

1                   AMENDMENT TO HOUSE BILL 784

2           AMENDMENT NO. \_\_\_\_\_. Amend House Bill 784 by replacing  
3 everything after the enacting clause with the following:

4           "Section 5. The Senior Citizens and Disabled Persons  
5 Property Tax Relief and Pharmaceutical Assistance Act is  
6 amended by changing Section 4 as follows:

7           (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

8           Sec. 4. Amount of Grant.

9           (a) In general. Any individual 65 years or older or any  
10 individual who will become 65 years old during the calendar  
11 year in which a claim is filed, and any surviving spouse of  
12 such a claimant, who at the time of death received or was  
13 entitled to receive a grant pursuant to this Section, which  
14 surviving spouse will become 65 years of age within the 24  
15 months immediately following the death of such claimant and  
16 which surviving spouse but for his or her age is otherwise  
17 qualified to receive a grant pursuant to this Section, and  
18 any disabled person whose annual household income is less  
19 than \$14,000 for grant years before the 1998 grant year, less  
20 than \$16,000 for the 1998 and 1999 grant years, and less than  
21 (i) \$21,218 for a household containing one person, (ii)  
22 \$28,480 for a household containing 2 persons, or (iii)

1 \$35,740 for a household containing 3 or more persons for the  
2 2000 grant year and thereafter and whose household is liable  
3 for payment of property taxes accrued or has paid rent  
4 constituting property taxes accrued and is domiciled in this  
5 State at the time he or she files his or her claim is  
6 entitled to claim a grant under this Act. With respect to  
7 claims filed by individuals who will become 65 years old  
8 during the calendar year in which a claim is filed, the  
9 amount of any grant to which that household is entitled shall  
10 be an amount equal to 1/12 of the amount to which the  
11 claimant would otherwise be entitled as provided in this  
12 Section, multiplied by the number of months in which the  
13 claimant was 65 in the calendar year in which the claim is  
14 filed.

15 (b) Limitation. Except as otherwise provided in  
16 subsections (a) and (f) of this Section, the maximum amount  
17 of grant which a claimant is entitled to claim is the amount  
18 by which the property taxes accrued which were paid or  
19 payable during the last preceding tax year or rent  
20 constituting property taxes accrued upon the claimant's  
21 residence for the last preceding taxable year exceeds 3 1/2%  
22 of the claimant's household income for that year but in no  
23 event is the grant to exceed (i) \$700 less 4.5% of household  
24 income for that year for those with a household income of  
25 \$14,000 or less or (ii) \$70 if household income for that year  
26 is more than \$14,000.

27 (c) Public aid recipients. If household income in one  
28 or more months during a year includes cash assistance in  
29 excess of \$55 per month from the Department of Public Aid or  
30 the Department of Human Services (acting as successor to the  
31 Department of Public Aid under the Department of Human  
32 Services Act) which was determined under regulations of that  
33 Department on a measure of need that included an allowance  
34 for actual rent or property taxes paid by the recipient of

1 that assistance, the amount of grant to which that household  
2 is entitled, except as otherwise provided in subsection (a),  
3 shall be the product of (1) the maximum amount computed as  
4 specified in subsection (b) of this Section and (2) the ratio  
5 of the number of months in which household income did not  
6 include such cash assistance over \$55 to the number twelve.  
7 If household income did not include such cash assistance over  
8 \$55 for any months during the year, the amount of the grant  
9 to which the household is entitled shall be the maximum  
10 amount computed as specified in subsection (b) of this  
11 Section. For purposes of this paragraph (c), "cash  
12 assistance" does not include any amount received under the  
13 federal Supplemental Security Income (SSI) program.

14 (d) Joint ownership. If title to the residence is held  
15 jointly by the claimant with a person who is not a member of  
16 his or her household, the amount of property taxes accrued  
17 used in computing the amount of grant to which he or she is  
18 entitled shall be the same percentage of property taxes  
19 accrued as is the percentage of ownership held by the  
20 claimant in the residence.

