



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4585

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

See Index

Amends the Mobile Home Local Services Tax Act, the Citizens Utility Board Act, the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, and the Illinois Vehicle Code. Makes various changes for the purpose of implementing Executive Order No. 3 of 2004. In connection with senior citizens and disabled persons property tax relief and pharmaceutical assistance: (1) changes references from the Department of Revenue to the Department on Aging; (2) adds provisions concerning (i) applications for benefits, (ii) property tax relief claims, eligibility, amount, and administration, and (iii) pharmaceutical assistance eligibility, beneficiary groups, cost-sharing, covered prescription drugs, payments to pharmacies, and administration; (3) makes changes concerning review of actions or determinations by the Department on Aging or the Department of Healthcare and Family Services; (4) adds provisions concerning the providing of insurance information; and (5) makes other changes. Makes changes concerning motor vehicle registration fees for persons receiving benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act and special decals for persons with disabilities for parking purposes. Effective immediately.

LRB095 15275 DRJ 41261 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Mobile Home Local Services Tax Act is
5 amended by changing Section 7 as follows:

6 (35 ILCS 515/7) (from Ch. 120, par. 1207)

7 Sec. 7. The local services tax for owners of mobile homes
8 who (a) are actually residing in such mobile homes, (b) hold
9 title to such mobile home as provided in the "Illinois Vehicle
10 Code", ~~approved September 29, 1969, as amended,~~ and (c) are 65
11 years of age or older or are disabled persons within the
12 meaning of Section 3.14 of the "Senior Citizens and Disabled
13 Persons Property Tax Relief and Pharmaceutical Assistance Act"
14 on the annual billing date shall be reduced to 80 percent of
15 the tax provided for in Section 3 of this Act. Proof that a
16 claimant has been issued an Illinois Disabled Person
17 Identification Card stating that the claimant is under a Class
18 2 disability, as provided in Section 4A of the ~~The~~ Illinois
19 Identification Card Act, shall constitute proof that the person
20 thereon named is a disabled person within the meaning of this
21 Act. An application for reduction of the tax shall be filed
22 with the county clerk by the individuals who are entitled to
23 the reduction. If the application is filed after May 1, the

1 reduction in tax shall begin with the next annual bill.
2 Application for the reduction in tax shall be done by
3 submitting proof that the applicant has been issued an Illinois
4 Disabled Person Identification Card designating the
5 applicant's disability as a Class 2 disability, or by affidavit
6 in substantially the following form:

7 APPLICATION FOR REDUCTION OF MOBILE HOME LOCAL SERVICES TAX

8 I hereby make application for a reduction to 80% of the
9 total tax imposed under "An Act to provide for a local services
10 tax on mobile homes".

11 (1) Senior Citizens

12 (a) I actually reside in the mobile home

13 (b) I hold title to the mobile home as provided in the
14 Illinois Vehicle Code

15 (c) I reached the age of 65 on or before either January 1
16 (or July 1) of the year in which this statement is filed. My
17 date of birth is: ...

18 (2) Disabled Persons

19 (a) I actually reside in the mobile home...

20 (b) I hold title to the mobile home as provided in the
21 Illinois Vehicle Code

22 (c) I was totally disabled on ... and have remained
23 disabled until the date of this application. My Social
24 Security, Veterans, Railroad or Civil Service Total Disability
25 Claim Number is ... The undersigned declares under the penalty
26 of perjury that the above statements are true and correct.

1 Dated (insert date).

2

3 Signature of owner

4

5 (Address)

6

7 (City) (State) (Zip)

8 Approved by:

9

10 (Assessor)

11 This application shall be accompanied by a copy of the
12 applicant's most recent application filed with the Illinois
13 Department on Aging ~~of Revenue~~ under the "Senior Citizens and
14 Disabled Persons Property Tax Relief and Pharmaceutical
15 Assistance Act," ~~approved July 17, 1972, as amended.~~

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

17 Section 10. The Citizens Utility Board Act is amended by
18 changing Section 9 as follows:

19 (220 ILCS 10/9) (from Ch. 111 2/3, par. 909)

20 Sec. 9. Mailing procedure.

21 (1) As used in this Section:

22 (a) "Enclosure" means a card, leaflet, envelope or
23 combination thereof furnished by the corporation under

1 this Section.

2 (b) "Mailing" means any communication by a State
3 agency, other than a mailing made ~~by the Department of~~
4 ~~Revenue~~ under the Senior Citizens and Disabled Persons
5 Property Tax Relief and Pharmaceutical Assistance Act,
6 that is sent through the United States Postal Service to
7 more than 50,000 persons within a 12-month period.

8 (c) "State agency" means any officer, department,
9 board, commission, institution or entity of the executive
10 or legislative branches of State government.

11 (2) To accomplish its powers and duties under Section 5
12 this Act, the corporation, subject to the following
13 limitations, may prepare and furnish to any State agency an
14 enclosure to be included with a mailing by that agency.

15 (a) A State agency furnished with an enclosure shall
16 include the enclosure within the mailing designated by the
17 corporation.

18 (b) An enclosure furnished by the corporation under
19 this Section shall be provided to the State agency a
20 reasonable period of time in advance of the mailing.

21 (c) An enclosure furnished by the corporation under
22 this Section shall be limited to informing the reader of
23 the purpose, nature and activities of the corporation as
24 set forth in this Act and informing the reader that it may
25 become a member in the corporation, maintain membership in
26 the corporation and contribute money to the corporation

1 directly.

2 (d) Prior to furnishing an enclosure to the State
3 agency, the corporation shall seek and obtain approval of
4 the content of the enclosure from the Illinois Commerce
5 Commission. The Commission shall approve the enclosure if
6 it determines that the enclosure (i) is not false or
7 misleading and (ii) satisfies the requirements of this Act.
8 The Commission shall be deemed to have approved the
9 enclosure unless it disapproves the enclosure within 14
10 days from the date of receipt.

11 (3) The corporation shall reimburse each State agency for
12 all reasonable incremental costs incurred by the State agency
13 in complying with this Section above the agency's normal
14 mailing and handling costs, provided that:

15 (a) The State agency shall first furnish the
16 corporation with an itemized accounting of such additional
17 cost; and

18 (b) The corporation shall not be required to reimburse
19 the State agency for postage costs if the weight of the
20 corporation's enclosure does not exceed .35 ounce
21 avoirdupois. If the corporation's enclosure exceeds that
22 weight, then it shall only be required to reimburse the
23 State agency for postage cost over and above what the
24 agency's postage cost would have been had the enclosure
25 weighed only .35 ounce avoirdupois.

26 (Source: P.A. 87-205.)

1 Section 15. The Senior Citizens and Disabled Persons
2 Property Tax Relief and Pharmaceutical Assistance Act is
3 amended by changing Sections 1, 2, 3.01, 3.04, 3.05, 3.06,
4 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, 3.17, 7, 8, 8a,
5 9, 10, 11, 12, and 13 and by adding Sections 1.5, 3.05a, 4A,
6 5A, 5A.5, 5A.10, 5A.15, 5A.20, 6A, 6A.5, 6A.10, 6A.15, 6A.20,
7 6A.25, 6A.30, 6A.35, and 7.5 as follows:

8 (320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

9 Sec. 1. Short title; common name. This Article shall be
10 known and may be cited as the "Senior Citizens and Disabled
11 Persons Property Tax Relief and Pharmaceutical Assistance
12 Act". Common references to the "Circuit Breaker Act" mean this
13 Article. As used in this Article, "this Act" means this
14 Article.

