public Aid Code, the
2 support payments are not made through income withholding, and
3 the order for support requires support payments to be made
4 directly to the clerk of the circuit court.

5 (c-20) If the State Disbursement Unit receives a support
6 payment that was not appropriately made to the Unit under
7 this Section, the Unit shall immediately return the payment
8 to the sender, including, if possible, instructions detailing
9 where to send the support payments.

10 (d) The notices required under subsections (c-10) and
11 (c-15) may be sent by ordinary mail, certified mail, return
12 receipt requested, facsimile transmission, or other
13 electronic process, or may be served upon the obligor or
14 payor using any method provided by law for service of a
15 summons. The Illinois Department of Human Services Public
16 Aid shall provide a copy of the notice to the obligee and to
17 the clerk of the court.

18 (Source: P.A. 91-677, eff. 1-5-00.)

19 Section 480. The Expedited Child Support Act of 1990 is
20 amended by changing Sections 3 and 6 as follows:

21 (750 ILCS 25/3) (from Ch. 40, par. 2703)

22 Sec. 3. Definitions. For the purposes of this Act, the
23 following terms shall have the following meaning:

24 (a) "Administrative Hearing Officer" shall mean the
25 person employed by the Chief Judge of the Circuit Court of
26 each county establishing an Expedited Child Support System
27 for the purpose of hearing child support and parentage
28 matters and making recommendations.

29 (b) "Administrative expenses" shall mean, but not be
30 limited to, the costs of personnel, travel, equipment,
31 telecommunications, postage, space, contractual services, and
32 other related costs necessary to implement the provisions of

1 this Act.

2 (c) "Arrearage" shall mean the total amount of unpaid
3 child support obligations.

4 (d) "Department" shall mean the Illinois Department of
5 Human Services Public-Aid.

6 (e) "Expedited child support hearing" shall mean a
7 hearing before an Administrative Hearing Officer pursuant to
8 this Act.

9 (f) "Federal time frames" shall mean the time frames
10 established for the IV-D program in regulations promulgated
11 by the United States Department of Health and Human Services,
12 Office of Child Support Enforcement, (codified at 45 C.F.R.
13 303), for the disposition of parentage and child support
14 cases and shall, for purposes of this Act, apply to all
15 parentage and child support matters, whether IV-D or
16 non-IV-D.

17 (g) "System" shall mean the procedures and personnel
18 created by this Act for the expedited establishment,
19 modification, and enforcement of child support orders, and
20 for the expedited establishment of parentage.

21 (h) "IV-D program" shall mean the Child Support
22 Enforcement Program established pursuant to Title IV, Part D
23 of the Social Security Act, (42 U.S.C. 651 et seq.) as
24 administered by the Illinois Department of Human Services
25 Public-Aid.

26 (i) "Medical support" shall mean support provided
27 pursuant to Section 505.2 of the Illinois Marriage and
28 Dissolution of Marriage Act.

29 (j) "Obligee" shall mean the individual to whom a duty
30 of support is owed or that individual's legal representative.

31 (k) "Obligor" shall mean the individual who owes a duty
32 to make payments under an order of support.

33 (l) "Plan" shall mean the plan submitted by the Chief
34 Judge of a Judicial Circuit to the Supreme Court for the

1 creation of an Expedited Child Support System in such circuit
2 pursuant to this Act.

3 (m) "Pre-hearing motions" shall mean all motions, the
4 disposition of which requires a court order, except motions
5 for the ultimate relief requested in the petition to commence
6 the action.

7 (n) "Recommendations" shall mean the Administrative
8 Hearing Officer's proposed findings of fact, recommended
9 orders and any other recommendations made by the
10 Administrative Hearing Officer.

11 (Source: P.A. 86-1401.)

12 (750 ILCS 25/6) (from Ch. 40, par. 2706)

13 Sec. 6. Authority of hearing officers.

14 (a) With the exception of judicial functions exclusively
15 retained by the court in Section 8 of this Act and in
16 accordance with Supreme Court rules promulgated pursuant to
17 this Act, Administrative Hearing Officers shall be authorized
18 to:

19 (1) Accept voluntary agreements reached by the
20 parties setting the amount of child support to be paid
21 and medical support liability and recommend the entry of
22 orders incorporating such agreements.

23 (2) Accept voluntary acknowledgments of parentage
24 and recommend entry of an order establishing parentage
25 based on such acknowledgement. Prior to accepting such
26 acknowledgment, the Administrative Hearing Officer shall
27 advise the putative father of his rights and obligations
28 in accordance with Supreme Court rules promulgated
29 pursuant to this Act.

30 (3) Manage all stages of discovery, including
31 setting deadlines by which discovery must be completed;
32 and directing the parties to submit to appropriate tests
33 pursuant to Section 11 of the Illinois Parentage Act of

1 1984.

2 (4) Cause notices to be issued requiring the
3 Obligor to appear either before the Administrative
4 Hearing Officer or in court.

5 (5) Administer the oath or affirmation and take
6 testimony under oath or affirmation.

7 (6) Analyze the evidence and prepare written
8 recommendations based on such evidence, including but not
9 limited to: (i) proposed findings as to the amount of the
10 Obligor's income; (ii) proposed findings as to the amount
11 and nature of appropriate deductions from the Obligor's
12 income to determine the Obligor's net income; (iii)
13 proposed findings as to the existence of relevant factors
14 as set forth in subsection (a)(2) of Section 505 of the
15 Illinois Marriage and Dissolution of Marriage Act, which
16 justify setting child support payment levels above or
17 below the guidelines; (iv) recommended orders for
18 temporary child support; (v) recommended orders setting
19 the amount of current child support to be paid; (vi)
20 proposed findings as to the existence and amount of any
21 arrearages; (vii) recommended orders reducing any
22 arrearages to judgement and for the payment of amounts
23 towards such arrearages; (viii) proposed findings as to
24 whether there has been a substantial change of
25 circumstances since the entry of the last child support
26 order, or other circumstances justifying a modification
27 of the child support order; and (ix) proposed findings as
28 to whether the Obligor is employed.

29 (7) With respect to any unemployed Obligor who is
30 not making child support payments or is otherwise unable
31 to provide support, recommend that the Obligor be ordered
32 to seek employment and report periodically of his or her
33 efforts in accordance with such order. Additionally, the
34 Administrative Hearing Officer may recommend that the

1 Obligor be ordered to report to the Department of
 2 Employment Security for job search services or to make
 3 application with the local Job Jobs Training Partnership
 4 Act provider for participation in job search, training or
 5 work programs and, where the duty of support is owed to a
 6 child receiving support services under Article X of the
 7 Illinois Public Aid Code, the Administrative Hearing
 8 Officer may recommend that the Obligor be ordered to
 9 report to the Illinois Department of Human Services
 10 Public-Aid for participation in the job search, training
 11 or work programs established under Section 9-6 of the
 12 Public Aid Code. ~~;~~ and

13 (8) Recommend the registration of any foreign
 14 support judgments or orders as the judgments or orders of
 15 Illinois.

16 (b) In any case in which the Obligee is not
 17 participating in the IV-D program or has not applied to
 18 participate in the IV-D program, the Administrative Hearing
 19 Officer shall:

20 (1) inform the Obligee of the existence of the IV-D
 21 program and provide applications on request; and

22 (2) inform the Obligee and the Obligor of the
 23 option of requesting payment to be made through the Clerk
 24 of the Circuit Court.

25 If a request for payment through the Clerk is made, the
 26 Administrative Hearing Officer shall note this fact in the
 27 recommendations to the court.

28 (c) The Administrative Hearing Officer may make
 29 recommendations in addition to the proposed findings of fact
 30 and recommended order to which the parties have agreed.

31 (Source: P.A. 86-1401; revised 2-23-00.)

32 Section 485. The Income Withholding for Support Act is
 33 amended by changing Sections 15 and 45 as follows:

1 (750 ILCS 28/15)

2 Sec. 15. Definitions.

3 (a) "Order for support" means any order of the court
4 which provides for periodic payment of funds for the support
5 of a child or maintenance of a spouse, whether temporary or
6 final, and includes any such order which provides for:

7 (1) modification or resumption of, or payment of
8 arrearage accrued under, a previously existing order;

9 (2) reimbursement of support;

10 (3) payment or reimbursement of the expenses of
11 pregnancy and delivery (for orders for support entered
12 under the Illinois Parentage Act of 1984 or its
13 predecessor the Paternity Act); or

14 (4) enrollment in a health insurance plan that is
15 available to the obligor through an employer or labor
16 union or trade union.

