

1                                    AMENDMENT TO HOUSE BILL 702

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 702 by replacing  
3 the title with the following:

4            "AN ACT in relation to public aid."; and

5 by replacing everything after the enacting clause with the  
6 following:

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

9            (305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

10           Sec. 5-5.12. Pharmacy payments.

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

16           (b) Pharmacies providing prescription drugs under this  
17 Article shall be reimbursed at a rate which shall include a  
18 professional dispensing fee as determined by the Illinois  
19 Department, plus the current acquisition cost of the  
20 prescription drug dispensed. The Illinois Department shall

1 update its information on the acquisition costs of all  
2 prescription drugs no less frequently than every 30 days.  
3 However, the Illinois Department may set the rate of  
4 reimbursement for the acquisition cost, by rule, at a  
5 percentage of the current average wholesale acquisition cost.

6 (c) Reimbursement under this Article for prescription  
7 drugs shall be limited to reimbursement for 4 brand-name  
8 prescription drugs per patient per month. This subsection  
9 applies only if (i) the brand-name drug was not prescribed  
10 for an acute or urgent condition, (ii) the brand-name drug  
11 was not prescribed for Alzheimer's disease, arthritis,  
12 diabetes, HIV/AIDS, a mental health condition, or respiratory  
13 disease, and (iii) a therapeutically equivalent generic  
14 medication has been approved by the federal Food and Drug  
15 Administration.

16 (d) The Department shall not impose requirements for  
17 prior approval based on a preferred drug list for  
18 anti-retroviral or any atypical antipsychotics, conventional  
19 antipsychotics, ~~or anticonvulsants, or antidepressants~~ used  
20 for the treatment of serious mental illnesses ~~until 30 days~~  
21 ~~after it has conducted a study of the impact of such~~  
22 ~~requirements on patient care and submitted a report to the~~  
23 ~~Speaker of the House of Representatives and the President of~~  
24 ~~the Senate.~~ The Department shall adopt policies and  
25 implement procedures that ensure continuous access to  
26 medications 24 hours per day, 7 days per week. In an  
27 emergency situation, when prior approval or an edit override  
28 is not available, a pharmacy may dispense, and the Department  
29 shall pay for, up to a 72-hour supply of a drug prescribed to  
30 an eligible recipient for a mental illness. Nothing in this  
31 Section shall be construed as preventing the Department from  
32 implementing other restrictions as necessary to ensure the  
33 appropriate use of medications described in this subsection,  
34 by persons with a serious mental illness, as supported by

1 evidence-based medicine. This subsection is inoperative after  
2 June 30, 2005.

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