



Rep. Will Guzzardi

Filed: 4/4/2022

10200HB1466ham001

LRB102 03482 BMS 38614 a

1 AMENDMENT TO HOUSE BILL 1466

2 AMENDMENT NO. _____. Amend House Bill 1466 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Access to Affordable Insulin Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Public Health.

8 "Insulin" means a prescription drug that contains insulin.

9 "Manufacturer" means a manufacturer engaged in the
10 manufacturing of insulin that is self-administered on an
11 outpatient basis.

12 "Navigator" has the meaning described in Section 1311(i)
13 of the Patient Protection and Affordable Care Act, Public Law
14 111-148, and further defined through amendments to that Act
15 and regulations issued under that Act.

16 "Pharmacy" means a pharmacy located in this State.

1 "Prescription drug" means a drug that is required by
2 federal or State law or rule to be dispensed only by
3 prescription or that is restricted to administration only by
4 practitioners.

5 "Urgent need of insulin" means having readily available
6 for use less than a 7-day supply of insulin and in need of
7 insulin in order to avoid the likelihood of suffering
8 significant health consequences.

9 Section 10. Insulin urgent-need program.

10 (a) To be eligible to receive an urgent-need supply of
11 insulin under this Section, an individual must attest to:

12 (1) being a resident of this State;

13 (2) not being enrolled in a medical assistance program
14 under the Illinois Public Aid Code;

15 (3) not being enrolled in prescription drug coverage
16 that limits the total amount of cost sharing that the
17 enrollee is required to pay for a 30-day supply of
18 insulin, including copayments, deductibles, or
19 coinsurance, to \$35 or less, regardless of the type or
20 amount of insulin prescribed;

21 (4) not having received an urgent-need supply of
22 insulin through this program within the previous 12
23 months, unless authorized under subsection (m) or (n); and

24 (5) being in urgent need of insulin.

25 (b) The Department shall develop an application form to be

1 used by an individual who is in urgent need of insulin. The
2 application must ask the individual to attest to the
3 eligibility requirements described in subsection (a). The form
4 shall be accessible through the Department's website. The
5 Department shall also make the form available to pharmacies
6 and health care providers who prescribe or dispense insulin,
7 hospital emergency departments, urgent care clinics, and
8 community health clinics. By submitting a completed, signed,
9 and dated application to a pharmacy, the individual attests
10 that the information contained in the application is correct.

11 (c) If an individual is in urgent need of insulin, the
12 individual may present a completed, signed, and dated
13 application form to a pharmacy. The individual must also:

14 (1) have a valid insulin prescription; and

15 (2) present the pharmacist with identification
16 indicating Illinois residency in the form of a valid
17 Illinois identification card, driver's license, or permit;
18 if the individual in urgent need of insulin is under the
19 age of 18, the individual's parent or legal guardian must
20 provide the pharmacist with proof of residency.

21 (d) Upon receipt of a completed and signed application, a
22 pharmacist shall dispense the prescribed insulin in an amount
23 that will provide the individual with a 30-day supply. The
24 pharmacy shall notify the health care practitioner who issued
25 the prescription order no later than 72 hours after the
26 insulin is dispensed.

1 (e) A pharmacy may submit to the manufacturer of the
2 dispensed insulin product or to the manufacturer's vendor a
3 claim for payment that is in accordance with the National
4 Council for Prescription Drug Program standards for electronic
5 claims processing, unless the manufacturer agrees to send to
6 the pharmacy a replacement supply of the same insulin as
7 dispensed in the amount dispensed. If the pharmacy submits an
8 electronic claim to the manufacturer or the manufacturer's
9 vendor, the manufacturer or vendor shall reimburse the
10 pharmacy in an amount that covers the pharmacy's acquisition
11 cost.

12 (f) A pharmacy may collect an insulin copayment from an
13 individual to cover the pharmacy's costs of processing and
14 dispensing in an amount not to exceed \$35 for the 30-day supply
15 of insulin dispensed.

16 (g) The pharmacy shall also provide each eligible
17 individual with the information sheet described in subsection
18 (i) and a list of trained navigators provided by the
19 Department for the individual to contact if the individual is
20 in need of accessing ongoing insulin coverage options,
21 including assistance in:

22 (1) applying for medical assistance;

23 (2) applying for a qualified health plan, subject to
24 open and special enrollment periods;

25 (3) accessing information on providers who participate
26 in prescription drug discount programs, including

1 providers who are authorized to participate in the 340B
2 program under Section 340b of the Public Health Services
3 Act, Section 256b of Title 42 of the United States Code;
4 and

5 (4) accessing insulin manufacturers' copayment
6 assistance programs and other foundation-based programs.

