

1 AN ACT in relation to public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by  
5 changing Section 5-5.12 as follows:

6 (305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

7 Sec. 5-5.12. Pharmacy payments.

8 (a) Every request submitted by a pharmacy for  
9 reimbursement under this Article for prescription drugs  
10 provided to a recipient of aid under this Article shall  
11 include the name of the prescriber or an acceptable  
12 identification number as established by the Illinois  
13 Department.

14 (b) Pharmacies providing prescription drugs under this  
15 Article shall be reimbursed at a rate that includes ~~which~~  
16 ~~shall include~~ a professional dispensing fee as determined by  
17 the Illinois Department, plus the current acquisition cost of  
18 the prescription drug dispensed. The Illinois Department  
19 shall update its information on the acquisition costs of all  
20 prescription drugs no less frequently than every 30 days.  
21 However, the Illinois Department may set the rate of  
22 reimbursement for the acquisition cost, by rule, at a  
23 percentage of the current average wholesale acquisition cost.

24 (c) Reimbursement under this Article for prescription  
25 drugs shall be limited to reimbursement for 4 brand-name  
26 prescription drugs per patient per month. This subsection  
27 applies only if (i) the brand-name drug was not prescribed  
28 for an acute or urgent condition, (ii) the brand-name drug  
29 was not prescribed for Alzheimer's disease, arthritis,  
30 diabetes, HIV/AIDS, a mental health condition, or respiratory  
31 disease, and (iii) a therapeutically equivalent generic

1 medication has been approved by the federal Food and Drug  
2 Administration.

3 (d) The Department shall not impose requirements for  
4 prior approval based on a preferred drug list for  
5 anti-retroviral or any atypical antipsychotics, conventional  
6 antipsychotics, or anticonvulsants used for the treatment of  
7 serious mental illnesses until 30 days after it has conducted  
8 a study of the impact of such requirements on patient care  
9 and submitted a report to the Speaker of the House of  
10 Representatives and the President of the Senate.

11 (Source: P.A. 92-597, eff. 6-28-02; 92-825, eff. 8-21-02;  
12 revised 9-19-02.)