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

16 (320 ILCS 25/1.5 new)

17 Sec. 1.5. Implementation of Executive Order No. 3 of 2004.
18 Executive Order No. 3 of 2004, in part, provided for the
19 transfer of the programs under this Act from the Department of
20 Revenue to the Department on Aging and the Department of
21 Healthcare and Family Services. It is the purpose of this
22 amendatory Act of the 95th General Assembly to conform this Act
23 and certain related provisions of other statutes to that

1 Executive Order. This amendatory Act of the 95th General
2 Assembly also reorganizes and makes technical and other changes
3 to this Act to improve its organization and readability. This
4 amendatory Act of the 95th General Assembly does not accelerate
5 or delay the taking effect of any changes in the law made by
6 Executive Order No. 3 of 2004.

7 (320 ILCS 25/2) (from Ch. 67 1/2, par. 402)

8 Sec. 2. Purpose.

9 The purpose of this Act is to provide incentives to the
10 senior citizens and disabled persons of this State to acquire
11 and retain private housing of their choice and at the same time
12 to relieve those citizens from the burdens of extraordinary
13 property taxes and rising drug costs against their increasingly
14 restricted earning power, and thereby to reduce the
15 requirements for public housing in this State.

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

17 (320 ILCS 25/3.01) (from Ch. 67 1/2, par. 403.01)

18 Sec. 3.01. Claimant. "Claimant" means an individual who has
19 filed a claim for a property tax relief grant under this Act.
20 In appropriate contexts, "claimant" also includes a person who
21 has applied for pharmaceutical assistance under this Act or for
22 other benefits that are based on eligibility for benefits under
23 this Act.

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

1 (320 ILCS 25/3.04) (from Ch. 67 1/2, par. 403.04)

2 Sec. 3.04. Gross rent. "Gross rent ~~Rent~~" means the total
3 amount paid solely for the right to occupy a residence.

4 If the residence is a nursing or sheltered care home,
5 "gross rent" means the amount paid in a taxable year that is
6 attributable to the cost of housing, but not of meals or care,
7 for the claimant in that home, determined in accordance with
8 regulations of the Department on Aging.

9 (Source: P.A. 78-1249; 78-1297.)

10 (320 ILCS 25/3.05) (from Ch. 67 1/2, par. 403.05)

11 Sec. 3.05. Household. "Household" means ~~a claimant or a~~
12 claimant and his or her spouse, if any, living together in the
13 same residence. The term does not include any qualified
14 additional resident who lives with the claimant.

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

16 (320 ILCS 25/3.05a new)

17 Sec. 3.05a. Qualified additional resident. "Qualified
18 additional resident" means a person who (i) is living in the
19 same residence with a claimant for an application period and at
20 the time of filing the claim, (ii) is not the spouse of the
21 claimant, (iii) does not file a separate claim under this Act
22 for the same application period, and (iv) receives more than
23 half of his or her total financial support for that application

1 period from the household.

2 (320 ILCS 25/3.06) (from Ch. 67 1/2, par. 403.06)

3 Sec. 3.06. Household income. "Household income" means the
4 combined income of the members of a household. The term does
5 not include the income of any qualified additional resident who
6 lives with the claimant.

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

8 (320 ILCS 25/3.07) (from Ch. 67 1/2, par. 403.07)

9 Sec. 3.07. Income. "Income" means adjusted gross income,
10 properly reportable for federal income tax purposes under the
11 provisions of the Internal Revenue Code, modified by adding
12 thereto the sum of the following amounts to the extent deducted
13 or excluded from gross income in the computation of adjusted
14 gross income:

15 (A) An amount equal to all amounts paid or accrued as
16 interest or dividends during the taxable year;

17 (B) An amount equal to the amount of tax imposed by the
18 Illinois Income Tax Act paid for the taxable year;

19 (C) An amount equal to all amounts received during the
20 taxable year as an annuity under an annuity, endowment or
21 life insurance contract or under any other contract or
22 agreement;

23 (D) An amount equal to the amount of benefits paid
24 under the Federal Social Security Act during the taxable

1 year;

2 (E) An amount equal to the amount of benefits paid
3 under the Railroad Retirement Act during the taxable year;

4 (F) An amount equal to the total amount of cash public
5 assistance payments received from any governmental agency
6 during the taxable year other than benefits received
7 pursuant to this Act;

8 (G) An amount equal to any net operating loss carryover
9 deduction or capital loss carryover deduction during the
10 taxable year;

11 (H) ~~An~~ For claim years beginning on or after January 1,
12 ~~2002,~~ an amount equal to any benefits received under the
13 Workers' Compensation Act or the Workers' Occupational
14 Diseases Act during the taxable year.

15 "Income" does not include ~~any grant assistance received~~
16 ~~under the Nursing Home Grant Assistance Act or~~ any
17 distributions or items of income described under subparagraph
18 (X) of paragraph (2) of subsection (a) of Section 203 of the
19 Illinois Income Tax Act.

20 ~~This amendatory Act of 1987 shall be effective for purposes~~
21 ~~of this Section for tax years ending on or after December 31,~~
22 ~~1987.~~

23 (Source: P.A. 91-676, eff. 12-23-99; 92-131, eff. 7-23-01;
24 92-519, eff. 1-1-02.)

25 (320 ILCS 25/3.08) (from Ch. 67 1/2, par. 403.08)

1 Sec. 3.08. Internal Revenue Code. "Internal Revenue Code"
2 means the United States Internal Revenue Code of 1986 ~~1954~~ or
3 any successor law or laws relating to federal income taxes in
4 effect for the year.

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

6 (320 ILCS 25/3.09) (from Ch. 67 1/2, par. 403.09)

7 Sec. 3.09. Property taxes accrued. "Property taxes
8 accrued" means the ad valorem property taxes extended against a
9 residence, but does not include special assessments, interest
10 or charges for service. In the case of real estate improved
11 with a multidwelling or multipurpose building, "property taxes
12 accrued" extended against a residence within such a building is
13 an amount equal to the same percentage of the total property
14 taxes extended against that real estate as improved as the
15 value of the residence is to the total value of the building.
16 If the multidwelling building is owned and operated as a
17 cooperative, the value of an individual residence is the value
18 of the interest in the cooperative held by the owner of record
19 of the legal or equitable interest, other than a leasehold
20 interest, in the cooperative which confers the right to occupy
21 that residence. In determining the amount of grant under
22 Section 4 ~~for 1976 and thereafter~~, the applicable "property
23 taxes accrued", as determined under this Section, are those
24 payable or paid in the last preceding taxable year.

25 In addition, if the residence is a mobile home as defined

1 in and subject to the tax imposed by the Mobile Home Local
2 Services Tax Act, "property taxes accrued" includes the amount
3 of privilege tax paid during the calendar year for which
4 benefits are claimed under that Act on that mobile home. If
5 ~~Beginning in taxable year 1999, if~~ (i) the residence is a
6 mobile home, (ii) the resident is the record owner of the
7 property upon which the mobile home is located, and (iii) the
8 resident is liable for the taxes imposed under the Property Tax
9 Code for both the mobile home and the property, then "property
10 taxes accrued" includes the amount of property taxes paid on
11 both the mobile home and the property upon which the mobile
12 home is located.

13 (Source: P.A. 91-357, eff. 7-29-99; 91-391, eff. 7-30-99.)

14 (320 ILCS 25/3.10) (from Ch. 67 1/2, par. 403.10)

15 Sec. 3.10. Regulations. "Regulations" includes both rules
16 promulgated and forms prescribed by the applicable Department.
17 In this Act, references to the rules of the Department on Aging
18 or the Department of Healthcare and Family Services shall be
19 deemed to include, in appropriate cases, the corresponding
20 rules adopted by the Department of Revenue, to the extent that
21 those rules continue in force under Executive Order No. 3 of
22 2004.

