

1 AN ACT in relation to aging.

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

4 Section 5. The Senior Citizens and Disabled Persons
5 Property Tax Relief and Pharmaceutical Assistance Act is
6 amended by changing the title of the Act, changing Sections
7 1, 5, 6, 7, 8, 8a, 9, and 12, and adding Section 4.5 as
8 follows:

9 (320 ILCS 25/Act title)

10 An Act in relation to the payment of grants and
11 allowances to enable the elderly and the disabled to acquire
12 or retain private housing, and to acquire prescription drugs, and
13 and to obtain long-term care.

14 (320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

15 Sec. 1. Short title. This Article ~~shall-be-known-and~~ may
16 be cited as the "Senior Citizens and Disabled Persons
17 Property-Tax-Relief-and-Pharmaceutical Assistance Act". As
18 used in this Article, "this Act" means this Article.

19 (Source: P.A. 83-1531.)

20 (320 ILCS 25/4.5 new)

21 Sec. 4.5. Long-term care allowance.

22 (a) In this Section, "eligible individual" means an
23 individual who meets the following criteria:

24 (1) The individual is 65 years of age or older or is
25 a disabled person as defined in this Act.

26 (2) The individual is a resident in a facility
27 licensed under the Nursing Home Care Act.

28 (3) The individual does not have sufficient income
29 or assets to pay for his or her sheltered care in the

1 facility (as defined in the Nursing Home Care Act), and
2 that care is paid for entirely by a child of the
3 individual.

4 (4) The individual does not qualify for any other
5 governmental financial assistance that would pay for any
6 portion of his or her sheltered care in the facility.

7 (b) The Department shall establish and administer a
8 long-term care allowance program as provided in this Section.
9 An eligible individual, or an eligible individual's
10 representative, may apply to the Department for an allowance
11 under this Section in the form and manner prescribed by the
12 Department by rule. The Department shall adopt rules to
13 establish procedures for verifying an individual's
14 eligibility for an allowance under this Section, to establish
15 an individual's period of eligibility, and to otherwise
16 administer the program.

17 (c) The Department shall award a monthly long-term care
18 allowance to each eligible individual who applies for the
19 allowance. The Department shall determine the amount of the
20 allowance, based on a percentage of the amount paid by the
21 individual's child for the individual's sheltered care. The
22 Department shall adopt rules establishing the amounts to be
23 paid as allowances under this Section.

24 (d) An individual who receives an allowance under this
25 Section must use the allowance to pay for a portion of his or
26 her sheltered care.

27 (320 ILCS 25/5) (from Ch. 67 1/2, par. 405)

28 Sec. 5. Procedure.

29 (a) In general. Claims must be filed after January 1,
30 on forms prescribed by the Department. No claim may be filed
31 more than one year after December 31 of the year for which
32 the claim is filed except that claims for 1976 may be filed
33 until December 31, 1978. The pharmaceutical assistance

1 identification card provided for in subsection (f) of Section
2 4 shall be valid for a period not to exceed one year.

3 (b) Claim is Personal. The right to file a claim under
4 this Act shall be personal to the claimant and shall not
5 survive his death, but such right may be exercised on behalf
6 of a claimant by his legal guardian or attorney-in-fact. If
7 a claimant dies after having filed a timely claim, the amount
8 thereof shall be disbursed to his surviving spouse or, if no
9 spouse survives, to his surviving dependent minor children in
10 equal parts, provided the spouse or child, as the case may
11 be, resided with the claimant at the time he filed his claim.
12 If at the time of disbursement neither the claimant nor his
13 spouse is surviving, and no dependent minor children of the
14 claimant are surviving the amount of the claim shall escheat
15 to the State.

16 (c) One claim per household. Only one member of a
17 household may file a claim under this Act in any calendar
18 year; where both members of a household are otherwise
19 entitled to claim a grant under this Act, they must agree as
20 to which of them will file a claim for that year.

21 (d) Content of application form. The form prescribed by
22 the Department for purposes of paragraph (a) shall include a
23 table, appropriately keyed to the parts of the form on which
24 the claimant is required to furnish information, which will
25 enable the claimant to determine readily the approximate
26 amount of grant to which he is entitled by relating levels of
27 household income to property taxes accrued or rent
28 constituting property taxes accrued.

29 (e) Pharmaceutical Assistance Procedures. The
30 Department shall establish the form and manner for
31 application, and establish by January 1, 1986 a procedure to
32 enable persons to apply for the additional grant or for the
33 pharmaceutical assistance identification card on the same
34 application form. The Department shall determine eligibility

1 for pharmaceutical assistance using the applicant's current
2 income. The Department shall determine a person's current
3 income in the manner provided by the Department by rule.

4 (f) Long-term care allowance. The Department shall
5 adopt rules to establish the procedures for applying for a
6 long-term care allowance under Section 4.5.

7 (Source: P.A. 91-533, eff. 8-13-99; 91-699, eff. 1-1-01.)

