

ILLINOIS REGISTER

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

ILLINOIS REGISTER

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Special Eligibility Groups
- 2) Code Citation: 89 Ill. Adm. Code 118
- 3) Section Number: Emergency Action:
118.600 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: July 1, 2012
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is 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 amendment, including any materials incorporated by reference, is on file in the agency's principal office and is 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: Effective July 1, 2012, the Save Medicaid Access and Resources Together (SMART) Act mandates that FamilyCare eligibility will be limited to individuals in families with income at or below 133 percent of the federal poverty levels as established in 89 Ill. Adm. Code 120.32.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands any State mandate affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

ILLINOIS REGISTER

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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 Amendment begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 118

SPECIAL ELIGIBILITY GROUPS

SUBPART A: DISABLED ADULT CHILDREN

Section

118.100 Disabled Adult Children

SUBPART B: PERSONS WITH ACQUIRED IMMUNODEFICIENCY
SYNDROME (AIDS) OR AIDS RELATED COMPLEXES (ARC)

Section

118.150 Continuation of Health Insurance Coverage

118.200 Drugs to Prolong the Lives of Persons With Acquired Immunodeficiency
Syndrome (AIDS) or AIDS Related Complexes (ARC)

SUBPART C: WIDOWS AND WIDOWERS

Section

118.300 Widows and Widowers

SUBPART D: MISCELLANEOUS PROGRAM PROVISIONS

Section

118.400 Incorporation by Reference

SUBPART E: CERTAIN NON-CITIZEN CHILDREN

Section

118.500 Medical Services for Certain Non-Citizen Children

SUBPART F: FAMILYCARE ELIGIBILITY

Section

118.600 Limited FamilyCare Expansion (Repealed)

EMERGENCY

Formatted: Font: Not Italic

ILLINOIS REGISTER

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

AUTHORITY: Implementing Articles III, IV, VI and Section 5-18 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI, 5-18 and 12-13].

SOURCE: Emergency rule adopted at 12 Ill. Reg. 3037, effective January 15, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 6301, effective March 18, 1988; amended at 12 Ill. Reg. 8068, effective April 26, 1988; amended at 13 Ill. Reg. 3950, effective March 10, 1989; amended at 14 Ill. Reg. 10442, effective June 20, 1990; emergency amendment at 15 Ill. Reg. 8708, effective June 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 11607, effective July 15, 1992; emergency amendment at 17 Ill. Reg. 11217, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19956, effective November 12, 1993; amended at 19 Ill. Reg. 7959, effective June 5, 1995; emergency amendment at 22 Ill. Reg. 15724, effective August 12, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 562, effective December 24, 1998; recodified from Department of Public Aid to Department of Healthcare and Family Services at 29 Ill. Reg. 5601, effective July 1, 2005; emergency amendment at 30 Ill. Reg. 10129, effective May 17, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16966, effective October 13, 2006; emergency amendment at 33 Ill. Reg. 10780, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 15702, effective November 2, 2009; emergency amendment at 36 Ill. Reg. _____, effective July 1, 2012, for a maximum of 365 days.

SUBPART F: FAMILYCARE ELIGIBILITY

Section 118.600 Limited FamilyCare Expansion (Repealed)
EMERGENCY

- a) ~~Caretaker relatives who were enrolled in FamilyCare as of June 30, 2009, as caretaker relatives (see 89 Ill. Adm. Code 120.390), qualify for medical assistance as long as they maintain continuous enrollment, and their countable income is above 185 percent and at or below 400 percent of the Federal Poverty Income Guidelines, as published annually in the Federal Register, for the appropriate family size. All other requirements applicable to caretaker relatives eligible under 89 Ill. Adm. Code 120.34 must be met.~~
- b) ~~If a caretaker relative becomes otherwise eligible for medical assistance under 89 Ill. Adm. Code 120, the provisions of this Section shall no longer apply, and nothing in this Section shall preclude a caretaker relative from otherwise qualifying for medical assistance.~~
- e) ~~Caretaker relatives qualifying under subsection (a) will be covered as follows:~~

ILLINOIS REGISTER

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) ~~If monthly countable income is above 185 percent and at or below 200 percent of the Federal Poverty Level (FPL) for the number of persons in the family, an eligible caretaker relative will be covered under FamilyCare Premium Level 1.~~
- 2) ~~If monthly countable income is above 200 percent and at or below 300 percent of the FPL for the number of persons in the family, an eligible caretaker relative will be covered under FamilyCare Premium Level 2.~~
- 3) ~~If monthly countable income is above 300 percent and at or below 400 percent of the FPL for the number of persons in the family, an eligible caretaker relative will be covered under FamilyCare Premium Level 3.~~
- 4) ~~Premium amounts will be adjusted to reflect adding or removing an eligible caretaker relative from the case and changes in countable income.~~
- d) ~~Caretaker relatives shall pay premiums as follows:~~
 - 1) ~~Caretaker relatives enrolled in FamilyCare Premium Level 1 who are not in families with American Indians or Alaska Natives shall pay premiums as set forth in 89 Ill. Adm. Code 120.34(e).~~
 - 2) ~~Caretaker relatives enrolled in FamilyCare Premium Level 2 shall pay premiums of \$80 per person per month.~~
 - 3) ~~Caretaker relatives enrolled in FamilyCare Premium Level 3 shall pay premiums of \$140 per person per month.~~
- e) ~~Caretaker relatives enrolled under this Section may receive coverage, and pay the same co-payments, for those medical services available to caretaker relatives eligible under 89 Ill. Adm. Code 120.34.~~
- f) ~~Caretaker relatives enrolled under this Section have appeal rights, as set forth at 89 Ill. Adm. Code 102.80. The provisions of Subpart A of the Department's administrative rules at 89 Ill. Adm. Code 104, Practice in Administrative Hearings, shall govern any appeals under this Subpart F.~~

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