17 (b) "Arrearage" means the total amount of unpaid support
18 obligations as determined by the court and incorporated into
19 an order for support.

20 (b-5) "Business day" means a day on which State offices
21 are open for regular business.

22 (c) "Delinquency" means any payment under an order for
23 support which becomes due and remains unpaid after entry of
24 the order for support.

25 (d) "Income" means any form of periodic payment to an
26 individual, regardless of source, including, but not limited
27 to: wages, salary, commission, compensation as an independent
28 contractor, workers' compensation, disability, annuity,
29 pension, and retirement benefits, lottery prize awards,
30 insurance proceeds, vacation pay, bonuses, profit-sharing
31 payments, interest, and any other payments, made by any
32 person, private entity, federal or state government, any unit
33 of local government, school district or any entity created by
34 Public Act; however, "income" excludes:

1 (1) any amounts required by law to be withheld,
2 other than creditor claims, including, but not limited
3 to, federal, State and local taxes, Social Security and
4 other retirement and disability contributions;

5 (2) union dues;

6 (3) any amounts exempted by the federal Consumer
7 Credit Protection Act;

8 (4) public assistance payments; and

9 (5) unemployment insurance benefits except as
10 provided by law.

11 Any other State or local laws which limit or exempt
12 income or the amount or percentage of income that can be
13 withheld shall not apply.

14 (e) "Obligor" means the individual who owes a duty to
15 make payments under an order for support.

16 (f) "Obligee" means the individual to whom a duty of
17 support is owed or the individual's legal representative.

18 (g) "Payor" means any payor of income to an obligor.

19 (h) "Public office" means any elected official or any
20 State or local agency which is or may become responsible by
21 law for enforcement of, or which is or may become authorized
22 to enforce, an order for support, including, but not limited
23 to: the Attorney General, the ~~Illinois-Department-of-Public~~
24 ~~Aid,~~ the Illinois Department of Human Services, the Illinois
25 Department of Children and Family Services, and the various
26 State's Attorneys, Clerks of the Circuit Court and
27 supervisors of general assistance.

28 (i) "Premium" means the dollar amount for which the
29 obligor is liable to his employer or labor union or trade
30 union and which must be paid to enroll or maintain a child in
31 a health insurance plan that is available to the obligor
32 through an employer or labor union or trade union.

33 (j) "State Disbursement Unit" means the unit established
34 to collect and disburse support payments in accordance with

1 the provisions of Section 10-26 of the Illinois Public Aid
2 Code.

3 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,
4 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

5 (750 ILCS 28/45)

6 Sec. 45. Additional duties.

7 (a) An obligee who is receiving income withholding
8 payments under this Act shall notify the State Disbursement
9 Unit and the Clerk of the Circuit Court of any change of
10 address within 7 days of such change.

11 (b) An obligee who is a recipient of public aid shall
12 send a copy of any income withholding notice served by the
13 obligee to the Division of Child Support Enforcement of the
14 Illinois Department of Human Services Public-Aid.

15 (c) Each obligor shall notify the obligee, the public
16 office, and the Clerk of the Circuit Court of any change of
17 address within 7 days.

18 (d) An obligor whose income is being withheld pursuant
19 to this Act shall notify the obligee, the public office, and
20 the Clerk of the Circuit Court of any new payor, within 7
21 days.

22 (e) (Blank.)

23 (f) The obligee or public office shall provide notice to
24 the payor and Clerk of the Circuit Court of any other support
25 payment made, including but not limited to, a set-off under
26 federal and State law or partial payment of the delinquency
27 or arrearage, or both.

28 (g) The State Disbursement Unit shall maintain complete,
29 accurate, and clear records of all income withholding
30 payments and their disbursements. Certified copies of
31 payment records maintained by the State Disbursement Unit, a
32 public office, or the Clerk of the Circuit Court shall,
33 without further proof, be admitted into evidence in any legal

1 proceedings under this Act.

2 (h) The Illinois Department of Human Services Public Aid
3 shall design suggested legal forms for proceeding under this
4 Act and shall make available to the courts such forms and
5 informational materials which describe the procedures and
6 remedies set forth herein for distribution to all parties in
7 support actions.

8 (i) At the time of transmitting each support payment,
9 the State Disbursement Unit shall provide the obligee or
10 public office, as appropriate, with any information furnished
11 by the payor as to the date the amount would (but for the
12 duty to withhold income) have been paid or credited to the
13 obligor.

14 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,
15 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

16 Section 490. The Illinois Parentage Act of 1984 is
17 amended by changing Sections 4.1, 5, 7, 8, 13.1, 14, 14.1,
18 15.1, 18, 21, 21.1, 22, and 23 as follows:

19 (750 ILCS 45/4.1)

20 Sec. 4.1. Administrative paternity determinations.
21 Notwithstanding any other provision of this Act, the Illinois
22 Department of Human Services Public Aid may make
23 administrative determinations of paternity and nonpaternity
24 in accordance with Section 10-17.7 of the Illinois Public Aid
25 Code. These determinations of paternity or nonpaternity
26 shall have the full force and effect of judgments entered
27 under this Act.

28 (Source: P.A. 88-687, eff. 1-24-95.)

29 (750 ILCS 45/5) (from Ch. 40, par. 2505)

30 Sec. 5. Presumption of Paternity.

31 (a) A man is presumed to be the natural father of a

1 child if:

2 (1) he and the child's natural mother are or have
3 been married to each other, even though the marriage is
4 or could be declared invalid, and the child is born or
5 conceived during such marriage;

6 (2) after the child's birth, he and the child's
7 natural mother have married each other, even though the
8 marriage is or could be declared invalid, and he is
9 named, with his written consent, as the child's father on
10 the child's birth certificate;

11 (3) he and the child's natural mother have signed
12 an acknowledgment of paternity in accordance with rules
13 adopted by the Illinois Department of Human Services
14 ~~Public--Aid~~ under Section 10-17.7 of the Illinois Public
15 Aid Code; or

16 (4) he and the child's natural mother have signed
17 an acknowledgment of parentage or, if the natural father
18 is someone other than one presumed to be the father under
19 this Section, an acknowledgment of parentage and denial
20 of paternity in accordance with Section 12 of the Vital
21 Records Act.

22 (b) A presumption under subdivision (a)(1) or (a)(2) of
23 this Section may be rebutted only by clear and convincing
24 evidence. A presumption under subdivision (a)(3) or (a)(4)
25 is conclusive, unless the acknowledgment of parentage is
26 rescinded under the process provided in Section 12 of the
27 Vital Records Act, upon the earlier of:

28 (1) 60 days after the date the acknowledgment of
29 parentage is signed, or

30 (2) the date of an administrative or judicial
31 proceeding relating to the child (including a proceeding
32 to establish a support order) in which the signatory is a
33 party;

34 except that if a minor has signed the acknowledgment of

1 paternity or acknowledgment of parentage and denial of
2 paternity, the presumption becomes conclusive 6 months after
3 the minor reaches majority or is otherwise emancipated.

4 (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

5 (750 ILCS 45/7) (from Ch. 40, par. 2507)

6 Sec. 7. Determination of Father and Child Relationship;
7 Who May Bring Action; Parties.

8 (a) An action to determine the existence of the father
9 and child relationship, whether or not such a relationship is
10 already presumed under Section 5 of this Act, may be brought
11 by the child; the mother; a pregnant woman; any person or
12 public agency who has custody of, or is providing or has
13 provided financial support to, the child; the Illinois
14 Department of Human Services ~~Public-Aid~~ if it is providing or
15 has provided financial support to the child or if it is
16 assisting with child support collection services; or a man
17 presumed or alleging himself to be the father of the child or
18 expected child. The complaint shall be verified and shall
19 name the person or persons alleged to be the father of the
20 child.

21 (b) An action to declare the non-existence of the parent
22 and child relationship may be brought by the child, the
23 natural mother, or a man presumed to be the father under
24 subdivision (a)(1) or (a)(2) of Section 5 of this Act.
25 Actions brought by the child, the natural mother or a
26 presumed father shall be brought by verified complaint.