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

24 (320 ILCS 25/3.11) (from Ch. 67 1/2, par. 403.11)

1 Sec. 3.11. Rent constituting property taxes accrued. "Rent
2 constituting property taxes accrued" means 25% of the amount of
3 gross rent paid in a taxable year for a residence that ~~which~~
4 was subject to ad valorem property taxes in that year under the
5 Property Tax Code.

6 (Source: P.A. 87-860; 88-670, eff. 12-2-94.)

7 (320 ILCS 25/3.12) (from Ch. 67 1/2, par. 403.12)

8 Sec. 3.12. Residence. "Residence" means the principal
9 dwelling place occupied in this State by a household and so
10 much of the surrounding land as is reasonably necessary for use
11 of the dwelling as a home, and includes rental property, mobile
12 homes, single family dwellings, and units in multifamily,
13 multidwelling or multipurpose buildings. If the assessor has
14 established a specific legal description for a portion of
15 property constituting the residence, then that portion of
16 property shall be deemed "residence" for the purposes of this
17 Act. "Residence" also includes that portion of a nursing or
18 sheltered care home occupied as a dwelling by a claimant,
19 determined as prescribed in regulations of the Department on
20 Aging.

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

22 (320 ILCS 25/3.13) (from Ch. 67 1/2, par. 403.13)

23 Sec. 3.13. Taxable year. "Taxable year" means the calendar
24 year during which ad valorem property taxes payable in the next

1 succeeding calendar year were levied.

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

3 (320 ILCS 25/3.14) (from Ch. 67 1/2, par. 403.14)

4 Sec. 3.14. Disabled person. "Disabled person" means a
5 person unable to engage in any substantial gainful activity by
6 reason of a medically determinable physical or mental
7 impairment ~~that~~ ~~which~~ can be expected to result in death or has
8 lasted or can be expected to last for a continuous period of
9 not less than 12 months. Disabled persons filing claims under
10 this Act shall submit proof of disability in such form and
11 manner as the Department on Aging shall by rule and regulation
12 prescribe. Proof that a claimant is eligible to receive
13 disability benefits under the federal ~~Federal~~ Social Security
14 Act shall constitute proof of disability for purposes of this
15 Act. Issuance of an Illinois Disabled Person Identification
16 Card stating that the claimant is under a Class 2 disability,
17 as defined in Section 4A of the ~~The~~ Illinois Identification
18 Card Act, shall constitute proof that the person named thereon
19 is a disabled person for purposes of this Act. A disabled
20 person not covered under the federal ~~Federal~~ Social Security
21 Act and not presenting a Disabled Person Identification Card
22 stating that the claimant is under a Class 2 disability shall
23 be examined by a physician designated by the Department on
24 Aging, and his or her status as a disabled person determined
25 using the same standards as are used by the Social Security

1 Administration. The costs of any required examination shall be
2 borne by the claimant.

3 (Source: P.A. 83-1421.)

4 (320 ILCS 25/3.17) (from Ch. 67 1/2, par. 403.17)

5 Sec. 3.17. Authorized pharmacy. "Authorized pharmacy"
6 means any pharmacy enrolled with the Department of Healthcare
7 and Family Services ~~registered in this State under the Pharmacy~~
8 ~~Practice Act.~~

9 (Source: P.A. 95-689, eff. 10-29-07.)

10 (320 ILCS 25/4A new)

11 Sec. 4A. Application. The Department on Aging shall
12 establish the form and manner of applying for benefits under
13 this Act. The application may enable persons to apply for both
14 a property tax relief grant and pharmaceutical assistance on
15 the same application. The application may also enable persons
16 to apply for other State or federal programs that provide
17 medical or pharmaceutical assistance or other benefits, as
18 determined by the Department on Aging in conjunction with the
19 Department of Healthcare and Family Services.

20 (320 ILCS 25/5A new)

21 Sec. 5A. Property Tax Relief; program. There is hereby
22 established a program of property tax relief grants for senior
23 citizens and disabled persons, which shall be administered by

1 the Department on Aging in accordance with this Act and
2 Executive Order No. 3 of 2004. These grants shall be payable to
3 eligible claimants as provided in this Act.

4 (320 ILCS 25/5A.5 new)

5 Sec. 5A.5. Property Tax Relief; filing of claims.

6 (a) A person may file a claim for the year in which he or
7 she turns age 65 during that year.

8 (b) Only one member of a household may file a claim under
9 this Act in any application period; if both members of a
10 household are otherwise entitled to claim a grant under this
11 Act, they must agree as to which of them will file a claim for
12 that application period.

13 (c) The right to file a claim under this Act is personal to
14 the claimant and shall not survive his or her death, but that
15 right may be exercised on behalf of a claimant by his or her
16 legal guardian or attorney-in-fact. If a claimant dies after
17 having filed a timely claim, the amount of the grant shall be
18 disbursed to the claimant's surviving spouse or, if no spouse
19 survives, to his or her surviving dependent minor children in
20 equal parts, provided that the spouse or child, as the case may
21 be, resided with the claimant at the time he or she filed the
22 claim. If at the time of disbursement neither the claimant nor
23 his or her spouse survive, and no dependent minor children of
24 the claimant survive, then the amount of the claim shall
25 escheat to the State.

1 (320 ILCS 25/5A.10 new)

2 Sec. 5A.10. Property Tax Relief; eligibility.

3 (a) To be eligible to claim a grant under this Act, a
4 person must be one of the following:

5 (1) An individual who is 65 years old or older (or who
6 will become 65 years old during the calendar year in which
7 the claim is filed).

8 (2) The surviving spouse of a deceased claimant who, at
9 the time of death, received or was entitled to receive a
10 grant or pharmaceutical assistance under this Act, if the
11 surviving spouse will attain age 65 within the 24 months
12 immediately following the death of the claimant and is
13 otherwise qualified to receive a grant.

14 (3) A disabled person who is 16 years old or older.

15 (b) To be eligible to claim a grant under this Act, a
16 person must also be a member of a household that meets all of
17 the following requirements:

18 (1) In the year for which the claim is filed, the
19 household was liable for payment of property taxes accrued
20 or paid rent constituting property taxes accrued.

21 (2) The household is domiciled in this State at the
22 time of filing the claim.

23 (3) The household has annual household income of (i)
24 less than \$22,218 for a one-person household with no
25 qualified additional residents; (ii) less than \$29,480 for

1 a one-person household with one qualified additional
2 resident or a 2-person household with no qualified
3 additional residents; or (iii) less than \$36,740 for a
4 one-person household with 2 or more qualified additional
5 residents or a 2-person household with one or more
6 qualified additional residents. ("Annual household income"
7 does not include the income of any qualified additional
8 residents.)

9 Beginning January 1, 2009, a one-time reconciliation
10 shall be made to the foregoing household income eligibility
11 limits to ensure correlation with any income exemptions
12 established through rulemaking adopted by the Department
13 of Healthcare and Family Services for the Illinois Cares Rx
14 Program.

15 Beginning January 1, 2009, the reconciled household
16 income eligibility limits shall be annually adjusted to
17 reflect the annual change in Social Security and
18 Supplemental Security Income benefits based on the Bureau
19 of Labor Statistics' Consumer Price Index for Urban Wage
20 Earners and Clerical Workers (CPI-W) on claims filed for
21 the 2008 grant year and thereafter.

22 If any household income eligibility limit is less than
23 200% of the Federal Poverty Level for any year, the
24 household income eligibility limit for that year for
25 households of that size shall be income equal to or less
26 than 200% of the Federal Poverty Level.

1 (c) Eligibility to receive a grant under this Act is not
2 affected by participation in the program of deferrals created
3 under the Senior Citizens Real Estate Tax Deferral Act.