21 (e) More than one residence. If a claimant has occupied  
22 more than one residence in the taxable year, he or she may  
23 claim only one residence for any part of a month. In the  
24 case of property taxes accrued, he or she shall prorate 1/12  
25 of the total property taxes accrued on his or her residence  
26 to each month that he or she owned and occupied that  
27 residence; and, in the case of rent constituting property  
28 taxes accrued, shall prorate each month's rent payments to  
29 the residence actually occupied during that month.

30 (f) There is hereby established a program of  
31 pharmaceutical assistance to the aged and disabled which  
32 shall be administered by the Department in accordance with  
33 this Act, to consist of payments to authorized pharmacies, on  
34 behalf of beneficiaries of the program, for the reasonable

1 costs of covered prescription drugs. Each beneficiary who  
2 pays \$5 for an identification card shall pay no additional  
3 prescription costs. Each beneficiary who pays \$25 for an  
4 identification card shall pay \$3 per prescription. In  
5 addition, after a beneficiary receives \$2,000 in benefits  
6 during a State fiscal year, that beneficiary shall also be  
7 charged 20% of the cost of each prescription for which  
8 payments are made by the program during the remainder of the  
9 fiscal year. To become a beneficiary under this program a  
10 person must: (1) be (i) 65 years of age or older, or (ii) the  
11 surviving spouse of such a claimant, who at the time of death  
12 received or was entitled to receive benefits pursuant to this  
13 subsection, which surviving spouse will become 65 years of  
14 age within the 24 months immediately following the death of  
15 such claimant and which surviving spouse but for his or her  
16 age is otherwise qualified to receive benefits pursuant to  
17 this subsection, or (iii) disabled, and (2) be domiciled in  
18 this State at the time he or she files his or her claim, and  
19 (3) have a maximum household income of less than \$14,000 for  
20 grant years before the 1998 grant year, less than \$16,000 for  
21 the 1998 and 1999 grant years, and less than (i) \$21,218 for  
22 a household containing one person, (ii) \$28,480 for a  
23 household containing 2 persons, or (iii) \$35,740 for a  
24 household containing 3 more persons for the 2000 grant year  
25 and thereafter. In addition, each eligible person must (1)  
26 obtain an identification card from the Department, (2) at the  
27 time the card is obtained, sign a statement assigning to the  
28 State of Illinois benefits which may be otherwise claimed  
29 under any private insurance plans, and (3) present the  
30 identification card to the dispensing pharmacist.

31 The Department may adopt rules specifying participation  
32 requirements for the pharmaceutical assistance program,  
33 including copayment amounts, identification card fees,  
34 expenditure limits, and the benefit threshold after which a

1 20% charge is imposed on the cost of each prescription, to be  
2 in effect on and after July 1, 2004. Notwithstanding any  
3 other provision of this paragraph, however, the Department  
4 may not increase the identification card fee above the amount  
5 in effect on May 1, 2003 without the express consent of the  
6 General Assembly. To the extent practicable, those  
7 requirements shall be commensurate with the requirements  
8 provided in rules adopted by the Department of Public Aid to  
9 implement the pharmacy assistance program under Section  
10 5-5.12a of the Illinois Public Aid Code.

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

29 Any person otherwise eligible for pharmaceutical  
30 assistance under this Act whose covered drugs are covered by  
31 any public program for assistance in purchasing any covered  
32 prescription drugs shall be ineligible for assistance under  
33 this Act to the extent such costs are covered by such other  
34 plan.

1           The fee to be charged by the Department for the  
2           identification card shall be equal to \$5 per coverage year  
3           for persons below the official poverty line as defined by the  
4           United States Department of Health and Human Services and \$25  
5           per coverage year for all other persons.

6           In the event that 2 or more persons are eligible for any  
7           benefit under this Act, and are members of the same  
8           household, (1) each such person shall be entitled to  
9           participate in the pharmaceutical assistance program,  
10          provided that he or she meets all other requirements imposed  
11          by this subsection and (2) each participating household  
12          member contributes the fee required for that person by the  
13          preceding paragraph for the purpose of obtaining an  
14          identification card.

15          (Source: P.A. 91-357, eff. 7-29-99; 91-699, eff. 1-1-01;  
16          92-131, eff. 7-23-01; 92-519, eff. 1-1-02; 92-651, eff.  
17          7-11-02.)

18          Section 99. Effective date. This Act takes effect upon  
19          becoming law."