



1 disease and smoking related illnesses, and (9) beginning on  
 2 January 1, 2002, any prescription drug used in the treatment  
 3 of osteoporosis. The specific agents or products to be  
 4 included under such categories shall be listed in a handbook  
 5 to be prepared and distributed by the Department. The  
 6 general types of covered prescription drugs shall be  
 7 indicated by rule. The Department of Public Health shall  
 8 promulgate a list of covered prescription drugs under this  
 9 program that meet the definition of a narrow therapeutic  
 10 index drug as described in subsection (f) of Section 4.  
 11 (Source: P.A. 91-699, eff. 1-1-01.)

12 (320 ILCS 25/3.18 new)

13 Sec. 3.18. Drug used in the treatment of. "Drug used in  
 14 the treatment of" means (i) a drug used to treat a specified  
 15 disease or illness or secondary conditions caused by the  
 16 disease or illness and (ii) a drug used to treat side effects  
 17 resulting from the use of a drug used to treat the disease or  
 18 illness.

19 (320 ILCS 25/3.19 new)

20 Sec. 3.19. Disease. "Disease" means a chronic and  
 21 possibly recurrent illness of long duration, as distinguished  
 22 from an acute illness that is of short duration with recovery  
 23 due to limited medical treatment. "Disease" also includes  
 24 pneumonia, bronchitis, or other similar illnesses.

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

26 Sec. 4. Amount of Grant.

27 (a) In general. Any individual 65 years or older or any  
 28 individual who will become 65 years old during the calendar  
 29 year in which a claim is filed, and any surviving spouse of  
 30 such a claimant, who at the time of death received or was  
 31 entitled to receive a grant pursuant to this Section, which

1 surviving spouse will become 65 years of age within the 24  
2 months immediately following the death of such claimant and  
3 which surviving spouse but for his or her age is otherwise  
4 qualified to receive a grant pursuant to this Section, and  
5 any disabled person whose annual household income is less  
6 than \$14,000 for grant years before the 1998 grant year, less  
7 than \$16,000 for the 1998 and 1999 grant years, and less than  
8 (i) \$21,218 for a household containing one person, (ii)  
9 \$28,480 for a household containing 2 persons, or (iii)  
10 \$35,740 for a household containing 3 or more persons for the  
11 2000 grant year, and less than (i) 28,000 for a household  
12 containing one person, (ii) \$35,000 for a household  
13 containing 2 persons, or (iii) \$42,000 for a household  
14 containing 3 or more persons for the 2001 grant year and  
15 thereafter and whose household is liable for payment of  
16 property taxes accrued or has paid rent constituting property  
17 taxes accrued and is domiciled in this State at the time he  
18 files his claim is entitled to claim a grant under this Act.  
19 With respect to claims filed by individuals who will become  
20 65 years old during the calendar year in which a claim is  
21 filed, the amount of any grant to which that household is  
22 entitled shall be an amount equal to 1/12 of the amount to  
23 which the claimant would otherwise be entitled as provided in  
24 this Section, multiplied by the number of months in which the  
25 claimant was 65 in the calendar year in which the claim is  
26 filed.

27 (b) Limitation. Except as otherwise provided in  
28 subsections (a) and (f) of this Section, the maximum amount  
29 of grant which a claimant is entitled to claim is the amount  
30 by which the property taxes accrued which were paid or  
31 payable during the last preceding tax year or rent  
32 constituting property taxes accrued upon the claimant's  
33 residence for the last preceding taxable year exceeds 3 1/2%  
34 of the claimant's household income for that year but in no

1 event is the grant to exceed (i) \$700 less 4.5% of household  
2 income for that year for those with a household income of  
3 \$14,000 or less or (ii) \$70 if household income for that year  
4 is more than \$14,000.

5 (c) Public aid recipients. If household income in one  
6 or more months during a year includes cash assistance in  
7 excess of \$55 per month from the Department of Public Aid or  
8 the Department of Human Services (acting as successor to the  
9 Department of Public Aid under the Department of Human  
10 Services Act) which was determined under regulations of that  
11 Department on a measure of need that included an allowance  
12 for actual rent or property taxes paid by the recipient of  
13 that assistance, the amount of grant to which that household  
14 is entitled, except as otherwise provided in subsection (a),  
15 shall be the product of (1) the maximum amount computed as  
16 specified in subsection (b) of this Section and (2) the ratio  
17 of the number of months in which household income did not  
18 include such cash assistance over \$55 to the number twelve.  
19 If household income did not include such cash assistance over  
20 \$55 for any months during the year, the amount of the grant  
21 to which the household is entitled shall be the maximum  
22 amount computed as specified in subsection (b) of this  
23 Section. For purposes of this paragraph (c), "cash  
24 assistance" does not include any amount received under the  
25 federal Supplemental Security Income (SSI) program.