4 (320 ILCS 25/5A.15 new)

5 Sec. 5A.15. Property Tax Relief; amount.

6 (a) In general. Except as otherwise provided in this
7 Section, the maximum amount of the grant that a claimant is
8 entitled to claim is the amount by which the property taxes
9 accrued that were paid or payable during the last preceding tax
10 year upon the claimant's residence (or the rent constituting
11 property taxes accrued for the last preceding tax year) exceeds
12 3.5% of the claimant's household income for that year, but in
13 no event is the grant to exceed (i) \$700 less 4.5% of household
14 income for that year for a claimant with a household income of
15 \$14,000 or less or (ii) \$70 for a claimant with a household
16 income for that year of more than \$14,000.

17 (b) Age limitation. With respect to a claim filed by an
18 individual who will become 65 years old during the calendar
19 year in which the claim is filed, the amount of any grant to
20 which that household is entitled shall be an amount equal to
21 1/12 of the amount to which the claimant would otherwise be
22 entitled, multiplied by the number of months in which the
23 claimant was 65 years of age or older in the calendar year in
24 which the claim is filed.

25 (c) Public aid recipients. If household income in one or

1 more months during a year includes cash assistance in excess of
2 \$55 per month from the Department of Healthcare and Family
3 Services or the Department of Human Services, which was
4 determined under regulations of that Department on a measure of
5 need that included an allowance for actual rent or property
6 taxes paid by the recipient of that assistance, the amount of
7 grant to which that household is entitled, except as otherwise
8 provided in subsection (b), shall be the product of (1) the
9 maximum amount computed as specified in subsection (a) of this
10 Section and (2) the ratio of the number of months in which
11 household income did not include such cash assistance over \$55
12 to the number 12. If household income did not include such cash
13 assistance over \$55 for any months during the year, the amount
14 of the grant to which the household is entitled shall be the
15 maximum amount computed as specified in subsection (a) of this
16 Section. For purposes of this subsection (c), "cash assistance"
17 does not include any amount received under the federal
18 Supplemental Security Income (SSI) program.

19 (d) Joint ownership. If title to the residence is held
20 jointly by the claimant with a person who is not a member of
21 his or her household, the grant to which the claimant is
22 entitled shall be computed using a percentage of the total
23 property taxes accrued that is the same as the percentage of
24 ownership held by the claimant in the residence.

25 (e) More than one residence. If a claimant has occupied
26 more than one residence in the taxable year, he or she may

1 claim only one residence for any part of a month. In the case
2 of property taxes accrued, the amount of the grant shall be
3 prorated by 1/12 of the total property taxes accrued on his or
4 her residence for each month that he or she owned and occupied
5 that residence; and, in the case of rent constituting property
6 taxes accrued, the amount of the grant shall be prorated for
7 each month's rent payments on the residence actually occupied
8 during that month.

9 (f) Claims of one dollar and under. If the amount of a
10 grant computed under this Section is less than one dollar, the
11 Department on Aging shall pay to the claimant one dollar.

12 (320 ILCS 25/5A.20 new)

13 Sec. 5A.20. Property Tax Relief; administration of claims.

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

23 (b) Rental determination. If the Department on Aging finds
24 that the gross rent used in the computation by a claimant of
25 rent constituting property taxes accrued exceeds the fair

1 rental value for the right to occupy that residence, the
2 Department on Aging may determine the fair rental value for
3 that residence and recompute rent constituting property taxes
4 accrued accordingly.

5 (c) Fraudulent claims. The Department on Aging shall deny a
6 claim if it determines that the claim was fraudulently prepared
7 or that the claimant has acquired title to his or her residence
8 or has paid rent for his or her residence primarily for the
9 purpose of receiving a grant under this Act.

10 (d) Payment; notice. If a claim for a grant under this Act
11 is approved, the Department on Aging shall order the grant to
12 be paid to the claimant, from appropriations made for that
13 purpose, in the amount determined by the Department on Aging,
14 as provided in this Act. If a claim is denied, the Department
15 on Aging shall cause written notice of the denial and reasons
16 for the denial to be sent to the claimant.

17 (e) The Department on Aging may enter into contracts and
18 other agreements to implement and administer its powers and
19 duties under this Act.

20 (f) Notwithstanding any other provision to the contrary,
21 the Department on Aging may adopt rules regarding applications,
22 proof of eligibility, counting of income, and a method of
23 computing "gross rent" in the case of a claimant living in a
24 nursing or sheltered care home, and any other rules necessary
25 for the cost-efficient operation of the program established
26 under Section 5A.

1 (320 ILCS 25/6A new)

2 Sec. 6A. Pharmaceutical Assistance; program. There is
3 hereby established a program of pharmaceutical assistance to
4 the aged and disabled, entitled the Illinois Seniors and
5 Disabled Drug Coverage Program, which shall be administered by
6 the Department of Healthcare and Family Services and the
7 Department on Aging in accordance with this Act and Executive
8 Order No. 3 of 2004, to consist of coverage of specified
9 prescription drugs on behalf of beneficiaries of the program.

10 (320 ILCS 25/6A.5 new)

11 Sec. 6A.5. Pharmaceutical Assistance; eligibility; rules.

12 (a) To become a beneficiary under the program established
13 under Section 6A, a person must meet all of the following
14 requirements:

15 (1) He or she must be (i) 65 years of age or older or
16 (ii) a disabled person who is 16 years old or older.

17 (2) He or she must be domiciled in this State at the
18 time of filing the claim and while receiving prescription
19 drug coverage.

20 (3) He or she must enroll with a qualified Medicare
21 Part D Prescription Drug Plan if eligible and apply for all
22 available subsidies under Medicare Part D.

23 (4) He or she must have a maximum household income of
24 (i) less than \$21,218 for a household containing one

1 person; (ii) less than \$28,480 for a household containing 2
2 persons; or (iii) less than \$35,740 for a household
3 containing 3 or more persons, as adjusted for any income
4 exemptions established through rulemaking adopted by the
5 Department of Healthcare and Family Services.

6 Beginning January 1, 2009, the foregoing household
7 income eligibility limits shall be annually adjusted to
8 reflect the annual change in Social Security and
9 Supplemental Security Income benefits based on the Bureau
10 of Labor Statistics' Consumer Price Index for Urban Wage
11 Earners and Clerical Workers (CPI-W) on claims filed for
12 the 2007 grant year and thereafter.

13 If any income eligibility limit set forth in items (i)
14 through (iii) is less than 200% of the Federal Poverty
15 Level for any year, the income eligibility limit for that
16 year for households of that size shall be income equal to
17 or less than 200% of the Federal Poverty Level.

18 (b) Income eligibility for pharmaceutical assistance shall
19 be determined using the applicant's current annual household
20 income. The Department of Healthcare and Family Services, in
21 cooperation with the Department on Aging, may define by rule a
22 manner of projecting current annual household income when
23 income is expected to decline.

24 (c) In order to receive pharmaceutical assistance under
25 this Act, each eligible person must also sign a statement
26 assigning to the State of Illinois the drug benefits that may

1 be otherwise claimed under any private insurance plan.

2 (d) If both members of a household meet all of the
3 requirements of this Section, then they are both eligible for
4 pharmaceutical assistance under this Act. A qualified
5 additional resident is not eligible for pharmaceutical
6 assistance.

7 (e) Any person otherwise eligible for pharmaceutical
8 assistance under this Section whose covered prescription drugs
9 are covered by any public program is ineligible for assistance
10 under this subsection to the extent that the cost of those
11 drugs is covered by the other program.

12 (320 ILCS 25/6A.10 new)

13 Sec. 6A.10. Pharmaceutical Assistance; Medicare Part D. To
14 the extent permitted by federal law, the Department of
15 Healthcare and Family Services may act as an authorized
16 representative of a beneficiary in order to enroll the
17 beneficiary in a Medicare Part D Prescription Drug Plan if the
18 beneficiary has failed to choose a plan and, when possible, to
19 enroll a beneficiary in the low-income subsidy program under
20 Medicare Part D or assist him or her in enrolling in that
21 program.