27 After the presumption that a man presumed to be the
28 father under subdivision (a)(1) or (a)(2) of Section 5 has
29 been rebutted, paternity of the child by another man may be
30 determined in the same action, if he has been made a party.

31 (b-5) An action to declare the non-existence of the
32 parent and child relationship may be brought subsequent to an
33 adjudication of paternity in any judgment by the man

1 adjudicated to be the father pursuant to the presumptions in
2 Section 5 of this Act if, as a result of deoxyribonucleic
3 acid (DNA) tests, it is discovered that the man adjudicated
4 to be the father is not the natural father of the child.
5 Actions brought by the adjudicated father shall be brought by
6 verified complaint. If, as a result of the deoxyribonucleic
7 acid (DNA) tests, the plaintiff is determined not to be the
8 father of the child, the adjudication of paternity and any
9 orders regarding custody, visitation, and future payments of
10 support may be vacated.

11 (c) If any party is a minor, he or she may be
12 represented by his or her general guardian or a guardian ad
13 litem appointed by the court, which may include an
14 appropriate agency. The court may align the parties.

15 (d) Regardless of its terms, an agreement, other than a
16 settlement approved by the court, between an alleged or
17 presumed father and the mother or child, does not bar an
18 action under this Section.

19 (e) If an action under this Section is brought before
20 the birth of the child, all proceedings shall be stayed until
21 after the birth, except for service or process, the taking of
22 depositions to perpetuate testimony, and the ordering of
23 blood tests under appropriate circumstances.

24 (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97;
25 90-715, eff. 8-7-98.)

26 (750 ILCS 45/8) (from Ch. 40, par. 2508)

27 Sec. 8. Statute of limitations.

28 (a) (1) An action brought by or on behalf of a child, an
29 action brought by a party alleging that he or she is the
30 child's natural parent, or an action brought by the
31 Illinois Department of Human Services Public-Aid, if it
32 is providing or has provided financial support to the
33 child or if it is assisting with child support collection

1 services, shall be barred if brought later than 2 years
2 after the child reaches the age of majority; however, if
3 the action on behalf of the child is brought by a public
4 agency, other than the Illinois Department of Human
5 Services ~~Public--Aid~~ if it is providing or has provided
6 financial support to the child or if it is assisting with
7 child support collection services, it shall be barred 2
8 years after the agency has ceased to provide assistance
9 to the child.

10 (2) Failure to bring an action within 2 years shall
11 not bar any party from asserting a defense in any action
12 to declare the non-existence of the parent and child
13 relationship.

14 (3) An action to declare the non-existence of the
15 parent and child relationship brought under subsection
16 (b) of Section 7 of this Act shall be barred if brought
17 later than 2 years after the petitioner obtains knowledge
18 of relevant facts. The 2-year period for bringing an
19 action to declare the nonexistence of the parent and
20 child relationship shall not extend beyond the date on
21 which the child reaches the age of 18 years. Failure to
22 bring an action within 2 years shall not bar any party
23 from asserting a defense in any action to declare the
24 existence of the parent and child relationship.

25 (4) An action to declare the non-existence of the
26 parent and child relationship brought under subsection
27 (b-5) of Section 7 of this Act shall be barred if brought
28 more than 6 months after the effective date of this
29 amendatory Act of 1998 or more than 2 years after the
30 petitioner obtains actual knowledge of relevant facts,
31 whichever is later. The 2-year period shall not apply to
32 periods of time where the natural mother or the child
33 refuses to submit to deoxyribonucleic acid (DNA) tests.
34 The 2-year period for bringing an action to declare the

1 nonexistence of the parent and child relationship shall
2 not extend beyond the date on which the child reaches the
3 age of 18 years. Failure to bring an action within 2
4 years shall not bar any party from asserting a defense in
5 any action to declare the existence of the parent and
6 child relationship.

7 (b) The time during which any party is not subject to
8 service of process or is otherwise not subject to the
9 jurisdiction of the courts of this State shall toll the
10 aforementioned periods.

11 (c) This Act does not affect the time within which any
12 rights under the Probate Act of 1975 may be asserted beyond
13 the time provided by law relating to distribution and closing
14 of decedent's estates or to the determination of heirship, or
15 otherwise.

16 (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97;
17 90-715, eff. 8-7-98.)

18 (750 ILCS 45/13.1)

19 Sec. 13.1. Temporary order for child support.
20 Notwithstanding any other law to the contrary, pending the
21 outcome of a judicial determination of parentage, the court
22 shall issue a temporary order for child support, upon motion
23 by a party and a showing of clear and convincing evidence of
24 paternity. In determining the amount of the temporary child
25 support award, the court shall use the guidelines and
26 standards set forth in subsection (a) of Section 505 and in
27 Section 505.2 of the Illinois Marriage and Dissolution of
28 Marriage Act.

29 Any new or existing support order entered by the court
30 under this Section shall be deemed to be a series of
31 judgments against the person obligated to pay support
32 thereunder, each such judgment to be in the amount of each
33 payment or installment of support and each judgment to be

1 deemed entered as of the date the corresponding payment or
2 installment becomes due under the terms of the support order.
3 Each such judgment shall have the full force, effect, and
4 attributes of any other judgment of this State, including the
5 ability to be enforced. Any such judgment is subject to
6 modification or termination only in accordance with Section
7 510 of the Illinois Marriage and Dissolution of Marriage Act.
8 A lien arises by operation of law against the real and
9 personal property of the noncustodial parent for each
10 installment of overdue support owed by the noncustodial
11 parent.

12 All orders for support, when entered or modified, shall
13 include a provision requiring the non-custodial parent to
14 notify the court, and in cases in which a party is receiving
15 child and spouse support services under Article X of the
16 Illinois Public Aid Code, the Illinois Department of Human
17 Services Public-Aid, within 7 days, (i) of the name, address,
18 and telephone number of any new employer of the non-custodial
19 parent, (ii) whether the non-custodial parent has access to
20 health insurance coverage through the employer or other group
21 coverage, and, if so, the policy name and number and the
22 names of persons covered under the policy, and (iii) of any
23 new residential or mailing address or telephone number of the
24 non-custodial parent.

25 In any subsequent action to enforce a support order, upon
26 sufficient showing that diligent effort has been made to
27 ascertain the location of the non-custodial parent, service
28 of process or provision of notice necessary in that action
29 may be made at the last known address of the non-custodial
30 parent, in any manner expressly provided by the Code of Civil
31 Procedure or in this Act, which service shall be sufficient
32 for purposes of due process.

33 An order for support shall include a date on which the
34 current support obligation terminates. The termination date

1 shall be no earlier than the date on which the child covered
2 by the order will attain the age of majority or is otherwise
3 emancipated. The order for support shall state that the
4 termination date does not apply to any arrearage that may
5 remain unpaid on that date. Nothing in this paragraph shall
6 be construed to prevent the court from modifying the order.

7 (Source: P.A. 90-18, eff. 7-1-97.)

8 (750 ILCS 45/14) (from Ch. 40, par. 2514)

9 Sec. 14. Judgment.

10 (a) (1) The judgment shall contain or explicitly reserve
11 provisions concerning any duty and amount of child support
12 and may contain provisions concerning the custody and
13 guardianship of the child, visitation privileges with the
14 child, the furnishing of bond or other security for the
15 payment of the judgment, which the court shall determine in
16 accordance with the relevant factors set forth in the
17 Illinois Marriage and Dissolution of Marriage Act and any
18 other applicable law of Illinois, to guide the court in a
19 finding in the best interests of the child. In determining
20 custody, joint custody, or visitation, the court shall apply
21 the relevant standards of the Illinois Marriage and
22 Dissolution of Marriage Act. Specifically, in determining the
23 amount of any child support award, the court shall use the
24 guidelines and standards set forth in subsection (a) of
25 Section 505 and in Section 505.2 of the Illinois Marriage and
26 Dissolution of Marriage Act. For purposes of Section 505 of
27 the Illinois Marriage and Dissolution of Marriage Act, "net
28 income" of the non-custodial parent shall include any
29 benefits available to that person under the Illinois Public
30 Aid Code or from other federal, State or local
31 government-funded programs. The court shall, in any event
32 and regardless of the amount of the non-custodial parent's
33 net income, in its judgment order the non-custodial parent to

1 pay child support to the custodial parent in a minimum amount
2 of not less than \$10 per month. In an action brought within 2
3 years after a child's birth, the judgment or order may direct
4 either parent to pay the reasonable expenses incurred by
5 either parent related to the mother's pregnancy and the
6 delivery of the child. The judgment or order shall contain
7 the father's social security number, which the father shall
8 disclose to the court; however, failure to include the
9 father's social security number on the judgment or order does
10 not invalidate the judgment or order.

