

1 AN ACT concerning pharmaceutical assistance.

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 Section 4 as follows:

7 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

8 Sec. 4. Amount of Grant.

9 (a) In general. Any individual 65 years or older or any
10 individual who will become 65 years old during the calendar
11 year in which a claim is filed, and any surviving spouse of
12 such a claimant, who at the time of death received or was
13 entitled to receive a grant pursuant to this Section, which
14 surviving spouse will become 65 years of age within the 24
15 months immediately following the death of such claimant and
16 which surviving spouse but for his or her age is otherwise
17 qualified to receive a grant pursuant to this Section, and
18 any disabled person whose annual household income is less
19 than \$14,000 for grant years before the 1998 grant year, less
20 than \$16,000 for the 1998 and 1999 grant years, and less than
21 (i) \$21,218 for a household containing one person, (ii)
22 \$28,480 for a household containing 2 persons, or (iii)
23 \$35,740 for a household containing 3 or more persons for the
24 2000 grant year and thereafter and whose household is liable
25 for payment of property taxes accrued or has paid rent
26 constituting property taxes accrued and is domiciled in this
27 State at the time he files his claim is entitled to claim a
28 grant under this Act. With respect to claims filed by
29 individuals who will become 65 years old during the calendar
30 year in which a claim is filed, the amount of any grant to
31 which that household is entitled shall be an amount equal to

1 1/12 of the amount to which the claimant would otherwise be
2 entitled as provided in this Section, multiplied by the
3 number of months in which the claimant was 65 in the calendar
4 year in which the claim is filed.

5 (b) Limitation. Except as otherwise provided in
6 subsections (a) and (f) of this Section, the maximum amount
7 of grant which a claimant is entitled to claim is the amount
8 by which the property taxes accrued which were paid or
9 payable during the last preceding tax year or rent
10 constituting property taxes accrued upon the claimant's
11 residence for the last preceding taxable year exceeds 3 1/2%
12 of the claimant's household income for that year but in no
13 event is the grant to exceed (i) \$700 less 4.5% of household
14 income for that year for those with a household income of
15 \$14,000 or less or (ii) \$70 if household income for that year
16 is more than \$14,000.

17 (c) Public aid recipients. If household income in one
18 or more months during a year includes cash assistance in
19 excess of \$55 per month from the Department of Public Aid or
20 the Department of Human Services (acting as successor to the
21 Department of Public Aid under the Department of Human
22 Services Act) which was determined under regulations of that
23 Department on a measure of need that included an allowance
24 for actual rent or property taxes paid by the recipient of
25 that assistance, the amount of grant to which that household
26 is entitled, except as otherwise provided in subsection (a),
27 shall be the product of (1) the maximum amount computed as
28 specified in subsection (b) of this Section and (2) the ratio
29 of the number of months in which household income did not
30 include such cash assistance over \$55 to the number twelve.
31 If household income did not include such cash assistance over
32 \$55 for any months during the year, the amount of the grant
33 to which the household is entitled shall be the maximum
34 amount computed as specified in subsection (b) of this

1 Section. For purposes of this paragraph (c), "cash
2 assistance" does not include any amount received under the
3 federal Supplemental Security Income (SSI) program.

4 (d) Joint ownership. If title to the residence is held
5 jointly by the claimant with a person who is not a member of
6 his household, the amount of property taxes accrued used in
7 computing the amount of grant to which he is entitled shall
8 be the same percentage of property taxes accrued as is the
9 percentage of ownership held by the claimant in the
10 residence.

11 (e) More than one residence. If a claimant has occupied
12 more than one residence in the taxable year, he may claim
13 only one residence for any part of a month. In the case of
14 property taxes accrued, he shall pro rate 1/12 of the total
15 property taxes accrued on his residence to each month that he
16 owned and occupied that residence; and, in the case of rent
17 constituting property taxes accrued, shall pro rate each
18 month's rent payments to the residence actually occupied
19 during that month.