7 (h) A pharmacist shall retain a copy of the application
8 form submitted by the individual to the pharmacy for reporting
9 and auditing purposes.

10 (i) The Department shall develop an information sheet to
11 post on its website and provide a link to the information sheet
12 on the board's website for pharmacies, health care
13 practitioners, hospital emergency departments, urgent care
14 clinics, and community health clinics. The information sheet
15 shall contain:

16 (1) a description of the urgent-need insulin program,
17 including how to access the program;

18 (2) a description of each insulin manufacturer's
19 cost-sharing assistance program, including contact
20 information on accessing the assistance program for each
21 manufacturer;

22 (3) information on how to contact a trained navigator
23 for assistance in applying for medical assistance or a
24 qualified health plan; and

25 (4) notification that an individual in need of
26 assistance may contact the individual's local county

1 social service department for more information or
2 assistance in accessing ongoing affordable insulin
3 options.

4 (j) The Department shall also inform each individual who
5 accesses urgent-need insulin under this Section that the
6 individual may participate in a survey conducted by the
7 Department regarding satisfaction with the program. The
8 Department shall provide contact information for the
9 individual to learn more about the survey and how to
10 participate. This information may be included on the
11 information sheet described in subsection (i).

12 (k) The Department shall develop a training program for
13 navigators to provide navigators with information and
14 resources necessary to assist individuals in accessing
15 appropriate long-term insulin options.

16 (l) The Department shall compile a list of navigators who
17 have completed the training program and who are available to
18 assist individuals in accessing affordable insulin coverage
19 options. The list shall be made available through the
20 Department's website and to pharmacies and health care
21 practitioners who dispense and prescribe insulin.

22 (m) If an individual has applied for the medical
23 assistance program under the Illinois Public Aid Code but has
24 not been determined eligible or has been determined eligible
25 but coverage has not become effective, the individual may
26 access urgent-need insulin if the individual is in urgent need

1 of insulin as defined in Section 5.

2 (n) To access an additional 30-day supply of insulin, an
3 individual must attest to the pharmacy that the individual
4 meets the requirements of subsection (m) and must comply with
5 subsection (c).

6 Section 90. The Illinois Insurance Code is amended by
7 changing Section 356z.41 as follows:

8 (215 ILCS 5/356z.41)

9 Sec. 356z.41. Cost sharing in prescription insulin drugs;
10 limits; confidentiality of rebate information.

11 (a) As used in this Section, "prescription insulin drug"
12 means a prescription drug that contains insulin and is used to
13 control blood glucose levels to treat diabetes but does not
14 include an insulin drug that is administered to a patient
15 intravenously.

16 (b) This Section applies to a group or individual policy
17 of accident and health insurance amended, delivered, issued,
18 or renewed on or after the effective date of this amendatory
19 Act of the 101st General Assembly.

20 (c) An insurer that provides coverage for prescription
21 insulin drugs pursuant to the terms of a health coverage plan
22 the insurer offers shall limit the total amount that an
23 insured is required to pay for a 30-day supply of covered
24 prescription insulin drugs at an amount not to exceed \$35

1 ~~\$100~~, regardless of the quantity or type of covered
2 prescription insulin drug used to fill the insured's
3 prescription.

4 (d) Nothing in this Section prevents an insurer from
5 reducing an insured's cost sharing by an amount greater than
6 the amount specified in subsection (c).

7 (e) The Director may use any of the Director's enforcement
8 powers to obtain an insurer's compliance with this Section.

9 (f) The Department may adopt rules as necessary to
10 implement and administer this Section and to align it with
11 federal requirements.

12 (g) On January 1 of each year, the limit on the amount that
13 an insured is required to pay for a 30-day supply of a covered
14 prescription insulin drug shall increase by a percentage equal
15 to the percentage change from the preceding year in the
16 medical care component of the Consumer Price Index of the
17 Bureau of Labor Statistics of the United States Department of
18 Labor.

19 (Source: P.A. 101-625, eff. 1-1-21.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."