22 (320 ILCS 25/6A.15 new)

23 Sec. 6A.15. Pharmaceutical Assistance; beneficiary groups.
24 Beneficiaries under the program shall be divided into the

1 following 5 eligibility groups:

2 (1) Eligibility Group 1 shall consist of beneficiaries
3 who are not eligible for Medicare Part D coverage and who
4 are any of the following:

5 (A) Disabled and under age 65.

6 (B) Age 65 or older, with incomes over 200% of the
7 Federal Poverty Level.

8 (C) Age 65 or older, with incomes at or below 200%
9 of the Federal Poverty Level and not eligible for
10 federally funded means-tested benefits due to
11 immigration status.

12 (2) Eligibility Group 2 shall consist of beneficiaries
13 otherwise described in Eligibility Group 1 but who are
14 eligible for Medicare Part D coverage.

15 (3) Eligibility Group 3 shall consist of beneficiaries
16 age 65 or older, with incomes at or below 200% of the
17 Federal Poverty Level, who are not barred from receiving
18 federally funded means-tested benefits due to immigration
19 status and are eligible for Medicare Part D coverage.

20 (4) Eligibility Group 4 shall consist of beneficiaries
21 age 65 or older, with incomes at or below 200% of the
22 Federal Poverty Level, who are not barred from receiving
23 federally funded means-tested benefits due to immigration
24 status and are not eligible for Medicare Part D coverage.

25 If the State applies and receives federal approval for a
26 waiver under Title XIX of the Social Security Act, persons

1 in Eligibility Group 4 shall continue to receive benefits
2 through the approved waiver, and Eligibility Group 4 may be
3 expanded to include disabled persons under age 65 with
4 incomes under 200% of the Federal Poverty Level who are not
5 eligible for Medicare and who are not barred from receiving
6 federally funded means-tested benefits due to immigration
7 status.

8 (5) On and after January 1, 2007, Eligibility Group 5
9 shall consist of beneficiaries who are otherwise described
10 in Eligibility Group 1 but are eligible for Medicare Part D
11 and have a diagnosis of HIV or AIDS.

12 (320 ILCS 25/6A.20 new)

13 Sec. 6A.20. Pharmaceutical Assistance; cost-sharing.

14 (a) The program established under Section 6A shall cover
15 the cost of covered prescription drugs in excess of the
16 beneficiary cost-sharing amounts set forth in this Section that
17 are not covered by Medicare. In 2006, beneficiaries shall pay a
18 co-payment of \$2 for each prescription of a generic drug and \$5
19 for each prescription of a brand name drug. In future years,
20 beneficiaries shall pay co-payments equal to the co-payments
21 required under Medicare Part D for "other low income subsidy
22 eligible individuals" pursuant to 42 CFR 423.782(b).

23 (b) For individuals in Eligibility Groups 1, 2, 3, and 4,
24 once the program established under Section 6A and Medicare
25 combined have paid \$1,750 in a year for covered prescription

1 drugs, the beneficiary shall pay 20% of the cost of each
2 prescription in addition to the co-payments set forth in this
3 Section.

4 (c) For individuals in Eligibility Group 5, once the
5 program established under Section 6A and Medicare combined have
6 paid \$1,750 in a year for covered prescription drugs, the
7 beneficiary shall pay 20% of the cost of each prescription in
8 addition to the co-payments set forth in this Section unless
9 the drug is included in the formulary of the Illinois AIDS Drug
10 Assistance Program operated by the Illinois Department of
11 Public Health. If the drug is included in the formulary of the
12 Illinois AIDS Drug Assistance Program, individuals in
13 Eligibility Group 5 shall continue to pay the co-payments set
14 forth in this Section after the program established under
15 Section 6A and Medicare combined have paid \$1,750 in a year for
16 covered prescription drugs.

17 (d) For beneficiaries eligible for Medicare Part D
18 coverage, the program established under Section 6A shall pay
19 100% of the premiums charged by a qualified Medicare Part D
20 Prescription Drug Plan for Medicare Part D basic prescription
21 drug coverage, not including any late enrollment penalties.
22 Qualified Medicare Part D Prescription Drug Plans may be
23 limited by the Department of Healthcare and Family Services to
24 those plans that sign a coordination agreement with the
25 Department.

1 (320 ILCS 25/6A.25 new)

2 Sec. 6A.25. Pharmaceutical Assistance; covered
3 prescription drugs.

4 (a) For purposes of the program established under Section
5 6A, the term "covered prescription drug" has the following
6 meanings:

7 (1) For Eligibility Group 1, "covered prescription
8 drug" means the following:

9 (A) Any cardiovascular agent or drug.

10 (B) Any insulin or other prescription drug used in
11 the treatment of diabetes, including syringes and
12 needles used to administer the insulin.

13 (C) Any prescription drug used in the treatment of
14 arthritis.

15 (D) Any prescription drug used in the treatment of
16 cancer.

17 (E) Any prescription drug used in the treatment of
18 Alzheimer's disease.

19 (F) Any prescription drug used in the treatment of
20 Parkinson's disease.

21 (G) Any prescription drug used in the treatment of
22 glaucoma.

23 (H) Any prescription drug used in the treatment of
24 lung disease and smoking related illnesses.

25 (I) Any prescription drug used in the treatment of
26 osteoporosis.

1 (J) Any prescription drug used in the treatment of
2 multiple sclerosis.

3 The Department may add additional therapeutic classes
4 by rule. The Department may adopt a preferred drug list
5 within any of the classes of drugs described in items (A)
6 through (J) of this paragraph (1). The specific drugs or
7 therapeutic classes of covered prescription drugs shall be
8 indicated by rule.

9 (2) For Eligibility Group 2, "covered prescription
10 drug" means those drugs covered for Eligibility Group 1
11 that are also covered by the Medicare Part D Prescription
12 Drug Plan in which the beneficiary is enrolled.

13 (3) For Eligibility Group 3, "covered prescription
14 drug" means those drugs covered by the Medicare Part D
15 Prescription Drug Plan in which the beneficiary is
16 enrolled.

17 (4) For Eligibility Group 4, "covered prescription
18 drug" means those drugs covered by the Medical Assistance
19 Program under Article V of the Illinois Public Aid Code.

20 (5) For Eligibility Group 5, for individuals otherwise
21 described in Eligibility Group 2, "covered prescription
22 drug" means all of the following:

23 (A) Those drugs covered for Eligibility Group 2
24 that are also covered by the Medicare Part D
25 Prescription Drug Plan in which the beneficiary is
26 enrolled.

1 (B) Those drugs included in the formulary of the
2 Illinois AIDS Drug Assistance Program operated by the
3 Illinois Department of Public Health that are also
4 covered by the Medicare Part D Prescription Drug Plan
5 in which the beneficiary is enrolled.

6 For Eligibility Group 5, for individuals otherwise
7 described in Eligibility Group 3, "covered prescription
8 drug" means those drugs covered by the Medicare Part D
9 Prescription Drug Plan in which the beneficiary is
10 enrolled.

11 (b) An individual in Eligibility Group 1, 2, 3, 4, or 5 may
12 opt to receive a \$25 monthly payment in lieu of the direct
13 coverage described in this Section.

14 (320 ILCS 25/6A.30 new)

15 Sec. 6A.30. Pharmaceutical Assistance; payments to
16 authorized pharmacies.

17 (a) The Department of Healthcare and Family Services shall
18 establish by rule the methods by which it will provide for the
19 coverage called for in the program established under Section
20 6A. Those methods may include direct reimbursement to
21 pharmacies or the payment of a capitated amount to Medicare
22 Part D Prescription Drug Plans.