11 (2) If a judgment of parentage contains no explicit
12 award of custody, the establishment of a support obligation
13 or of visitation rights in one parent shall be considered a
14 judgment granting custody to the other parent. If the
15 parentage judgment contains no such provisions, custody shall
16 be presumed to be with the mother; however, the presumption
17 shall not apply if the father has had physical custody for at
18 least 6 months prior to the date that the mother seeks to
19 enforce custodial rights.

20 (b) The court shall order all child support payments,
21 determined in accordance with such guidelines, to commence
22 with the date summons is served. The level of current
23 periodic support payments shall not be reduced because of
24 payments set for the period prior to the date of entry of the
25 support order. The Court may order any child support
26 payments to be made for a period prior to the commencement of
27 the action. In determining whether and the extent to which
28 the payments shall be made for any prior period, the court
29 shall consider all relevant facts, including the factors for
30 determining the amount of support specified in the Illinois
31 Marriage and Dissolution of Marriage Act and other equitable
32 factors including but not limited to:

33 (1) The father's prior knowledge of the fact and
34 circumstances of the child's birth.

1 (2) The father's prior willingness or refusal to
2 help raise or support the child.

3 (3) The extent to which the mother or the public
4 agency bringing the action previously informed the father
5 of the child's needs or attempted to seek or require his
6 help in raising or supporting the child.

7 (4) The reasons the mother or the public agency did
8 not file the action earlier.

9 (5) The extent to which the father would be
10 prejudiced by the delay in bringing the action.

11 For purposes of determining the amount of child support
12 to be paid for any period before the date the order for
13 current child support is entered, there is a rebuttable
14 presumption that the father's net income for the prior period
15 was the same as his net income at the time the order for
16 current child support is entered.

17 If (i) the non-custodial parent was properly served with
18 a request for discovery of financial information relating to
19 the non-custodial parent's ability to provide child support,
20 (ii) the non-custodial parent failed to comply with the
21 request, despite having been ordered to do so by the court,
22 and (iii) the non-custodial parent is not present at the
23 hearing to determine support despite having received proper
24 notice, then any relevant financial information concerning
25 the non-custodial parent's ability to provide child support
26 that was obtained pursuant to subpoena and proper notice
27 shall be admitted into evidence without the need to establish
28 any further foundation for its admission.

29 (c) Any new or existing support order entered by the
30 court under this Section shall be deemed to be a series of
31 judgments against the person obligated to pay support
32 thereunder, each judgment to be in the amount of each payment
33 or installment of support and each such judgment to be deemed
34 entered as of the date the corresponding payment or

1 installment becomes due under the terms of the support order.
2 Each judgment shall have the full force, effect and
3 attributes of any other judgment of this State, including the
4 ability to be enforced. A lien arises by operation of law
5 against the real and personal property of the noncustodial
6 parent for each installment of overdue support owed by the
7 noncustodial parent.

8 (d) If the judgment or order of the court is at variance
9 with the child's birth certificate, the court shall order
10 that a new birth certificate be issued under the Vital
11 Records Act.

12 (e) On request of the mother and the father, the court
13 shall order a change in the child's name. After hearing
14 evidence the court may stay payment of support during the
15 period of the father's minority or period of disability.

16 (f) If, upon a showing of proper service, the father
17 fails to appear in court, or otherwise appear as provided by
18 law, the court may proceed to hear the cause upon testimony
19 of the mother or other parties taken in open court and shall
20 enter a judgment by default. The court may reserve any order
21 as to the amount of child support until the father has
22 received notice, by regular mail, of a hearing on the matter.

23 (g) A one-time charge of 20% is imposable upon the
24 amount of past-due child support owed on July 1, 1988 which
25 has accrued under a support order entered by the court. The
26 charge shall be imposed in accordance with the provisions of
27 Section 10-21 of the Illinois Public Aid Code and shall be
28 enforced by the court upon petition.

29 (h) All orders for support, when entered or modified,
30 shall include a provision requiring the non-custodial parent
31 to notify the court and, in cases in which party is receiving
32 child and spouse support services under Article X of the
33 Illinois Public Aid Code, the Illinois Department of Human
34 Services Public-Aid, within 7 days, (i) of the name and

1 address of any new employer of the non-custodial parent, (ii)
2 whether the non-custodial parent has access to health
3 insurance coverage through the employer or other group
4 coverage and, if so, the policy name and number and the names
5 of persons covered under the policy, and (iii) of any new
6 residential or mailing address or telephone number of the
7 non-custodial parent. In any subsequent action to enforce a
8 support order, upon a sufficient showing that a diligent
9 effort has been made to ascertain the location of the
10 non-custodial parent, service of process or provision of
11 notice necessary in the case may be made at the last known
12 address of the non-custodial parent in any manner expressly
13 provided by the Code of Civil Procedure or this Act, which
14 service shall be sufficient for purposes of due process.

15 (i) An order for support shall include a date on which
16 the current support obligation terminates. The termination
17 date shall be no earlier than the date on which the child
18 covered by the order will attain the age of majority or is
19 otherwise emancipated. The order for support shall state
20 that the termination date does not apply to any arrearage
21 that may remain unpaid on that date. Nothing in this
22 subsection shall be construed to prevent the court from
23 modifying the order.

24 (j) An order entered under this Section shall include a
25 provision requiring the obligor to report to the obligee and
26 to the clerk of court within 10 days each time the obligor
27 obtains new employment, and each time the obligor's
28 employment is terminated for any reason. The report shall be
29 in writing and shall, in the case of new employment, include
30 the name and address of the new employer. Failure to report
31 new employment or the termination of current employment, if
32 coupled with nonpayment of support for a period in excess of
33 60 days, is indirect criminal contempt. For any obligor
34 arrested for failure to report new employment bond shall be

1 set in the amount of the child support that should have been
2 paid during the period of unreported employment. An order
3 entered under this Section shall also include a provision
4 requiring the obligor and obligee parents to advise each
5 other of a change in residence within 5 days of the change
6 except when the court finds that the physical, mental, or
7 emotional health of a party or that of a minor child, or
8 both, would be seriously endangered by disclosure of the
9 party's address.

10 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
11 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)

12 (750 ILCS 45/14.1)

13 Sec. 14.1. Information to State Case Registry.

14 (a) When an order for support is entered or modified
15 under this Act, the clerk of the circuit court shall, within
16 5 business days, provide to the State Case Registry
17 established under Section 10-27 of the Illinois Public Aid
18 Code the court docket number and county in which the order
19 is entered or modified and the following information,
20 which the parties shall disclose to the court:

21 (1) The names of the custodial and non-custodial
22 parents and of the child or children covered by the
23 order.

24 (2) The dates of birth of the custodial and
25 non-custodial parents and of the child or children
26 covered by the order.

27 (3) The social security numbers of the custodial
28 and non-custodial parents and of the child or children
29 covered by the order.

30 (4) The residential and mailing addresses for the
31 custodial and non-custodial parents.

32 (5) The telephone numbers for the custodial and
33 non-custodial parents.

1 (6) The driver's license numbers for the custodial
2 and non-custodial parents.

3 (7) The name, address, and telephone number of each
4 parent's employer or employers.

5 (b) When a child support order is entered or modified
6 for a case in which a party is receiving child and spouse
7 support services under Article X of the Illinois Public Aid
8 Code, the clerk shall provide the State Case Registry with
9 the following information:

10 (1) The information specified in subsection (a) of
11 this Section.

12 (2) The amount of monthly or other periodic support
13 owed under the order and other amounts, including
14 arrearages, interest, or late payment penalties and fees,
15 due or overdue under the order.

16 (3) Any amounts described in subdivision (2) of
17 this subsection (b) that have been received by the clerk.

18 (4) The distribution of the amounts received by the
19 clerk.

20 (c) The parties affected by the order shall inform the
21 clerk of court of any change of address or of other condition
22 that may affect the administration of the order.

