

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: AIDS Drug Assistance Program
- 2) Code Citation: 77 Ill. Adm. Code 692
- 3) Section Number: 692.Appendix A Peremptory Action: Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute That Requires this Peremptory Rulemaking: Annual Update of the HHS Poverty Guidelines, 78 FR 5182, January 24, 2013; Department of Health and Human Services: For general questions about the poverty guidelines themselves, contact Kendall Swenson, Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201—telephone: (202) 690-7507—or visit <http://aspe.hhs.gov/poverty/index.cfm>.
- 5) Statutory Authority: Ryan White HIV/AIDS Treatment Extension Act of 2009 [Public Law 111-87]; Section 314 of the Civil Administrative code of Illinois [20 ILCS 2310/315]
- 6) Effective Date:
- 7) A Complete Description of the Subjects and Issues Involved: The United States Department of Health and Human Services (DHHS) establishes the federal poverty level at the end of January of each year. Once the new poverty level is established by the federal government, all Ryan White Programs are required to adopt the new standard. Neither the program nor the State has any discretion to operate on another standard of federal poverty level. On January 24, 2013, DHHS posted the new 2013 federal poverty level (FPL) in the *Illinois Register*. The Department is updating its rules to reflect this new standard. The federal poverty level is posted on the following website:

<https://www.federalregister.gov/articles/2013/01/24/2013-01422/annual-update-of-the-hhs-poverty-guidelines#h-4>
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PEREMPTORY AMENDMENT

- 10) A copy of the adopted amendment, including any material incorporated by reference is on file in the agency's principal office and is available for public inspection.
- 11) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed amendments pending to this Part? No
- 13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 14) Information and questions regarding this preemptory rulemaking shall be direct to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217/782-2043

dph.rules@illinois.gov

The full text of the preemptory amendment begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PEREMPTORY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 692
AIDS DRUG ASSISTANCE PROGRAM

Section

- 692.5 Definitions
- 692.6 Referenced Materials
- 692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection
- 692.15 Application Requirements
- 692.APPENDIX A ~~20132014~~ Poverty Income Guidelines
- 692.APPENDIX B Ryan White HIV/AIDS Treatment Extension Act of 2009 Sliding Fee Scale

AUTHORITY: Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 [Public Law 111-87], and authorized by Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 22 Ill. Reg. 14468, effective July 24, 1998; amended at 24 Ill. Reg. 11876, effective August 1, 2000; emergency amendments at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 3909, effective February 22, 2012; preemptory amendment at 37 Ill. Reg. _____, effective _____)

Section 692.APPENDIX A ~~20132014~~ Poverty Income Guidelines

20132014 Health and Human Services Poverty Guidelines

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PEREMPTORY AMENDMENT

Persons in Family	100% Poverty Guideline	Maximum Gross Annual Income ADAP 300% Eligibility
1	\$10,890 <u>11,490</u>	\$32,670 <u>34,470</u>
2	14,710 <u>15,510</u>	44,130 <u>46,530</u>
3	18,530 <u>19,530</u>	55,590 <u>58,590</u>
4	22,350 <u>23,550</u>	67,050 <u>70,650</u>
5	26,170 <u>27,570</u>	78,510 <u>82,710</u>
6	29,990 <u>31,590</u>	89,970 <u>94,770</u>
7	33,810 <u>35,610</u>	101,430 <u>106,830</u>
8	37,630 <u>39,630</u>	112,890 <u>118,890</u>
For additional persons, add	3,820 <u>4,020</u>	11,460 <u>12,060</u>
Source: <i>Federal Register</i> , Vol. 76, No. 13, January 20, 2011, pp. 3637-3638 Vol. 78 No. 16, January 24, 2013, pp. 5182-5183		

(Source: Peremptory amendment at 37 Ill. Reg. _____, effective _____)