23 (b) For a pharmacy to be reimbursed under the program
24 established under Section 6A, it must comply with rules adopted
25 by the Department of Healthcare and Family Services regarding

1 coordination of benefits with Medicare Part D Prescription Drug
2 Plans. A pharmacy may not charge a Medicare enrolled
3 beneficiary of the program established under Section 6A more
4 for a covered prescription drug than the appropriate Medicare
5 cost-sharing less any payment from or on behalf of the
6 Department of Healthcare and Family Services.

7 (320 ILCS 25/6A.35 new)

8 Sec. 6A.35. Pharmaceutical Assistance; administration by
9 Department of Healthcare and Family Services.

10 (a) The Department of Healthcare and Family Services, in
11 cooperation with the Department on Aging, as appropriate, may
12 adopt rules regarding applications, counting of income, proof
13 of Medicare status, mandatory generic policies, identification
14 card fees, and pharmacy reimbursement rates and any other rules
15 necessary for the cost-efficient operation of the program
16 established under Section 6A.

17 (b) The Department of Healthcare and Family Services shall
18 allow all pharmacies licensed under the Pharmacy Practice Act
19 to participate as authorized pharmacies unless they have been
20 removed from that status for cause. The Director of Healthcare
21 and Family Services may enter into a written contract with any
22 State agency, instrumentality, or political subdivision, or a
23 fiscal intermediary, for the purpose of making payments to
24 authorized pharmacies for covered prescription drugs and
25 coordinating the program of pharmaceutical assistance

1 established by this Act with other programs that provide
2 payment for covered prescription drugs. Any such agreement
3 shall establish procedures for properly contracting for
4 pharmacy services, validating reimbursement claims, validating
5 compliance of dispensing pharmacists with the contracts for
6 participation required under this Section, validating the
7 reasonable costs of covered prescription drugs, and otherwise
8 providing for the effective administration of this Act.

9 (c) The Department of Healthcare and Family Services shall
10 administer the following aspects of the program of
11 pharmaceutical assistance:

12 (1) Execution of contracts with pharmacies to dispense
13 covered prescription drugs. The contracts shall stipulate
14 terms and conditions for authorized pharmacies'
15 participation and the rights of the State to terminate a
16 pharmacy's participation for breach of the contract or for
17 violation of this Act or related rules and regulations of
18 the Department of Healthcare and Family Services.

19 (2) Establishment of maximum limits on the size of
20 prescriptions, new or refilled, which shall be in amounts
21 sufficient for 34 days, except as otherwise specified by
22 rule for medical or utilization control reasons.

23 (3) Establishment of liens upon any and all causes of
24 action that accrue to a beneficiary as a result of injuries
25 for which covered prescription drugs are directly or
26 indirectly required and for which the Director of

1 Healthcare and Family Services made payment or became
2 liable under this Act.

3 (4) Charging 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 pharmaceutical assistance under this Act.

9 (5) Provision for automatic enrollment of
10 beneficiaries into a Medicare Discount Card program
11 authorized under the federal Medicare Modernization Act of
12 2003 (P.L. 108-391) to coordinate coverage, including
13 Medicare Transitional Assistance.

14 (6) Inspection of appropriate records and audit of
15 participating authorized pharmacies to ensure contract
16 compliance and to determine any fraudulent transactions or
17 practices under this Act.

18 (7) Determination of the reasonable costs of covered
19 prescription drugs for which payments are made under this
20 Act.

21 (d) The Department of Healthcare and Family Services shall
22 annually report to the Governor and the General Assembly by
23 September 1st of each year, beginning in 2008, on the
24 administration of pharmaceutical assistance under this Act
25 during the preceding fiscal year.

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

2 Sec. 7. Review of action or determination ~~Payment and~~
3 ~~denial of claims.~~

4 (a) Any person aggrieved by an action or determination of
5 the Department on Aging arising under any of its powers or
6 duties under this Act may request in writing that the
7 Department on Aging reconsider its action or determination,
8 setting out the facts upon which the request is based. The
9 Department on Aging shall consider the request and either
10 modify or affirm its prior action or determination. The
11 Department on Aging may adopt by rule procedures for conducting
12 its review under this Section.

13 (b) Any person aggrieved by an action or determination of
14 the Department of Healthcare and Family Services arising under
15 any of its powers or duties under this Act may request in
16 writing that the Department of Healthcare and Family Services
17 reconsider its action or determination, setting out the facts
18 upon which the request is based. The Department of Healthcare
19 and Family Services shall consider the request and either
20 modify or affirm its prior action or determination. The
21 Department of Healthcare and Family Services may adopt by rule
22 procedures for conducting its review under this Section.

23 ~~(a) In general. The Director shall order the payment from~~
24 ~~appropriations made for that purpose of grants to claimants~~
25 ~~under this Act in the amounts to which the Department has~~
26 ~~determined they are entitled, respectively. If a claim is~~

1 ~~denied, the Director shall cause written notice of that denial~~
2 ~~and the reasons for that denial to be sent to the claimant.~~

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

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

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

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

22 (320 ILCS 25/7.5 new)

23 Sec. 7.5. Providing insurance information. Notwithstanding
24 any other law to the contrary, entities subject to the Illinois
25 Insurance Code, the Comprehensive Health Insurance Plan Act,

1 the Dental Service Plan Act, the Children's Health Insurance
2 Program Act, the Health Care Purchasing Group Act, the Health
3 Maintenance Organization Act, the Limited Health Service
4 Organization Act, the Voluntary Health Services Plans Act, and
5 the Workers' Compensation Act, including, but not limited to,
6 insurers, health maintenance organizations, pharmacy benefit
7 managers, third party administrators, fraternal benefit
8 societies, group funded workers' compensation pools, municipal
9 group funded pools, self-funded or self-insured welfare or
10 benefit plans or programs, and any other entities that provide
11 health coverage through an employer, union, trade association,
12 or other organization or source, or any other entities, must
13 provide information to the Department on Aging or the
14 Department of Healthcare and Family Services, or the designee
15 of either of those Departments, that is necessary to carry out
16 the purposes of this Act, including, but not limited to, the
17 name, social security number, address, date of birth, and
18 coverage of their policyholders, their subscribers, or the
19 beneficiaries of their plans, benefits, or services, who
20 participate in the programs under this Act. The provision of
21 this information to the Department on Aging or the Department
22 of Healthcare and Family Services, or their designees, is
23 subject to the confidentiality provisions in Section 8a of this
24 Act.

1 Sec. 8. Records. Every claimant of a grant under this Act
2 and every applicant for pharmaceutical assistance under this
3 Act shall keep such records, render such statements, file such
4 forms and comply with such rules and regulations as the
5 Department on Aging may from time to time prescribe. The
6 Department on Aging may by regulations require landlords to
7 furnish to tenants statements as to gross rent or rent
8 constituting property taxes accrued.

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

10 (320 ILCS 25/8a) (from Ch. 67 1/2, par. 408.1)

11 Sec. 8a. Confidentiality.

12 (a) Except as otherwise provided in this Act, all
13 information received by the Department of Revenue or its
14 successors, the Department on Aging and the Department of
15 Healthcare and Family Services, from claims filed under this
16 Act, or from any investigation conducted under the provisions
17 of this Act, shall be confidential, except for official
18 purposes within those Departments ~~the Department~~ or pursuant to
19 official procedures for collection of any State tax or
20 enforcement of any civil or criminal penalty or sanction
21 imposed by this Act or by any statute imposing a State tax, and
22 any person who divulges any such information in any manner,
23 except for such purposes and pursuant to order of the Director
24 of one of those Departments or in accordance with a proper
25 judicial order, shall be guilty of a Class A misdemeanor.

