

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

18 In the fiscal year beginning July 1, 2003 and every 2
19 years thereafter, the Illinois Department shall conduct a
20 survey of pharmacies providing prescription drugs under this
21 Article to assess the appropriate level of dispensing fees to
22 be paid under this Section.

23 The Illinois Department shall update its information on
24 the acquisition costs of all prescription drugs no less
25 frequently than every 30 days. However, the Illinois
26 Department may set the rate of reimbursement for the
27 acquisition cost, by rule, at a percentage of the current
28 average wholesale acquisition cost.

29 (c) Reimbursement under this Article for prescription
30 drugs shall be limited to reimbursement for 4 brand-name
31 prescription drugs per patient per month. This subsection

1 applies only if (i) the brand-name drug was not prescribed
2 for an acute or urgent condition, (ii) the brand-name drug
3 was not prescribed for Alzheimer's disease, arthritis,
4 diabetes, HIV/AIDS, a mental health condition, or respiratory
5 disease, and (iii) a therapeutically equivalent generic
6 medication has been approved by the federal Food and Drug
7 Administration.

8 (d) The Department shall not impose requirements for
9 prior approval based on a preferred drug list for
10 anti-retroviral or any atypical antipsychotics, conventional
11 antipsychotics, or anticonvulsants used for the treatment of
12 serious mental illnesses until 30 days after it has conducted
13 a study of the impact of such requirements on patient care
14 and submitted a report to the Speaker of the House of
15 Representatives and the President of the Senate.

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