23 (d) To the extent that updated information is in the
24 clerk's possession, the clerk shall provide updates of the
25 information specified in subsection (b) of this Section
26 within 5 business days after the request of the Illinois
27 Department of Human Services ~~Public Aid's~~ ~~request~~ for that
28 updated information.

29 (Source: P.A. 91-212, eff. 7-20-99.)

30 (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

31 Sec. 15.1. (a) Whenever it is determined in a proceeding
32 to establish or enforce a child support obligation that the
33 person owing a duty of support is unemployed, the court may

1 order the person to seek employment and report periodically
 2 to the court with a diary, listing or other memorandum of his
 3 or her efforts in accordance with such order. Additionally,
 4 the court may order the unemployed person to report to the
 5 Department of Employment Security for job search services or
 6 to make application with the local Job Training Partnership
 7 Act provider for participation in job search, training or
 8 work programs and where the duty of support is owed to a
 9 child receiving support services under Article X of the
 10 Illinois Public Aid Code, as amended, the court may order the
 11 unemployed person to report to the Illinois Department of
 12 Human Services Public Aid for participation in job search,
 13 training or work programs established under Section 9-6 and
 14 Article IXA of that Code.

15 (b) Whenever it is determined that a person owes
 16 past-due support for a child, and the child is receiving
 17 assistance under the Illinois Public Aid Code, the court
 18 shall order the following at the request of the Illinois
 19 Department of Human Services Public Aid:

20 (1) that the person pay the past-due support in
 21 accordance with a plan approved by the court; or

22 (2) if the person owing past-due support is
 23 unemployed, is subject to such a plan, and is not
 24 incapacitated, that the person participate in such job
 25 search, training, or work programs established under
 26 Section 9-6 and Article IXA of the Illinois Public Aid
 27 Code as the court deems appropriate.

28 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

29 (750 ILCS 45/18) (from Ch. 40, par. 2518)
 30 Sec. 18. Right to Counsel; Free Transcript on Appeal.

31 (a) Any party may be represented by counsel at all
 32 proceedings under this Act.

33 (a-5) In any proceedings involving the support, custody,

1 visitation, education, parentage, property interest, or
2 general welfare of a minor or dependent child, the court may,
3 on its own motion or that of any party, and subject to the
4 terms or specifications the court determines, appoint an
5 attorney to serve in one of the following capacities:

6 (1) as an attorney to represent the child;

7 (2) as a guardian ad litem to address issues the
8 court delineates;

9 (3) as a child's representative whose duty shall be
10 to advocate what the representative finds to be in the
11 best interests of the child after reviewing the facts and
12 circumstances of the case. The child's representative
13 shall have the same power and authority to take part in
14 the conduct of the litigation as does an attorney for a
15 party and shall possess all the powers of investigation
16 and recommendation as does a guardian ad litem. The
17 child's representative shall consider, but not be bound
18 by, the expressed wishes of the child. A child's
19 representative shall have received training in child
20 advocacy or shall possess such experience as determined
21 to be equivalent to such training by the chief judge of
22 the circuit where the child's representative has been
23 appointed. The child's representative shall not disclose
24 confidential communications made by the child, except as
25 required by law or by the Rules of Professional Conduct.
26 The child's representative shall not be called as a
27 witness regarding the issues set forth in this
28 subsection.

29 During the proceedings the court may appoint an
30 additional attorney to serve in another of the capacities
31 described in subdivisions (1), (2), or (3) of the preceding
32 paragraph on its own motion or that of a party only for good
33 cause shown and when the reasons for the additional
34 appointment are set forth in specific findings.

1 The court shall enter an order as appropriate for costs,
2 fees, and disbursements, including a retainer, when the
3 attorney, guardian ad litem, or child's representative is
4 appointed, and thereafter as necessary. Such orders shall
5 require payment by either or both parents, by any other party
6 or source, or from the marital estate or the child's separate
7 estate. The court may not order payment by the Illinois
8 Department of Human Services Public Aid in cases in which the
9 Department is providing child and spouse support services
10 under Article X of the Illinois Public Aid Code. Unless
11 otherwise ordered by the court at the time fees and costs are
12 approved, all fees and costs payable to an attorney, guardian
13 ad litem, or child's representative under this Section are by
14 implication deemed to be in the nature of support of the
15 child and are within the exceptions to discharge in
16 bankruptcy under 11 U.S.C.A. 523. The provisions of Sections
17 501 and 508 of this Act shall apply to fees and costs for
18 attorneys appointed under this Section.

19 (b) Upon the request of a mother or child seeking to
20 establish the existence of a father and child relationship,
21 the State's Attorney shall represent the mother or child in
22 the trial court. If the child is an applicant for or a
23 recipient of assistance as defined in Section 2-6 of "The
24 Illinois Public Aid Code", approved April 11, 1967, as
25 amended, or has applied to the Illinois Department of Human
26 Services Public Aid for services under Article X of such
27 Code, the Department may file a complaint in the child's
28 behalf under this Act. The Department shall refer the
29 complaint to the Public Aid Claims Enforcement Division of
30 the Office of the Attorney General as provided in Section
31 12-16 of "The Illinois Public Aid Code" for enforcement by
32 the Attorney General. Legal representation by the State's
33 Attorney or the Attorney General shall be limited to the
34 establishment and enforcement of an order for support, and

1 shall not extend to visitation, custody, property or other
2 matters. If visitation, custody, property or other matters
3 are raised by a party and considered by the court in any
4 proceeding under this Act, the court shall provide a
5 continuance sufficient to enable the mother or child to
6 obtain representation for such matters.

7 (c) The Court may appoint counsel to represent any
8 indigent defendant in the trial court, except that this
9 representation shall be limited to the establishment of a
10 parent and child relationship and an order for support, and
11 shall not extend to visitation, custody, property,
12 enforcement of an order for support, or other matters. If
13 visitation, custody, property or other matters are raised by
14 a party and considered by the court in any proceeding under
15 this Act, the court shall provide a continuance sufficient to
16 enable the defendant to obtain representation for such
17 matters.

18 (d) The court shall furnish on request of any indigent
19 party a transcript for purposes of appeal.

20 (Source: P.A. 90-23, eff. 1-1-98; 91-410, eff. 1-1-00.)

21 (750 ILCS 45/21) (from Ch. 40, par. 2521)

22 Sec. 21. Support payments; receiving and disbursing
23 agents.

24 (1) In an action filed in a county of less than 3
25 million population in which an order for child support is
26 entered, and in supplementary proceedings in such a county to
27 enforce or vary the terms of such order arising out of an
28 action filed in such a county, the court, except in actions
29 or supplementary proceedings in which the pregnancy and
30 delivery expenses of the mother or the child support payments
31 are for a recipient of aid under the Illinois Public Aid
32 Code, shall direct that child support payments be made to the
33 clerk of the court unless in the discretion of the court

1 exceptional circumstances warrant otherwise. In cases where
2 payment is to be made to persons other than the clerk of the
3 court the judgment or order of support shall set forth the
4 facts of the exceptional circumstances.

5 (2) In an action filed in a county of 3 million or more
6 population in which an order for child support is entered,
7 and in supplementary proceedings in such a county to enforce
8 or vary the terms of such order arising out of an action
9 filed in such a county, the court, except in actions or
10 supplementary proceedings in which the pregnancy and delivery
11 expenses of the mother or the child support payments are for
12 a recipient of aid under the Illinois Public Aid Code, shall
13 direct that child support payments be made either to the
14 clerk of the court or to the Court Service Division of the
15 County Department of Public Aid, or to the clerk of the court
16 or to the Illinois Department of Human Services Public Aid,
17 unless in the discretion of the court exceptional
18 circumstances warrant otherwise. In cases where payment is
19 to be made to persons other than the clerk of the court, the
20 Court Service Division of the County Department of Public
21 Aid, or the Illinois Department of Human Services Public Aid,
22 the judgment or order of support shall set forth the facts of
23 the exceptional circumstances.

