

ILLINOIS REGISTER

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Application Process
- 2) Code Citation: 89 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
110.36	Repeal
110.38	Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P.A. 97-0689.
- 5) Complete Description of the Subjects and Issues Involved: Public Act 97-0689, the Save Medicaid Access and Resources Together (SMART) Act, addresses the significant spending and liability deficits in the Medicaid program. SMART authorizes the elimination of the General Assistance Program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: These amendments were not anticipated by the Department when the most recent regulatory agendas were published.

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments that appears in this issue of the *Illinois Register* on page _____:

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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<u>Section Numbers:</u>	<u>Emergency Action:</u>
110.36	Repeal
110.38	Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P.A. 97-0689.
- 5) Effective Date: July 1, 2012
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency rule expires, as authorized by the SMART Act, on June 30, 2013.
- 7) Date Filed with the Index Department: June 29, 2012
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and are available for public inspection.
- 9) Reason for Emergency: Public Act 97-0689, Save Medicaid Access and Resources Together (SMART) Act, gives any agency in charge with implementing a provision or initiative in SMART, the ability to adopt rules through emergency rulemaking in order to provide for the expeditious and timely implementation of SMART. The adoption of this emergency rulemaking is deemed to be necessary for the public interest, safety, and welfare. Pursuant to Public Act 97-0689, the 150-day limitation of the effective period of emergency rules does not apply and the effective period of rules necessary to implement SMART may continue through June 30, 2013. These emergency rules are necessary to implement the provisions and initiatives of SMART.
- 10) Complete Description of the Subjects and Issues Involved: Public Act 97-0689, the Save Medicaid Access and Resources Together (SMART) Act, addresses the significant spending and liability deficits in the Medicaid program. SMART authorizes the elimination of the General Assistance Program.
- 11) Are there any other rulemakings pending on this Part? No

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- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

The full text of the Emergency Amendments begins on the next page:

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 110

APPLICATION PROCESS

Section

- 110.1 Incorporation by Reference
110.10 Application for Assistance
110.15 Local Office Action on Application for Public Assistance
110.20 Time Limitations on the Disposition of an Application
110.30 Approval of an Application and Initial Authorization of Financial Assistance
110.32 Initial Authorization of Medical Assistance (MAG)
110.34 Approval of an Application and Initial Authorization of Medical Assistance – (MANG)
110.36 Initial Authorization of General Assistance – Medical (Repealed)
EMERGENCY
110.38 General Assistance and Aid to the Medically Indigent Special Approval Provisions (Repealed)
EMERGENCY
110.40 Denial of an Application

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI, VII and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 44, p. 167, effective October 19, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 6 Ill. Reg. 8125, effective July 1, 1982; codified at 7 Ill. Reg. 5195; amended at 8 Ill. Reg. 6760, effective May 3, 1984; amended at 9 Ill. Reg. 6798, effective April 30, 1985; amended at 9 Ill. Reg. 13087, effective August 16, 1985; amended at 12 Ill. Reg. 11457, effective July 1, 1988; amended at 13 Ill. Reg. 3836, effective March 10, 1989; amended at 13 Ill. Reg. 10628, effective June 22, 1989; amended at 14 Ill. Reg. 13198, effective August 6, 1990; amended at 16 Ill. Reg. 16618, effective October 23, 1992; amended at 17 Ill. Reg. 640, effective December 31, 1992; emergency amendment at 19 Ill. Reg. 8429, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15053, effective October 17, 1995; amended at 20 Ill. Reg. 14834, effective November 1, 1996; emergency amendment at 36 Ill. Reg. _____, effective July 1, 2012, for a maximum of 365 days.

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NOTICE OF EMERGENCY AMENDMENTS

Section 110.36 Initial Authorization of General Assistance – Medical (Repealed)
EMERGENCY

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~~General Assistance (GA) medical assistance, except for clients determined by the Department to be disabled, shall be authorized, dependent on the specific case situation, effective:~~

- ~~a) The first day of the month of application providing the client was eligible that month; or~~
- ~~b) The first day of the month immediately prior to the month of application; or~~
- ~~e) The first day of the month of initial eligibility subsequent to the month in which application is made.~~

(Source: Emergency repealed at 36 Ill. Reg. _____, effective July 1, 2012, for a maximum of 365 days)

Section 110.38 General Assistance and Aid to the Medically Indigent Special Approval Provisions (Repealed)

EMERGENCY

~~Temporary assistance shall be authorized in General Assistance cases in which it is verified that an applicant meets all eligibility criteria other than the requirement of citizenship/alienage status and such verification is expected to be received but to take a length of time which would cause undue hardship to the applicant, such that he would be unable to meet his basic maintenance needs of food, shelter and other necessities and the applicant has submitted verification that the required documents have been requested.~~

(Source: Emergency repealed at 36 Ill. Reg. _____, effective July 1, 2012, for a maximum of 365 days)