8 (320 ILCS 25/6) (from Ch. 67 1/2, par. 406)

9 Sec. 6. Administration.

10 (a) In general. Upon receipt of a timely filed claim,
11 the Department shall determine whether the claimant is a
12 person entitled to a grant under this Act and the amount of
13 grant to which he is entitled under this Act. The Department
14 may require the claimant to furnish reasonable proof of the
15 statements of domicile, household income, rent paid, property
16 taxes accrued and other matters on which entitlement is
17 based, and may withhold payment of a grant until such
18 additional proof is furnished.

19 (b) Rental determination. If the Department finds that
20 the gross rent used in the computation by a claimant of rent
21 constituting property taxes accrued exceeds the fair rental
22 value for the right to occupy that residence, the Department
23 may determine the fair rental value for that residence and
24 recompute rent constituting property taxes accrued
25 accordingly.

26 (c) Fraudulent claims. The Department shall deny claims
27 which have been fraudulently prepared or when it finds that
28 the claimant has acquired title to his residence or has paid
29 rent for his residence primarily for the purpose of receiving
30 a grant under this Act.

31 (d) Pharmaceutical Assistance. The Department shall
32 allow all pharmacies licensed under the Pharmacy Practice Act
33 to participate as authorized pharmacies unless they have been

1 removed from that status for cause pursuant to the terms of
2 this Section. The Director of the Department may enter into
3 a written contract with any State agency, instrumentality or
4 political subdivision, or a fiscal intermediary for the
5 purpose of making payments to authorized pharmacies for
6 covered prescription drugs and coordinating the program of
7 pharmaceutical assistance established by this Act with other
8 programs that provide payment for covered prescription drugs.
9 Such agreement shall establish procedures for properly
10 contracting for pharmacy services, validating reimbursement
11 claims, validating compliance of dispensing pharmacists with
12 the contracts for participation required under this Section,
13 validating the reasonable costs of covered prescription
14 drugs, and otherwise providing for the effective
15 administration of this Act.

16 The Department shall promulgate rules and regulations to
17 implement and administer the program of pharmaceutical
18 assistance required by this Act, which shall include the
19 following:

20 (1) Execution of contracts with pharmacies to
21 dispense covered prescription drugs. Such contracts shall
22 stipulate terms and conditions for authorized pharmacies
23 participation and the rights of the State to terminate
24 such participation for breach of such contract or for
25 violation of this Act or related rules and regulations of
26 the Department;

27 (2) Establishment of maximum limits on the size of
28 prescriptions, new or refilled, which shall be in amounts
29 sufficient for 34 days, except as otherwise specified by
30 rule for medical or utilization control reasons;

31 (3) Establishment of liens upon any and all causes
32 of action which accrue to a beneficiary as a result of
33 injuries for which covered prescription drugs are
34 directly or indirectly required and for which the

1 Director made payment or became liable for under this
2 Act;

3 (4) Charge or collection of payments from third
4 parties or private plans of assistance, or from other
5 programs of public assistance for any claim that is
6 properly chargeable under the assignment of benefits
7 executed by beneficiaries as a requirement of eligibility
8 for the pharmaceutical assistance identification card
9 under this Act;

10 (5) Inspection of appropriate records and audit of
11 participating authorized pharmacies to ensure contract
12 compliance, and to determine any fraudulent transactions
13 or practices under this Act;

14 (6) Annual determination of the reasonable costs of
15 covered prescription drugs for which payments are made
16 under this Act, as provided in Section 3.16;

17 (7) Payment to pharmacies under this Act in
18 accordance with the State Prompt Payment Act.

19 The Department shall annually report to the Governor and
20 the General Assembly by March 1st of each year on the
21 administration of pharmaceutical assistance under this Act.
22 By the effective date of this Act the Department shall
23 determine the reasonable costs of covered prescription drugs
24 in accordance with Section 3.16 of this Act.

25 (e) Long-term care allowance. The Department shall
26 adopt rules to administer the long-term care allowance
27 program under Section 4.5.

28 (Source: P.A. 91-357, eff. 7-29-99.)

29 (320 ILCS 25/7) (from Ch. 67 1/2, par. 407)

30 Sec. 7. Payment and denial of claims.

31 (a) In general. The Director shall order the payment from
32 appropriations made for that purpose of grants and long-term
33 care allowances to claimants under this Act in the amounts to

1 which the Department has determined they are entitled,
2 respectively. If a claim is denied, the Director shall cause
3 written notice of that denial and the reasons for that denial
4 to be sent to the claimant.

5 (b) Payment of claims one dollar and under. Where the
6 amount of the grant computed under Section 4 is less than one
7 dollar, the Department shall pay to the claimant one dollar.

8 (c) Right to appeal. Any claimant aggrieved by the
9 action of the Department under this Act, whether in the
10 reduction of the amount of the grant or long-term care
11 allowance claimed or in the denial of the claim, may request
12 in writing that the Department reconsider its prior
13 determination, setting out the facts on which his request is
14 based. The Department shall consider the request and either
15 modify or affirm its prior determination.