24 (3) Where the action or supplementary proceeding is in
25 behalf of a mother for pregnancy and delivery expenses or for
26 child support, or both, and the mother, child, or both, are
27 recipients of aid under the Illinois Public Aid Code, the
28 court shall order that the payments be made directly to (a)
29 the Illinois Department of Human Services Public Aid if the
30 mother or child, or both, are recipients under Articles IV or
31 V of the Code, or (b) the local governmental unit responsible
32 for the support of the mother or child, or both, if they are
33 recipients under Articles VI or VII of the Code. In
34 accordance with federal law and regulations, the Illinois

1 Department of Human Services Public Aid may continue to
2 collect current maintenance payments or child support
3 payments, or both, after those persons cease to receive
4 public assistance and until termination of services under
5 Article X of the Illinois Public Aid Code. The Illinois
6 Department of Human Services Public Aid shall pay the net
7 amount collected to those persons after deducting any costs
8 incurred in making the collection or any collection fee from
9 the amount of any recovery made. The Illinois Department of
10 Human Services Public Aid or the local governmental unit, as
11 the case may be, may direct that payments be made directly to
12 the mother of the child, or to some other person or agency in
13 the child's behalf, upon the removal of the mother and child
14 from the public aid rolls or upon termination of services
15 under Article X of the Illinois Public Aid Code; and upon
16 such direction, the Illinois Department or the local
17 governmental unit, as the case requires, shall give notice of
18 such action to the court in writing or by electronic
19 transmission.

20 (4) All clerks of the court and the Court Service
21 Division of a County Department of Public Aid and the
22 Illinois Department of Human Services Public Aid, receiving
23 child support payments under paragraphs (1) or (2) shall
24 disburse the same to the person or persons entitled thereto
25 under the terms of the order. They shall establish and
26 maintain clear and current records of all moneys received and
27 disbursed and of defaults and delinquencies in required
28 payments. The court, by order or rule, shall make provision
29 for the carrying out of these duties.

30 Upon notification in writing or by electronic
31 transmission from the Illinois Department of Human Services
32 Public Aid to the clerk of the court that a person who is
33 receiving support payments under this Section is receiving
34 services under the Child Support Enforcement Program

1 established by Title IV-D of the Social Security Act, any
2 support payments subsequently received by the clerk of the
3 court shall be transmitted in accordance with the
4 instructions of the Illinois Department of Human Services
5 ~~Public-Aid~~ until the Department gives notice to cease the
6 transmittal. After providing the notification authorized
7 under this paragraph, the Illinois Department of Human
8 Services ~~Public-Aid~~ shall be entitled as a party to notice of
9 any further proceedings in the case. The clerk of the court
10 shall file a copy of the notification to the Illinois
11 Department of Human Services ~~Public-Aid's-notification~~ in the
12 court file. The failure of the clerk to file a copy of the
13 notification in the court file shall not, however, affect the
14 right of the Illinois Department of Human Services ~~Public~~
15 ~~Aid's-right~~ to receive notice of further proceedings.

16 Payments under this Section to the Illinois Department of
17 Human Services ~~Public--Aid~~ pursuant to the Child Support
18 Enforcement Program established by Title IV-D of the Social
19 Security Act shall be paid into the Child Support Enforcement
20 Trust Fund. All payments under this Section to the Illinois
21 Department of Human Services shall be deposited in the DHS
22 Recoveries Trust Fund. Disbursement from these funds shall
23 be as provided in the Illinois Public Aid Code. Payments
24 received by a local governmental unit shall be deposited in
25 that unit's General Assistance Fund.

26 (5) The moneys received by persons or agencies
27 designated by the court shall be disbursed by them in
28 accordance with the order. However, the court, on petition
29 of the state's attorney, may enter new orders designating the
30 clerk of the court or the Illinois Department of Human
31 Services ~~Public-Aid~~, as the person or agency authorized to
32 receive and disburse child support payments and, in the case
33 of recipients of public aid, the court, on petition of the
34 Attorney General or State's Attorney, shall direct subsequent

1 payments to be paid to the Illinois Department of Human
2 Services Public Aid or to the appropriate local governmental
3 unit, as provided in paragraph (3). Payments of child support
4 by principals or sureties on bonds, or proceeds of any sale
5 for the enforcement of a judgment shall be made to the clerk
6 of the court, the Illinois Department of Human Services
7 Public Aid or the appropriate local governmental unit, as the
8 respective provisions of this Section require.

9 (6) For those cases in which child support is payable to
10 the clerk of the circuit court for transmittal to the
11 Illinois Department of Human Services Public Aid by order of
12 court or upon notification by the Illinois Department of
13 Human Services Public Aid, the clerk shall transmit all such
14 payments, within 4 working days of receipt, to insure that
15 funds are available for immediate distribution by the
16 Department to the person or entity entitled thereto in
17 accordance with standards of the Child Support Enforcement
18 Program established under Title IV-D of the Social Security
19 Act. The clerk shall notify the Department of the date of
20 receipt and amount thereof at the time of transmittal. Where
21 the clerk has entered into an agreement of cooperation with
22 the Department to record the terms of child support orders
23 and payments made thereunder directly into the Department's
24 automated data processing system, the clerk shall account
25 for, transmit and otherwise distribute child support payments
26 in accordance with such agreement in lieu of the requirements
27 contained herein.

28 (7) To the extent the provisions of this Section are
29 inconsistent with the requirements pertaining to the State
30 Disbursement Unit under Section 21.1 of this Act and Section
31 10-26 of the Illinois Public Aid Code, the requirements
32 pertaining to the State Disbursement Unit shall apply.

33 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;
34 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff.

1 7-20-99; 91-357, eff. 7-29-99; revised 9-1-99.)

2 (750 ILCS 45/21.1)

3 Sec. 21.1. Payment of Support to State Disbursement Unit.

4 (a) As used in this Section:

5 "Order for support", "obligor", "obligee", and "payor"
6 mean those terms as defined in the Income Withholding for
7 Support Act, except that "order for support" shall not mean
8 orders providing for spousal maintenance under which there is
9 no child support obligation.

10 (b) Notwithstanding any other provision of this Act to
11 the contrary, each order for support entered or modified on
12 or after October 1, 1999 shall require that support payments
13 be made to the State Disbursement Unit established under
14 Section 10-26 of the Illinois Public Aid Code if:

15 (1) a party to the order is receiving child and
16 spouse support services under Article X of the Illinois
17 Public Aid Code; or

18 (2) no party to the order is receiving child and
19 spouse support services, but the support payments are
20 made through income withholding.

21 (c) Support payments shall be made to the State
22 Disbursement Unit if:

23 (1) the order for support was entered before
24 October 1, 1999, and a party to the order is receiving
25 child and spouse support services under Article X of the
26 Illinois Public Aid Code; or

27 (2) no party to the order is receiving child and
28 spouse support services, and the support payments are
29 being made through income withholding.

30 (c-5) If no party to the order is receiving child and
31 spouse support services under Article X of the Illinois
32 Public Aid Code, and the support payments are not made
33 through income withholding, then support payments shall be

1 made as directed by the order for support.

2 (c-10) Within 15 days after the effective date of this
3 amendatory Act of the 91st General Assembly, the Illinois
4 Department shall provide written notice to the clerk of the
5 circuit court, the obligor, and, where applicable, the
6 obligor's payor to make payments to the State Disbursement
7 Unit if:

8 (1) the order for support was entered before
9 October 1, 1999, and a party to the order is receiving
10 child and spouse support services under Article X of the
11 Illinois Public Aid Code; or

12 (2) no party to the order is receiving child and
13 spouse support services, and the support payments are
14 being made through income withholding.

15 (c-15) Within 15 days after the effective date of this
16 amendatory Act of the 91st General Assembly, the clerk of the
17 circuit court shall provide written notice to the obligor to
18 make payments directly to the clerk of the circuit court if
19 no party to the order is receiving child and spouse support
20 services under Article X of the Illinois Public Aid Code, the
21 support payments are not made through income withholding, and
22 the order for support requires support payments to be made
23 directly to the clerk of the circuit court.

24 (c-20) If the State Disbursement Unit receives a support
25 payment that was not appropriately made to the Unit under
26 this Section, the Unit shall immediately return the payment
27 to the sender, including, if possible, instructions detailing
28 where to send the support payments.

