



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4559**

Introduced 02/03/04, by William Delgado

**SYNOPSIS AS INTRODUCED:**

305 ILCS 5/5-5.12

from Ch. 23, par. 5-5.12

Amends the Illinois Public Aid Code. In provisions concerning pharmacy payments under the Medicaid program, provides that the Department of Public Aid may not impose prior approval requirements for antidepressants or other drugs used in treating serious mental illnesses (deletes the provision allowing imposition of such requirements after conducting an impact study). Requires continuous access to medications. Makes other changes, and makes the provisions concerning prior approval inoperative after December 31, 2006. Effective immediately.

LRB093 15245 DRJ 40843 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning 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 reimbursement  
9 under this Article for prescription drugs provided to a  
10 recipient of aid under this Article shall include the name of  
11 the prescriber or an acceptable identification number as  
12 established by the Department.

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

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

32 (d) The Department shall not impose requirements for prior

1 approval based on a preferred drug list for anti-retroviral,  
2 anti-hemophilic factor concentrates, or any atypical  
3 antipsychotics, conventional antipsychotics, ~~or~~  
4 anticonvulsants, or antidepressants used for the treatment of  
5 serious mental illnesses ~~until 30 days after it has conducted a~~  
6 ~~study of the impact of such requirements on patient care and~~  
7 ~~submitted a report to the Speaker of the House of~~  
8 ~~Representatives and the President of the Senate.~~ The Department  
9 shall adopt policies and implement procedures that ensure  
10 continuous access to medications 24 hours per day, 7 days per  
11 week. In an emergency situation, when prior approval or an edit  
12 override is not available, a pharmacy may dispense, and the  
13 Department shall pay for, up to a 72-hour supply of a drug  
14 prescribed to an eligible recipient for a mental illness.  
15 Nothing in this Section shall be construed as preventing the  
16 Department from implementing other restrictions to ensure the  
17 appropriate use of medications described in this subsection by  
18 persons with a serious mental illness, as supported by  
19 evidence-based medicine.

20 This subsection (d) is inoperative after December 31, 2006.

21 (Source: P.A. 92-597, eff. 6-28-02; 92-825, eff. 8-21-02;  
22 93-106, eff. 7-8-03.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.