1 (b) Nothing contained in this Act shall prevent the
2 Director of Aging from publishing or making available
3 reasonable statistics concerning the operation of the grant
4 programs contained in this Act wherein the contents of claims
5 are grouped into aggregates in such a way that information
6 contained in any individual claim shall not be disclosed.

7 (c) The Department on Aging shall furnish to the Secretary
8 of State such information as is reasonably necessary for the
9 administration of (i) subsection (d) of Section 11-1301.2 of
10 the Illinois Vehicle Code (relating to fees for replacement
11 parking decals for persons with disabilities) and (ii) reduced
12 vehicle registration fees pursuant to Section 3-806.3 of "The
13 Illinois Vehicle Code".

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

15 (320 ILCS 25/9) (from Ch. 67 1/2, par. 409)

16 Sec. 9. Fraud; error.

17 (a) Any person who files a fraudulent claim for a grant
18 under this Act, or who for compensation prepares a claim for a
19 grant and knowingly enters false information on an application
20 ~~a claim form~~ for any claimant under this Act, or who
21 fraudulently files multiple applications ~~claim forms~~, or who
22 fraudulently states that a nondisabled person is disabled, or
23 who fraudulently procures a pharmaceutical assistance benefits
24 ~~identification card~~, or who fraudulently uses such assistance
25 ~~card~~ to procure covered prescription drugs, or who, on behalf

1 of an authorized pharmacy, files a fraudulent request ~~claim~~ for
2 payment, is guilty of a Class 4 felony for the first offense
3 and is guilty of a Class 3 felony for each subsequent offense.

4 (b) The Department on Aging and the Department of
5 Healthcare and Family Services shall immediately suspend ~~the~~
6 ~~use of~~ the pharmaceutical assistance benefits identification
7 ~~card~~ of any person suspected of fraudulent procurement or
8 fraudulent use of such assistance card, and shall revoke such
9 assistance card upon a conviction. A person convicted of ~~such~~
10 fraud under subsection (a) shall be permanently barred from all
11 of the programs ~~the program of pharmaceutical assistance~~
12 established under this Act.

13 (c) The Department on Aging may recover from a claimant,
14 ~~including an authorized pharmacy,~~ any amount paid to that
15 claimant under this Act on account of an erroneous or
16 fraudulent claim, together with 6% interest per year. Amounts
17 recoverable from a claimant by the Department on Aging under
18 this Act may, but need not, be recovered by offsetting the
19 amount owed against any future grant payable to the person
20 under this Act.

21 The Department of Healthcare and Family Services may
22 recover from an authorized pharmacy any amount paid to that
23 pharmacy under the pharmaceutical assistance program on
24 account of an erroneous or fraudulent request for payment under
25 that program, together with 6% interest per year. The
26 Department of Healthcare and Family Services may recover from a

1 person who erroneously or fraudulently obtains benefits under
2 the pharmaceutical assistance program the value of the benefits
3 so obtained, together with 6% interest per year.

4 (d) A prosecution for a violation of this Section may be
5 commenced at any time within 3 years of the commission of that
6 violation.

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

8 (320 ILCS 25/10) (from Ch. 67 1/2, par. 410)

9 Sec. 10. Arrangements and captions ~~Captions~~. No inference,
10 implication, or presumption of legislative construction shall
11 be drawn or made by reason of the location or grouping of any
12 particular section or provision of this Act, nor shall any
13 caption be given any legal effect.

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

15 (320 ILCS 25/11) (from Ch. 67 1/2, par. 411)

16 Sec. 11. Severability. If any clause, sentence, section,
17 provision or part of this Act or the application thereof to any
18 person or circumstance is ~~shall be~~ adjudged to be
19 unconstitutional, the remainder of this Act or its application
20 to persons or circumstances other than those to which it is
21 held invalid, shall not be affected thereby.

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

23 (320 ILCS 25/12) (from Ch. 67 1/2, par. 412)

1 Sec. 12. ~~Regulations~~ Department on Aging; outreach
2 responsibilities.

3 ~~(a) Regulations. The Director shall promulgate such~~
4 ~~regulations as are necessary or desirable to effectuate the~~
5 ~~purposes of this Act, including but not limited to the method~~
6 ~~of computing "gross rent" in the case of a claimant living in a~~
7 ~~nursing or sheltered care home.~~

8 ~~(b)~~ The Department on Aging shall, to the extent of
9 appropriations made for that purpose:

10 (1) attempt to secure the cooperation of appropriate
11 federal, State and local agencies in securing the names and
12 addresses of persons to whom this Act pertains;

13 (2) prepare a mailing list of persons eligible for
14 grants under this Act;

15 (3) secure the cooperation of the Department of
16 Revenue, the Department of Healthcare and Family Services,
17 and other State agencies and of local business
18 establishments to facilitate distribution of applications
19 ~~application forms~~ under this Act to those eligible to file
20 claims; and

21 (4) through use of direct mail, newspaper
22 advertisements and radio and television advertisements,
23 and all other appropriate means of communication, conduct
24 an on-going public relations program to increase awareness
25 of eligible citizens of the benefits ~~grants~~ under this Act
26 and the procedures for applying for them.

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

2 (320 ILCS 25/13) (from Ch. 67 1/2, par. 413)

3 Sec. 13. List. The Department on Aging ~~of Revenue~~ shall
4 maintain a list of all persons who have qualified under this
5 Act and shall make the list available to municipalities upon
6 request.

7 All information received by a municipality under this
8 Section shall be confidential, except for official purposes,
9 and any person who divulges or uses that information in any
10 manner, except in accordance with a proper judicial order,
11 shall be guilty of a Class B misdemeanor.

12 (Source: P.A. 87-247.)

13 (320 ILCS 25/3.02 rep.)

14 (320 ILCS 25/3.03 rep.)

15 (320 ILCS 25/3.15 rep.)

16 (320 ILCS 25/3.16 rep.)

17 (320 ILCS 25/4 rep.)

18 (320 ILCS 25/4.1 rep.)

19 (320 ILCS 25/5 rep.)

20 (320 ILCS 25/5.1 rep.)

21 (320 ILCS 25/6 rep.)

22 Section 16. The Senior Citizens and Disabled Persons
23 Property Tax Relief and Pharmaceutical Assistance Act is
24 amended by repealing Sections 3.02, 3.03, 3.15, 3.16, 4, 4.1,

1 5, 5.1, and 6.

2 Section 20. The Illinois Vehicle Code is amended by
3 changing Sections 3-806.3 and 11-1301.2 as follows:

4 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

5 Sec. 3-806.3. Senior Citizens. Commencing with the 2006
6 registration year and through the 2008 registration year, the
7 registration fee paid by any vehicle owner who has been
8 approved for benefits under the Senior Citizens and Disabled
9 Persons Property Tax Relief and Pharmaceutical Assistance Act
10 or who is the spouse of such a person shall be \$24 instead of
11 the fee otherwise provided in this Code for passenger cars
12 displaying standard multi-year registration plates issued
13 under Section 3-414.1, motor vehicles displaying special
14 registration plates issued under Section 3-607, 3-616, 3-621,
15 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,
16 3-647, 3-650, ~~or~~ 3-651, or 3-664, motor vehicles registered at
17 8,000 pounds or less under Section 3-815(a), and recreational
18 vehicles registered at 8,000 pounds or less under Section
19 3-815(b). Widows and widowers of claimants shall also be
20 entitled to this reduced registration fee for the registration
21 year in which the claimant was eligible.

