

1 AN ACT in relation to public aid.

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

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

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

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

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

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

27 Notwithstanding any other provision of this Section,  
28 medically necessary organ transplants shall be covered under  
29 the medical assistance program under this Article for persons  
30 who are otherwise eligible for assistance under this Article,  
31 as well as for legal aliens residing in Illinois whose income  
32 and assets render them eligible for assistance under this  
33 Article, regardless of whether they meet the other  
34 eligibility requirements under this Article.

1           Notwithstanding any other provision of this Code, the  
2 Illinois Department may not require, as a condition of  
3 payment for any laboratory test authorized under this  
4 Article, that a physician's handwritten signature appear on  
5 the laboratory test order form. The Illinois Department may,  
6 however, impose other appropriate requirements regarding  
7 laboratory test order documentation.

8           The Illinois Department of Public Aid shall provide the  
9 following services to persons eligible for assistance under  
10 this Article who are participating in education, training or  
11 employment programs operated by the Department of Human  
12 Services as successor to the Department of Public Aid:

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

15           (2) eyeglasses prescribed by a physician skilled in  
16 the diseases of the eye, or by an optometrist, whichever  
17 the person may select.

18           The Illinois Department, by rule, may distinguish and  
19 classify the medical services to be provided only in  
20 accordance with the classes of persons designated in Section  
21 5-2.

22           The Illinois Department shall authorize the provision of,  
23 and shall authorize payment for, screening by low-dose  
24 mammography for the presence of occult breast cancer for  
25 women 35 years of age or older who are eligible for medical  
26 assistance under this Article, as follows: a baseline  
27 mammogram for women 35 to 39 years of age and an annual  
28 mammogram for women 40 years of age or older. All screenings  
29 shall include a physical breast exam, instruction on  
30 self-examination and information regarding the frequency of  
31 self-examination and its value as a preventative tool. As  
32 used in this Section, "low-dose mammography" means the x-ray  
33 examination of the breast using equipment dedicated  
34 specifically for mammography, including the x-ray tube,

1 filter, compression device, image receptor, and cassettes,  
2 with an average radiation exposure delivery of less than one  
3 rad mid-breast, with 2 views for each breast.

4 Any medical or health care provider shall immediately  
5 recommend, to any pregnant woman who is being provided  
6 prenatal services and is suspected of drug abuse or is  
7 addicted as defined in the Alcoholism and Other Drug Abuse  
8 and Dependency Act, referral to a local substance abuse  
9 treatment provider licensed by the Department of Human  
10 Services or to a licensed hospital which provides substance  
11 abuse treatment services. The Department of Public Aid shall  
12 assure coverage for the cost of treatment of the drug abuse  
13 or addiction for pregnant recipients in accordance with the  
14 Illinois Medicaid Program in conjunction with the Department  
15 of Human Services.

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

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

32 Neither the Illinois Department of Public Aid nor the  
33 Department of Human Services shall sanction the recipient  
34 solely on the basis of her substance abuse.

1           The Illinois Department shall establish such regulations  
2 governing the dispensing of health services under this  
3 Article as it shall deem appropriate. In formulating these  
4 regulations the Illinois Department shall consult with and  
5 give substantial weight to the recommendations offered by the  
6 Citizens Assembly/Council on Public Aid. The Department  
7 should seek the advice of formal professional advisory  
8 committees appointed by the Director of the Illinois  
9 Department for the purpose of providing regular advice on  
10 policy and administrative matters, information dissemination  
11 and educational activities for medical and health care  
12 providers, and consistency in procedures to the Illinois  
13 Department.

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

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

1           (1) Physicians participating in a Partnership and  
2 providing certain services, which shall be determined by  
3 the Illinois Department, to persons in areas covered by  
4 the Partnership may receive an additional surcharge for  
5 such services.

6           (2) The Department may elect to consider and  
7 negotiate financial incentives to encourage the  
8 development of Partnerships and the efficient delivery of  
9 medical care.

10          (3) Persons receiving medical services through  
11 Partnerships may receive medical and case management  
12 services above the level usually offered through the  
13 medical assistance program.

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

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

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

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

1 as required by Section 5-5.12.

2 The rules and regulations of the Illinois Department  
3 shall require that a written statement including the required  
4 opinion of a physician shall accompany any claim for  
5 reimbursement for abortions, or induced miscarriages or  
6 premature births. This statement shall indicate what  
7 procedures were used in providing such medical services.

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

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

26 The Illinois Department shall establish policies,  
27 procedures, standards and criteria by rule for the  
28 acquisition, repair and replacement of orthotic and  
29 prosthetic devices and durable medical equipment. Such rules  
30 shall provide, but not be limited to, the following services:  
31 (1) immediate repair or replacement of such devices by  
32 recipients without medical authorization; and (2) rental,  
33 lease, purchase or lease-purchase of durable medical  
34 equipment in a cost-effective manner, taking into



1 consideration the recipient's medical prognosis, the extent  
2 of the recipient's needs, and the requirements and costs for  
3 maintaining such equipment. Such rules shall enable a  
4 recipient to temporarily acquire and use alternative or  
5 substitute devices or equipment pending repairs or  
6 replacements of any device or equipment previously authorized  
7 for such recipient by the Department. Rules under clause (2)  
8 above shall not provide for purchase or lease-purchase of  
9 durable medical equipment or supplies used for the purpose of  
10 oxygen delivery and respiratory care.

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

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

31 The Illinois Department shall report annually to the  
32 General Assembly, no later than the second Friday in April of  
33 1979 and each year thereafter, in regard to:

34 (a) actual statistics and trends in utilization of

1 medical services by public aid recipients;

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

4 (c) current rate structures and proposed changes in  
5 those rate structures for the various medical vendors;  
6 and

7 (d) efforts at utilization review and control by  
8 the Illinois Department.

9 The period covered by each report shall be the 3 years  
10 ending on the June 30 prior to the report. The report shall  
11 include suggested legislation for consideration by the  
12 General Assembly. The filing of one copy of the report with  
13 the Speaker, one copy with the Minority Leader and one copy  
14 with the Clerk of the House of Representatives, one copy with  
15 the President, one copy with the Minority Leader and one copy  
16 with the Secretary of the Senate, one copy with the  
17 Legislative Research Unit, 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 and one copy with the Citizens  
21 Assembly/Council on Public Aid or its successor shall be  
22 deemed sufficient to comply with this Section.

23 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;  
24 91-666, eff. 12-22-99; 92-16, eff. 6-28-01.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.