



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/5/2004, by Mattie Hunter

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.12

from Ch. 23, par. 5-5.12

Amends the Illinois Public Aid Code. Provides that the Department shall not impose requirements for prior approval based on a preferred drug list for any short-acting beta agonists used as rescue therapy in the treatment of life-threatening conditions due to acute bronchospasm in patients with reversible obstructive airway disease that results from asthma, chronic obstructive pulmonary disease or emphysema.

LRB093 20755 RXD 46647 b

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 Sections 5-5.12 and 9A-11.5 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 used for the treatment of serious mental
5 illnesses until 30 days after it has conducted a study of the
6 impact of such requirements on patient care and submitted a
7 report to the Speaker of the House of Representatives and the
8 President of the Senate.

9 (e) The Department shall not impose requirements for prior
10 approval based on a preferred drug list for any short-acting
11 beta agonists used as rescue therapy in the treatment of
12 life-threatening conditions due to acute bronchospasm in
13 patients with reversible obstructive airway disease that
14 results from asthma, chronic obstructive pulmonary disease or
15 emphysema.

16 (Source: P.A. 92-597, eff. 6-28-02; 92-825, eff. 8-21-02;
17 93-106, eff. 7-8-03.)

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