29 (d) The notices required under subsections (c-10) and
30 (c-15) may be sent by ordinary mail, certified mail, return
31 receipt requested, facsimile transmission, or other
32 electronic process, or may be served upon the obligor or
33 payor using any method provided by law for service of a
34 summons. The Illinois Department of Human Services Public

1 Aid shall provide a copy of the notice to the obligee and to
2 the clerk of the court.

3 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

4 (750 ILCS 45/22) (from Ch. 40, par. 2522)

5 Sec. 22. In all cases instituted by the Illinois
6 Department of Human Services Public-Aid on behalf of a child
7 or spouse, other than one receiving a grant of financial aid
8 under Article IV of The Illinois Public Aid Code, on whose
9 behalf an application has been made and approved for support
10 services as provided by Section 10-1 of that Code, the court
11 shall impose a collection fee on the individual who owes a
12 child or spouse support obligation in an amount equal to 10%
13 of the amount so owed as long as such collection is required
14 by federal law, which fee shall be in addition to the support
15 obligation. The imposition of such fee shall be in
16 accordance with provisions of Title IV, Part D, of the Social
17 Security Act and regulations duly promulgated thereunder.
18 The fee shall be payable to the clerk of the circuit court
19 for transmittal to the Illinois Department of Human Services
20 Public--Aid and shall continue until support services are
21 terminated by that Department.

22 (Source: P.A. 83-1372.)

23 (750 ILCS 45/23) (from Ch. 40, par. 2523)

24 Sec. 23. Notice to Clerk of Circuit Court of Payment
25 Received by Illinois Department of Human Services Public-Aid
26 for Recording. For those cases in which support is payable to
27 the clerk of the circuit court for transmittal to the
28 Illinois Department of Human Services Public-Aid by order of
29 court, and the Illinois Department of Human Services Public
30 Aid collects support by assignment offset, withhold,
31 deduction or other process permitted by law, the Illinois
32 Department of Human Services Public--Aid shall notify the

1 clerk of the date and amount of such collection. Upon
2 notification, the clerk shall record the collection on the
3 payment record for the case.

4 (Source: P.A. 83-1372.)

5 Section 495. The Business Corporation Act of 1983 is
6 amended by changing Section 1.25 as follows:

7 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

8 Sec. 1.25. List of corporations; exchange of
9 information.

10 (a) The Secretary of State shall publish each year a
11 list of corporations filing an annual report for the
12 preceding year in accordance with the provisions of this Act,
13 which report shall state the name of the corporation and the
14 respective names and addresses of the president, secretary,
15 and registered agent thereof and the address of the
16 registered office in this State of each such corporation. The
17 Secretary of State shall furnish without charge a copy of
18 such report to each recorder of this State, and to each
19 member of the General Assembly and to each State agency or
20 department requesting the same. The Secretary of State shall,
21 upon receipt of a written request and a fee as determined by
22 the Secretary, furnish such report to anyone else.

23 (b) (1) The Secretary of State shall publish daily a
24 list of all newly formed corporations, business and not for
25 profit, chartered by him on that day issued after receipt of
26 the application. The daily list shall contain the same
27 information as to each corporation as is provided for the
28 corporation list published under subsection (a) of this
29 Section. The daily list may be obtained at the Secretary's
30 office by any person, newspaper, State department or agency,
31 or local government for a reasonable charge to be determined
32 by the Secretary. Inspection of the daily list may be made

1 at the Secretary's office during normal business hours
2 without charge by any person, newspaper, State department or
3 agency, or local government.

4 (2) The Secretary shall compile the daily list mentioned
5 in paragraph (1) of subsection (b) of this Section monthly,
6 or more often at the Secretary's discretion. The compilation
7 shall be immediately mailed free of charge to all local
8 governments requesting in writing receipt of such
9 publication, or shall be automatically mailed by the
10 Secretary without charge to local governments as determined
11 by the Secretary. The Secretary shall mail a copy of the
12 compilations free of charge to all State departments or
13 agencies making a written request. A request for a
14 compilation of the daily list once made by a local government
15 or State department or agency need not be renewed. However,
16 the Secretary may request from time to time whether the local
17 governments or State departments or agencies desire to
18 continue receiving the compilation.

19 (3) The compilations of the daily list mentioned in
20 paragraph (2) of subsection (b) of this Section shall be
21 mailed to newspapers, or any other person not included as a
22 recipient in paragraph (2) of subsection (b) of this Section,
23 upon receipt of a written application signed by the applicant
24 and accompanied by the payment of a fee as determined by the
25 Secretary.

26 (c) If a domestic or foreign corporation has filed with
27 the Secretary of State an annual report for the preceding
28 year or has been newly formed or is otherwise and in any
29 manner registered with the Secretary of State, the Secretary
30 of State shall exchange with the Illinois Department of Human
31 Services Public--Aid any information concerning that
32 corporation that may be necessary for the enforcement of
33 child support orders entered pursuant to the Illinois Public
34 Aid Code, the Illinois Marriage and Dissolution of Marriage

1 Act, the Non-Support of Spouse and Children Act, the
2 Non-Support Punishment Act, the Revised Uniform Reciprocal
3 Enforcement of Support Act, the Uniform Interstate Family
4 Support Act, or the Illinois Parentage Act of 1984.

5 Notwithstanding any provisions in this Act to the
6 contrary, the Secretary of State shall not be liable to any
7 person for any disclosure of information to the Illinois
8 Department of Human Services Public-Aid under this subsection
9 or for any other action taken in good faith to comply with
10 the requirements of this subsection.

11 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

12 Section 500. The General Not For Profit Corporation Act
13 of 1986 is amended by changing Section 101.25 as follows:

14 (805 ILCS 105/101.25) (from Ch. 32, par. 101.25)

15 Sec. 101.25. Lists of corporations; exchange of
16 information.

17 (a) The Secretary of State shall include in his or her
18 daily publication lists of business corporations formed on
19 that day as provided in paragraph (1) of subsection (b) of
20 Section 1.25 of the Business Corporation Act of 1983 all
21 not-for-profit corporations formed on the day of publication
22 of such lists.

23 (b) The Secretary of State shall include among
24 information to be exchanged with the Illinois Department of
25 Human Services Public-Aid, as provided in subsection (c) of
26 Section 1.25 of the Business Corporation Act of 1983,
27 information regarding all not-for-profit corporations formed
28 pursuant to this Act.

29 (Source: P.A. 90-18, eff. 7-1-97.)

30 Section 505. The Limited Liability Company Act is amended
31 by changing Section 50-5 as follows:

1 (805 ILCS 180/50-5)

2 Sec. 50-5. List of limited liability companies; exchange
3 of information.

4 (a) The Secretary of State may publish a list or lists
5 of limited liability companies and foreign limited liability
6 companies, as often, in the format, and for the fees as the
7 Secretary of State may in his or her discretion provide by
8 rule. The Secretary of State may disseminate information
9 concerning limited liability companies and foreign limited
10 liability companies by computer network in the format and for
11 the fees as may be determined by rule.

12 (b) Upon written request, any list published under
13 subsection (a) shall be free to each member of the General
14 Assembly, to each State agency or department, and to each
15 recorder in this State. An appropriate fee established by
16 rule to cover the cost of producing the list shall be charged
17 to all others.

18 (c) If a domestic or foreign limited liability company
19 has filed with the Secretary of State an annual report for
20 the preceding year or has been newly formed or is otherwise
21 and in any manner registered with the Secretary of State, the
22 Secretary of State shall exchange with the Illinois
23 Department of Human Services ~~Public Aid~~ any information
24 concerning that limited liability company that may be
25 necessary for the enforcement of child support orders entered
26 pursuant to the Illinois Public Aid Code, the Illinois
27 Marriage and Dissolution of Marriage Act, the Non-Support of
28 Spouse and Children Act, the Non-Support Punishment Act, the
29 Revised Uniform Reciprocal Enforcement of Support Act, the
30 Uniform Interstate Family Support Act, or the Illinois
31 Parentage Act of 1984.

32 Notwithstanding any provisions in this Act to the
33 contrary, the Secretary of State shall not be liable to any
34 person for any disclosure of information to the Illinois

1 Department of Human Services Public-Aid under this subsection
2 or for any other action taken in good faith to comply with
3 the requirements of this subsection.

4 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

5 Section 510. The Unemployment Insurance Act is amended by
6 changing Section 1300 as follows:

7 (820 ILCS 405/1300) (from Ch. 48, par. 540)

8 Sec. 1300. Waiver or transfer of benefit rights -
9 Partial exemption.

10 (A) Except as otherwise provided herein any agreement by
11 an individual to waive, release or commute his rights under
12 this Act shall be void.

