



1 non-citizens:

2 (A) unmarried dependent children of either a  
3 United States Veteran honorably discharged or a  
4 person on active military duty;

5 (B) refugees under Section 207 of the  
6 Immigration and Nationality Act;

7 (C) asylees under Section 208 of the  
8 Immigration and Nationality Act;

9 (D) persons for whom deportation has been  
10 withheld under Section 243(h) of the Immigration  
11 and Nationality Act;

12 (E) persons granted conditional entry under  
13 Section 203(a)(7) of the Immigration and Nationality  
14 Act as in effect prior to April 1, 1980;

15 (F) persons lawfully admitted for permanent  
16 residence under the Immigration and Nationality Act;  
17 and

18 (G) parolees, for at least one year, under  
19 Section 212(d)(5) of the Immigration and Nationality  
20 Act.

21 Those children who are in the categories set forth in  
22 subdivisions (4)(F) and (4)(G) of this subsection, who enter  
23 the United States on or after August 22, 1996, shall not be  
24 eligible for 5 years beginning on the date the child entered  
25 the United States.

26 (b) A child who is determined to be eligible for  
27 assistance shall remain eligible for 12 months, provided the  
28 child maintains his or her residence in the State, has not  
29 yet attained 19 years of age, and is not excluded pursuant to  
30 subsection (c). Eligibility, including any determinations  
31 made under subsection (d) of this Section, shall be  
32 re-determined by the Department at least annually.

33 (c) A child shall not be eligible for coverage under  
34 this Program if:

1           (1) the premium required pursuant to Section 30 of  
 2 this Act has not been paid. If the required premiums are  
 3 not paid the liability of the Program shall be limited to  
 4 benefits incurred under the Program for the time period  
 5 for which premiums had been paid. If the required  
 6 monthly premium is not paid, the child shall be  
 7 ineligible for re-enrollment for a minimum period of 3  
 8 months. Re-enrollment shall be completed prior to the  
 9 next covered medical visit and the first month's required  
 10 premium shall be paid in advance of the next covered  
 11 medical visit. The Department shall promulgate rules  
 12 regarding grace periods, notice requirements, and hearing  
 13 procedures pursuant to this subsection;

14           (2) the child is an inmate of a public institution  
 15 or a patient in an institution for mental diseases; or

16           (3) the child is a member of a family that is  
 17 eligible for health benefits covered under the State of  
 18 Illinois health benefits plan on the basis of a member's  
 19 employment with a public agency.

20           (d) In determining income for eligibility under this  
 21 Section, the Department may disregard:

22           (1) the amount of the child's family medical  
 23 expenses, as itemized on Schedule A, Form 1040 of the  
 24 Department of the Treasury Internal Revenue Service tax  
 25 returns of the previous year; or

26           (2) in the absence of a Schedule A, Form 1040, the  
 27 amount of extraordinary medical expenses due to chronic  
 28 illness or disability of a child. The Department shall  
 29 establish by rule a definition of extraordinary medical  
 30 expenses, chronic illness, and disability.

31           Income eligibility shall be redetermined according to  
 32 subsection (b) of this Section.

33           (Source: P.A. 90-736, eff. 8-12-98)

1 (215 ILCS 106/40)

2 (Section scheduled to be repealed on July 1, 2002)

3 Sec. 40. Waivers.

4 (a) The Department shall request any necessary waivers  
5 of federal requirements in order to allow receipt of federal  
6 funding for:

7 (1) the coverage of families with eligible children  
8 under this Act; and

9 (2) for the coverage of children who would  
10 otherwise be eligible under this Act, but who have health  
11 insurance.

12 (a-5) The Department must receive a waiver from the  
13 responsible federal agency before implementing the provisions  
14 of this Act in cases in which eligibility depends on  
15 subsection (d) of Section 20.

16 (b) The failure of the responsible federal agency to  
17 approve a waiver for children who would otherwise be eligible  
18 under this Act but who have health insurance shall not  
19 prevent the implementation of any Section of this Act  
20 provided that there are sufficient appropriated funds.

21 (Source: P.A. 90-736, eff. 8-12-98.)

22 (215 ILCS 106/97)

23 (Section scheduled to be repealed on July 1, 2002)

24 Sec. 97. Repealer. This Act is repealed on July 1, 2003  
25 2002.

26 (Source: P.A. 90-736, eff. 8-12-98; 91-712, eff. 7-1-00.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law."