22 ~~Commencing with the 2006 registration year and through the~~
23 ~~2008 registration year, the registration fee paid by any~~
24 ~~vehicle owner who has claimed and received a grant under the~~

1 ~~Senior Citizens and Disabled Persons Property Tax Relief and~~
2 ~~Pharmaceutical Assistance Act or who is the spouse of such a~~
3 ~~person shall be \$24 instead of the fee otherwise provided in~~
4 ~~this Code for passenger cars displaying standard multi-year~~
5 ~~registration plates issued under Section 3-414.1, motor~~
6 ~~vehicles displaying special registration plates issued under~~
7 ~~Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626,~~
8 ~~3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, or 3-806.4,~~
9 ~~motor vehicles registered at 8,000 pounds or less under Section~~
10 ~~3-815(a), and recreational vehicles registered at 8,000 pounds~~
11 ~~or less under Section 3-815(b). Widows and widowers of~~
12 ~~claimants shall also be entitled to this reduced registration~~
13 ~~fee for the registration year in which the claimant was~~
14 ~~eligible.~~

15 Commencing with the 2009 registration year, the
16 registration fee paid by any vehicle owner who has been
17 approved for benefits under the Senior Citizens and Disabled
18 Persons Property Tax Relief and Pharmaceutical Assistance Act
19 or who is the spouse of such a person shall be \$24 instead of
20 the fee otherwise provided in this Code for passenger cars
21 displaying standard multi-year registration plates issued
22 under Section 3-414.1, motor vehicles displaying special
23 registration plates issued under Section 3-609, 3-616, 3-621,
24 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,
25 3-647, 3-650, or 3-651, motor vehicles registered at 8,000
26 pounds or less under Section 3-815(a), and recreational

1 vehicles registered at 8,000 pounds or less under Section
2 3-815(b). Widows and widowers of claimants shall also be
3 entitled to this reduced registration fee for the registration
4 year in which the claimant was eligible.

5 ~~Commencing with the 2009 registration year, the~~
6 ~~registration fee paid by any vehicle owner who has claimed and~~
7 ~~received a grant under the Senior Citizens and Disabled Persons~~
8 ~~Property Tax Relief and Pharmaceutical Assistance Act or who is~~
9 ~~the spouse of such a person shall be \$24 instead of the fee~~
10 ~~otherwise provided in this Code for passenger cars displaying~~
11 ~~standard multi-year registration plates issued under Section~~
12 ~~3-414.1, motor vehicles displaying special registration plates~~
13 ~~issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623,~~
14 ~~3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,~~
15 ~~or 3-651, or 3-806.4, motor vehicles registered at 8,000 pounds~~
16 ~~or less under Section 3-815(a), and recreational vehicles~~
17 ~~registered at 8,000 pounds or less under Section 3-815(b).~~
18 ~~Widows and widowers of claimants shall also be entitled to this~~
19 ~~reduced registration fee for the registration year in which the~~
20 ~~claimant was eligible.~~

21 No more than one reduced registration fee under this
22 Section shall be allowed during any 12 month period based on
23 the primary eligibility of any individual, whether such reduced
24 registration fee is allowed to the individual or to the spouse,
25 widow or widower of such individual. This Section does not
26 apply to the fee paid in addition to the registration fee for

1 motor vehicles displaying vanity or special license plates.

2 (Source: P.A. 95-157, eff. 1-1-08; 95-331, eff. 8-21-07;
3 revised 12-10-07.)

4 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

5 Sec. 11-1301.2. Special decals for a person with
6 disabilities parking.

7 (a) The Secretary of State shall provide for, by
8 administrative rules, the design, size, color, and placement of
9 a person with disabilities motorist decal or device and shall
10 provide for, by administrative rules, the content and form of
11 an application for a person with disabilities motorist decal or
12 device, which shall be used by local authorities in the
13 issuance thereof to a person with temporary disabilities,
14 provided that the decal or device is valid for no more than 90
15 days, subject to renewal for like periods based upon continued
16 disability, and further provided that the decal or device
17 clearly sets forth the date that the decal or device expires.
18 The application shall include the requirement of an Illinois
19 Identification Card number or a State of Illinois driver's
20 license number. This decal or device shall be the property of
21 such person with disabilities and may be used by that person to
22 designate and identify a vehicle not owned or displaying a
23 registration plate as provided in Sections 3-609, 3-609.01, and
24 3-616 of this Act to designate when the vehicle is being used
25 to transport said person or persons with disabilities, and thus

1 is entitled to enjoy all the privileges that would be afforded
2 a person with disabilities licensed vehicle. Person with
3 disabilities decals or devices issued and displayed pursuant to
4 this Section shall be recognized and honored by all local
5 authorities regardless of which local authority issued such
6 decal or device.

7 The decal or device shall be issued only upon a showing by
8 adequate documentation that the person for whose benefit the
9 decal or device is to be used has a temporary disability as
10 defined in Section 1-159.1 of this Code.

11 (b) The local governing authorities shall be responsible
12 for the provision of such decal or device, its issuance and
13 designated placement within the vehicle. The cost of such decal
14 or device shall be at the discretion of such local governing
15 authority.

16 (c) The Secretary of State may, pursuant to Section
17 3-616(c), issue a person with disabilities parking decal or
18 device to a person with disabilities as defined by Section
19 1-159.1. Any person with disabilities parking decal or device
20 issued by the Secretary of State shall be registered to that
21 person with disabilities in the form to be prescribed by the
22 Secretary of State. The person with disabilities parking decal
23 or device shall not display that person's address. One
24 additional decal or device may be issued to an applicant upon
25 his or her written request and with the approval of the
26 Secretary of State. The written request must include a

1 justification of the need for the additional decal or device.

2 (d) Replacement decals or devices may be issued for lost,
3 stolen, or destroyed decals upon application and payment of a
4 \$10 fee. The replacement fee may be waived for individuals that
5 have been approved for benefits ~~claimed and received a grant~~
6 under the Senior Citizens and Disabled Persons Property Tax
7 Relief and Pharmaceutical Assistance Act.

8 (Source: P.A. 95-167, eff. 1-1-08.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.

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3	35 ILCS 515/7	from Ch. 120, par. 1207
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5	320 ILCS 25/1	from Ch. 67 1/2, par. 401
6	320 ILCS 25/1.5 new	
7	320 ILCS 25/2	from Ch. 67 1/2, par. 402
8	320 ILCS 25/3.01	from Ch. 67 1/2, par. 403.01
9	320 ILCS 25/3.04	from Ch. 67 1/2, par. 403.04
10	320 ILCS 25/3.05	from Ch. 67 1/2, par. 403.05
11	320 ILCS 25/3.05a new	
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13	320 ILCS 25/3.07	from Ch. 67 1/2, par. 403.07
14	320 ILCS 25/3.08	from Ch. 67 1/2, par. 403.08
15	320 ILCS 25/3.09	from Ch. 67 1/2, par. 403.09
16	320 ILCS 25/3.10	from Ch. 67 1/2, par. 403.10
17	320 ILCS 25/3.11	from Ch. 67 1/2, par. 403.11
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18	320 ILCS 25/12	from Ch. 67 1/2, par. 412
19	320 ILCS 25/13	from Ch. 67 1/2, par. 413
20	320 ILCS 25/3.02 rep.	
21	320 ILCS 25/3.03 rep.	
22	320 ILCS 25/3.15 rep.	
23	320 ILCS 25/3.16 rep.	
24	320 ILCS 25/4 rep.	
25	320 ILCS 25/4.1 rep.	
26	320 ILCS 25/5 rep.	

1 320 ILCS 25/5.1 rep.

2 320 ILCS 25/6 rep.

3 625 ILCS 5/3-806.3 from Ch. 95 1/2, par. 3-806.3

4 625 ILCS 5/11-1301.2 from Ch. 95 1/2, par. 11-1301.2