20 (f) There is hereby established a program of
21 pharmaceutical assistance to the aged and disabled which
22 shall be administered by the Department in accordance with
23 this Act, to consist of payments to authorized pharmacies, on
24 behalf of beneficiaries of the program, for the reasonable
25 costs of covered prescription drugs. Each beneficiary who
26 pays \$5 for an identification card shall pay no additional
27 prescription costs. Each beneficiary who pays \$25 for an
28 identification card shall pay \$3 per prescription. In
29 addition, after a beneficiary receives \$2,000 in benefits
30 during a State fiscal year, that beneficiary shall also be
31 charged 20% of the cost of each prescription for which
32 payments are made by the program during the remainder of the
33 fiscal year. To become a beneficiary under this program a
34 person must be: (1) (i) 65 years or older, or (ii) the

1 surviving spouse of such a claimant, who at the time of death
2 received or was entitled to receive benefits pursuant to this
3 subsection, which surviving spouse will become 65 years of
4 age within the 24 months immediately following the death of
5 such claimant and which surviving spouse but for his or her
6 age is otherwise qualified to receive benefits pursuant to
7 this subsection, or (iii) disabled, and (2) is domiciled in
8 this State at the time he files his or her claim, and (3) has
9 a maximum household income of less than \$14,000 for grant
10 years before the 1998 grant year, less than \$16,000 for the
11 1998 and 1999 grant years, and less than (i) \$21,218 for a
12 household containing one person, (ii) \$28,480 for a household
13 containing 2 persons, or (iii) \$35,740 for a household
14 containing 3 more persons for the 2000 and 2001 grant years,
15 year and less than (i) \$26,218 for a household containing one
16 person, (ii) \$33,480 for a household containing 2 persons, or
17 (iii) \$40,740 for a household containing 3 or more persons
18 for the 2002 grant year and thereafter. In addition, each
19 eligible person must (1) obtain an identification card from
20 the Department, (2) at the time the card is obtained, sign a
21 statement assigning to the State of Illinois benefits which
22 may be otherwise claimed under any private insurance plans,
23 (3) present the identification card to the dispensing
24 pharmacist.

25 Whenever a generic equivalent for a covered prescription
26 drug is available, the Department shall reimburse only for
27 the reasonable costs of the generic equivalent, less the
28 co-pay established in this Section, unless (i) the covered
29 prescription drug contains one or more ingredients defined as
30 a narrow therapeutic index drug at 21 CFR 320.33, (ii) the
31 prescriber indicates on the face of the prescription "brand
32 medically necessary", and (iii) the prescriber specifies that
33 a substitution is not permitted. When issuing an oral
34 prescription for covered prescription medication described in

1 item (i) of this paragraph, the prescriber shall stipulate
2 "brand medically necessary" and that a substitution is not
3 permitted. If the covered prescription drug and its
4 authorizing prescription do not meet the criteria listed
5 above, the beneficiary may purchase the non-generic
6 equivalent of the covered prescription drug by paying the
7 difference between the generic cost and the non-generic cost
8 plus the beneficiary co-pay.

9 Any person otherwise eligible for pharmaceutical
10 assistance under this Act whose covered drugs are covered by
11 any public program for assistance in purchasing any covered
12 prescription drugs shall be ineligible for assistance under
13 this Act to the extent such costs are covered by such other
14 plan.

15 The fee to be charged by the Department for the
16 identification card shall be equal to \$5 for persons below
17 the official poverty line as defined by the United States
18 Department of Health and Human Services and \$25 for all other
19 persons.

20 In the event that 2 or more persons are eligible for any
21 benefit under this Act, and are members of the same
22 household, (1) each such person shall be entitled to
23 participate in the pharmaceutical assistance program,
24 provided that he or she meets all other requirements imposed
25 by this subsection and (2) each participating household
26 member contributes the fee required for that person by the
27 preceding paragraph for the purpose of obtaining an
28 identification card.

29 (Source: P.A. 90-650, eff. 7-27-98; 91-357, eff. 7-29-99;
30 91-699, eff. 1-1-01.)