13 (B) Benefits due under this Act shall not be assigned,
14 pledged, encumbered, released or commuted and shall be exempt
15 from all claims of creditors and from levy, execution and
16 attachment or other remedy for recovery or collection of a
17 debt. However, nothing in this Section shall prohibit a
18 specified or agreed upon deduction from benefits by an
19 individual, or a court or administrative order for
20 withholding of income, for payment of past due child support
21 from being enforced and collected by the Department of Human
22 Services Public-Aid on behalf of persons receiving a grant of
23 financial aid under Article IV of the Illinois Public Aid
24 Code, persons for whom an application has been made and
25 approved for support services under Section 10-1 of such
26 Code, or persons similarly situated and receiving like
27 support services in other states. It is provided that:

28 (1) The aforementioned deduction of benefits and
29 order for withholding of income apply only if appropriate
30 arrangements have been made for reimbursement to the
31 Director by the Department of Human Services Public--Aid
32 for any administrative costs incurred by the Director

1 under this Section.

2 (2) The Director shall deduct and withhold from
3 benefits payable under this Act, or under any arrangement
4 for the payment of benefits entered into by the Director
5 pursuant to the powers granted under Section 2700 of this
6 Act, the amount specified or agreed upon. In the case of
7 a court or administrative order for withholding of
8 income, the Director shall withhold the amount of the
9 order.

10 (3) Any amount deducted and withheld by the
11 Director shall be paid to the Department of Human
12 Services Public-Aid or the State Disbursement Unit
13 established under Section 10-26 of the Illinois Public
14 Aid Code, as directed by the Department of Human Services
15 Public-Aid, on behalf of the individual.

16 (4) Any amount deducted and withheld under
17 subsection (3) shall for all purposes be treated as if it
18 were paid to the individual as benefits and paid by such
19 individual to the Department of Human Services Public-Aid
20 or the State Disbursement Unit in satisfaction of the
21 individual's child support obligations.

22 (5) For the purpose of this Section, child support
23 is defined as those obligations which are being enforced
24 pursuant to a plan described in Title IV, Part D, Section
25 454 of the Social Security Act and approved by the
26 Secretary of Health and Human Services.

27 (6) The deduction of benefits and order for
28 withholding of income for child support shall be governed
29 by Titles III and IV of the Social Security Act and all
30 regulations duly promulgated thereunder.

31 (C) Nothing in this Section prohibits an individual from
32 voluntarily electing to have federal income tax deducted and
33 withheld from his or her unemployment insurance benefit
34 payments.

1 (1) The Director shall, at the time that an
2 individual files his or her claim for benefits that
3 establishes his or her benefit year, inform the
4 individual that:

5 (a) unemployment insurance is subject to
6 federal, State, and local income taxes;

7 (b) requirements exist pertaining to estimated
8 tax payments;

9 (c) the individual may elect to have federal
10 income tax deducted and withheld from his or her
11 payments of unemployment insurance in the amount
12 specified in the federal Internal Revenue Code; and

13 (d) the individual is permitted to change a
14 previously elected withholding status.

15 (2) Amounts deducted and withheld from unemployment
16 insurance shall remain in the unemployment fund until
17 transferred to the federal taxing authority as a payment
18 of income tax.

19 (3) The Director shall follow all procedures
20 specified by the United States Department of Labor and
21 the federal Internal Revenue Service pertaining to the
22 deducting and withholding of income tax.

23 (4) Amounts shall be deducted and withheld in
24 accordance with the priorities established in rules
25 promulgated by the Director.

26 (D) Nothing in this Section prohibits an individual from
27 voluntarily electing to have State of Illinois income tax
28 deducted and withheld from his or her unemployment insurance
29 benefit payments if such deduction and withholding is
30 provided for pursuant to rules promulgated by the Director.

31 (1) If pursuant to rules promulgated by the
32 Director, an individual may voluntarily elect to have
33 State of Illinois income tax deducted and withheld from
34 his or her unemployment insurance benefit payments, the

1 Director shall, at the time that an individual files his
2 or her claim for benefits that establishes his or her
3 benefit year, in addition to providing the notice
4 required under subsection C, inform the individual that:

5 (a) the individual may elect to have State of
6 Illinois income tax deducted and withheld from his
7 or her payments of unemployment insurance in the
8 amount specified pursuant to rules promulgated by
9 the Director; and

10 (b) the individual is permitted to change a
11 previously elected withholding status.

12 (2) Amounts deducted and withheld from unemployment
13 insurance shall remain in the unemployment fund until
14 transferred to the Department of Revenue as a payment of
15 State of Illinois income tax.

16 (3) Amounts shall be deducted and withheld in
17 accordance with the priorities established in rules
18 promulgated by the Director.

19 (E) Nothing in this Section prohibits the deduction and
20 withholding of an uncollected overissuance of food stamp
21 coupons from unemployment insurance benefits pursuant to this
22 subsection (E).

23 (1) At the time that an individual files a claim
24 for benefits that establishes his or her benefit year,
25 that individual must disclose whether or not he or she
26 owes an uncollected overissuance (as defined in Section
27 13(c)(1) of the federal Food Stamp Act of 1977) of food
28 stamp coupons. The Director shall notify the State food
29 stamp agency enforcing such obligation of any individual
30 who discloses that he or she owes an uncollected
31 overissuance of food stamp coupons and who meets the
32 monetary eligibility requirements of subsection E of
33 Section 500.

34 (2) The Director shall deduct and withhold from any

1 unemployment insurance benefits payable to an individual
2 who owes an uncollected overissuance of food stamp
3 coupons:

4 (a) the amount specified by the individual to
5 the Director to be deducted and withheld under this
6 subsection (E);

7 (b) the amount (if any) determined pursuant to
8 an agreement submitted to the State food stamp
9 agency under Section 13(c)(3)(A) of the federal Food
10 Stamp Act of 1977; or

11 (c) any amount otherwise required to be
12 deducted and withheld from unemployment insurance
13 benefits pursuant to Section 13(c)(3)(B) of the
14 federal Food Stamp Act of 1977.

15 (3) Any amount deducted and withheld pursuant to
16 this subsection (E) shall be paid by the Director to the
17 State food stamp agency.

18 (4) Any amount deducted and withheld pursuant to
19 this subsection (E) shall for all purposes be treated as
20 if it were paid to the individual as unemployment
21 insurance benefits and paid by the individual to the
22 State food stamp agency as repayment of the individual's
23 uncollected overissuance of food stamp coupons.

24 (5) For purposes of this subsection (E),
25 "unemployment insurance benefits" means any compensation
26 payable under this Act including amounts payable by the
27 Director pursuant to an agreement under any federal law
28 providing for compensation, assistance, or allowances
29 with respect to unemployment.

30 (6) This subsection (E) applies only if
31 arrangements have been made for reimbursement by the
32 State food stamp agency for the administrative costs
33 incurred by the Director under this subsection (E) which
34 are attributable to the repayment of uncollected

1 overissuances of food stamp coupons to the State food
2 stamp agency.

3 (Source: P.A. 90-425, eff. 8-15-97; 90-554, eff. 12-12-97;
4 91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)

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5 ILCS 100/10-65 from Ch. 127, par. 1010-65
5 ILCS 140/7.1 from Ch. 116, par. 207.1
5 ILCS 220/3 from Ch. 127, par. 743
5 ILCS 390/4 from Ch. 127, par. 3904
10 ILCS 5/1A-15 from Ch. 46, par. 1A-15
10 ILCS 5/4-6.2 from Ch. 46, par. 4-6.2
10 ILCS 5/5-16.2 from Ch. 46, par. 5-16.2
10 ILCS 5/6-50.2 from Ch. 46, par. 6-50.2
15 ILCS 405/10.05a from Ch. 15, par. 210.05a
20 ILCS 5/5-15 was 20 ILCS 5/3
20 ILCS 5/5-20 was 20 ILCS 5/4
20 ILCS 5/5-165 rep.
20 ILCS 5/5-230 rep.
20 ILCS 5/5-395 rep.
20 ILCS 10/4 from Ch. 127, par. 954
20 ILCS 105/4 from Ch. 23, par. 6104
20 ILCS 105/4.02 from Ch. 23, par. 6104.02
20 ILCS 105/4.02b from Ch. 23, par. 6104.02b
20 ILCS 105/4.06
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