16 (d) Administrative review. The decision of the
17 Department to affirm its prior determination, or the failure
18 of the Department to act on a request for reconsideration
19 within 60 days, is a final administrative decision which is
20 subject to judicial review under the Administrative Review
21 Law, and all amendments and modifications thereof and the
22 rules adopted thereto. The term "administrative decision" is
23 defined as in Section 3-101 of the Code of Civil Procedure.

24 (Source: P.A. 82-783.)

25 (320 ILCS 25/8) (from Ch. 67 1/2, par. 408)

26 Sec. 8. Records. Every claimant of a grant or long-term
27 care allowance under this Act shall keep such records, render
28 such statements, file such forms and comply with such rules
29 and regulations as the Department may from time to time
30 prescribe. The Department may by regulations require
31 landlords to furnish to tenants statements as to gross rent
32 or rent constituting property taxes accrued.

33 (Source: P.A. 77-2059.)

1 (320 ILCS 25/8a) (from Ch. 67 1/2, par. 408.1)

2 Sec. 8a. Confidentiality.

3 (a) Except as otherwise provided in this Act all
4 information received by the Department from claims filed
5 under this Act, or from any investigation conducted under the
6 provisions of this Act, shall be confidential, except for
7 official purposes within the Department or pursuant to
8 official procedures for collection of any State tax or
9 enforcement of any civil or criminal penalty or sanction
10 imposed by this Act or by any statute imposing a State tax,
11 and any person who divulges any such information in any
12 manner, except for such purposes and pursuant to order of the
13 Director or in accordance with a proper judicial order, shall
14 be guilty of a Class A misdemeanor.

15 (b) Nothing contained in this Act shall prevent the
16 Director from publishing or making available reasonable
17 statistics concerning the operation of the grant and
18 long-term care allowance programs contained in this Act
19 wherein the contents of claims are grouped into aggregates in
20 such a way that information contained in any individual claim
21 shall not be disclosed.

22 (c) The Department shall furnish to the Secretary of
23 State such information as is reasonably necessary for the
24 administration of reduced vehicle registration fees pursuant
25 to Section 3-806.3 of "The Illinois Vehicle Code".

26 (Source: P.A. 89-399, eff. 8-20-95.)

27 (320 ILCS 25/9) (from Ch. 67 1/2, par. 409)

28 Sec. 9. Any person who files a fraudulent claim for a
29 grant or long-term care allowance under this Act, or who for
30 compensation prepares a claim for a grant or long-term care
31 allowance and knowingly enters false information on a claim
32 form for any claimant under this Act, or who fraudulently
33 files multiple claim forms, or who fraudulently states that a

1 nondisabled person is disabled, or who fraudulently procures
2 a pharmaceutical assistance identification card, or who
3 fraudulently uses such card to procure covered prescription
4 drugs, or who, on behalf of an authorized pharmacy, files a
5 fraudulent claim for payment, is guilty of a Class 4 felony
6 for the first offense and is guilty of a Class 3 felony for
7 each subsequent offense. The Department shall immediately
8 suspend the use of the pharmaceutical assistance
9 identification card of any person suspected of fraudulent
10 procurement or fraudulent use of such card, and shall revoke
11 such card upon a conviction. A person convicted of such
12 fraud shall be permanently barred from the program of
13 pharmaceutical assistance established under this Act. The
14 Department may recover from a claimant, including an
15 authorized pharmacy, any amount paid under this Act on
16 account of an erroneous or fraudulent claim, together with 6%
17 interest per year. A prosecution for a violation of this
18 Section may be commenced at any time within 3 years of the
19 commission of that violation.

20 (Source: P.A. 85-299.)

21 (320 ILCS 25/12) (from Ch. 67 1/2, par. 412)

22 Sec. 12. Regulations - Department on Aging.

23 (a) Regulations. The Director shall promulgate such
24 regulations as are necessary or desirable to effectuate the
25 purposes of this Act, including but not limited to the method
26 of computing "gross rent" in the case of a claimant living in
27 a nursing or sheltered care home.

28 (b) The Department on Aging shall, to the extent of
29 appropriations made for that purpose:

30 (1) attempt to secure the cooperation of
31 appropriate federal, State and local agencies in securing
32 the names and addresses of persons to whom this Act
33 pertains;

1 (2) prepare a mailing list of persons eligible for
2 grants or long-term care allowances under this Act;

3 (3) secure the cooperation of the Department of
4 Revenue and of local business establishments to
5 facilitate distribution of application forms under this
6 Act to those eligible to file claims; and

7 (4) through use of direct mail, newspaper
8 advertisements and radio and television advertisements,
9 and all other appropriate means of communication, conduct
10 an on-going public relations program to increase
11 awareness of eligible citizens of the grants and
12 long-term care allowances under this Act and the
13 procedures for applying for them.

14 (Source: P.A. 78-1249.)