26 (d) Joint ownership. If title to the residence is held  
27 jointly by the claimant with a person who is not a member of  
28 his household, the amount of property taxes accrued used in  
29 computing the amount of grant to which he is entitled shall  
30 be the same percentage of property taxes accrued as is the  
31 percentage of ownership held by the claimant in the  
32 residence.

33 (e) More than one residence. If a claimant has occupied  
34 more than one residence in the taxable year, he may claim

1 only one residence for any part of a month. In the case of  
2 property taxes accrued, he shall pro rate 1/12 of the total  
3 property taxes accrued on his residence to each month that he  
4 owned and occupied that residence; and, in the case of rent  
5 constituting property taxes accrued, shall pro rate each  
6 month's rent payments to the residence actually occupied  
7 during that month.

8 (f) There is hereby established a program of  
9 pharmaceutical assistance to the aged and disabled which  
10 shall be administered by the Department in accordance with  
11 this Act, to consist of payments to authorized pharmacies, on  
12 behalf of beneficiaries of the program, for the reasonable  
13 costs of covered prescription drugs. Each beneficiary who  
14 pays \$5 for an identification card shall pay no additional  
15 prescription costs. Each beneficiary who pays \$25 for an  
16 identification card shall pay \$3 per prescription. In  
17 addition, after a beneficiary receives \$2,000 in benefits  
18 during a State fiscal year through December 31, 2001 and, on  
19 and after January 1, 2002, after a beneficiary receives  
20 \$2,000 in benefits during a calendar year, that beneficiary  
21 shall also be charged 20% of the cost of each prescription  
22 for which payments are made by the program during the  
23 remainder of the fiscal year through December 31, 2001 and,  
24 on and after January 1, 2002, during the remainder of the  
25 calendar year. To become a beneficiary under this program a  
26 person must be: (1) (i) 65 years or older, or (ii) the  
27 surviving spouse of such a claimant, who at the time of death  
28 received or was entitled to receive benefits pursuant to this  
29 subsection, which surviving spouse will become 65 years of  
30 age within the 24 months immediately following the death of  
31 such claimant and which surviving spouse but for his or her  
32 age is otherwise qualified to receive benefits pursuant to  
33 this subsection, or (iii) disabled, and (2) is domiciled in  
34 this State at the time he files his or her claim, and (3) has

1 a maximum household income of less than \$14,000 for grant  
2 years before the 1998 grant year, less than \$16,000 for the  
3 1998 and 1999 grant years, and less than (i) \$21,218 for a  
4 household containing one person, (ii) \$28,480 for a household  
5 containing 2 persons, or (iii) \$35,740 for a household  
6 containing 3 more persons for the 2000 grant year, and less  
7 than (i) 28,000 for a household containing one person, (ii)  
8 \$35,000 for a household containing 2 persons, or (iii)  
9 \$42,000 for a household containing 3 or more persons for the  
10 2001 grant year and thereafter. In addition, each eligible  
11 person must (1) obtain an identification card from the  
12 Department, (2) at the time the card is obtained, sign a  
13 statement assigning to the State of Illinois benefits which  
14 may be otherwise claimed under any private insurance plans,  
15 (3) present the identification card to the dispensing  
16 pharmacist.

17 Whenever a generic equivalent for a covered prescription  
18 drug is available, the Department shall reimburse only for  
19 the reasonable costs of the generic equivalent, less the  
20 co-pay established in this Section, unless (i) the covered  
21 prescription drug contains one or more ingredients defined as  
22 a narrow therapeutic index drug at 21 CFR 320.33, (ii) the  
23 prescriber indicates on the face of the prescription "brand  
24 medically necessary", and (iii) the prescriber specifies that  
25 a substitution is not permitted. When issuing an oral  
26 prescription for covered prescription medication described in  
27 item (i) of this paragraph, the prescriber shall stipulate  
28 "brand medically necessary" and that a substitution is not  
29 permitted. If the covered prescription drug and its  
30 authorizing prescription do not meet the criteria listed  
31 above, the beneficiary may purchase the non-generic  
32 equivalent of the covered prescription drug by paying the  
33 difference between the generic cost and the non-generic cost  
34 plus the beneficiary co-pay.

1 Any person otherwise eligible for pharmaceutical  
2 assistance under this Act whose covered drugs are covered by  
3 any public program for assistance in purchasing any covered  
4 prescription drugs shall be ineligible for assistance under  
5 this Act to the extent such costs are covered by such other  
6 plan.

7 The fee to be charged by the Department for the  
8 identification card shall be equal to \$5 per coverage year  
9 for persons below the official poverty line as defined by the  
10 United States Department of Health and Human Services and \$25  
11 per coverage year for all other persons. On and before  
12 December 31, 2001, coverage under this pharmaceutical  
13 assistance program shall begin on the date of application  
14 approval and be in effect for 12 months. On and after January  
15 1, 2002, coverage under this pharmaceutical assistance  
16 program shall be in effect on a calendar year basis.

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

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

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law."