



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0453

Introduced 1/26/2005, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

320 ILCS 25/4

from Ch. 67 1/2, par. 404

Amends the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. Creates a program of hearing aid assistance to the aged and disabled. Provides that, to offset the cost of the hearing aids, a person entitled to claim a grant under certain provisions of the Act is entitled to receive a payment of up to \$100 each calendar year in which he or she purchases a hearing aid for his or her personal use.

LRB094 05929 BDD 35983 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning aging.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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 any
18 disabled person whose annual household income is less than
19 \$14,000 for grant years before the 1998 grant year, less than
20 \$16,000 for the 1998 and 1999 grant years, and less than (i)
21 \$21,218 for a household containing one person, (ii) \$28,480 for
22 a household containing 2 persons, or (iii) \$35,740 for a
23 household containing 3 or more persons for the 2000 grant year
24 and thereafter and whose household is liable for payment of
25 property taxes accrued or has paid rent constituting property
26 taxes accrued and is domiciled in this State at the time he or
27 she files his or her claim is entitled to claim a grant under
28 this Act. With respect to claims filed by individuals who will
29 become 65 years old during the calendar year in which a claim
30 is filed, the amount of any grant to which that household is
31 entitled shall be an amount equal to 1/12 of the amount to
32 which the claimant would otherwise be entitled as provided in

1 this Section, multiplied by the number of months in which the
2 claimant was 65 in the calendar year in which the claim is
3 filed.

4 (b) Limitation. Except as otherwise provided in
5 subsections (a) and (f) of this Section, the maximum amount of
6 grant which a claimant is entitled to claim is the amount by
7 which the property taxes accrued which were paid or payable
8 during the last preceding tax year or rent constituting
9 property taxes accrued upon the claimant's residence for the
10 last preceding taxable year exceeds 3 1/2% of the claimant's
11 household income for that year but in no event is the grant to
12 exceed (i) \$700 less 4.5% of household income for that year for
13 those with a household income of \$14,000 or less or (ii) \$70 if
14 household income for that year is more than \$14,000.

15 (c) Public aid recipients. If household income in one or
16 more months during a year includes cash assistance in excess of
17 \$55 per month from the Department of Public Aid or the
18 Department of Human Services (acting as successor to the
19 Department of Public Aid under the Department of Human Services
20 Act) which was determined under regulations of that Department
21 on a measure of need that included an allowance for actual rent
22 or property taxes paid by the recipient of that assistance, the
23 amount of grant to which that household is entitled, except as
24 otherwise provided in subsection (a), shall be the product of
25 (1) the maximum amount computed as specified in subsection (b)
26 of this Section and (2) the ratio of the number of months in
27 which household income did not include such cash assistance
28 over \$55 to the number twelve. If household income did not
29 include such cash assistance over \$55 for any months during the
30 year, the amount of the grant to which the household is
31 entitled shall be the maximum amount computed as specified in
32 subsection (b) of this Section. For purposes of this paragraph
33 (c), "cash assistance" does not include any amount received
34 under the federal Supplemental Security Income (SSI) program.

35 (d) Joint ownership. If title to the residence is held
36 jointly by the claimant with a person who is not a member of

1 his or her household, the amount of property taxes accrued used
2 in computing the amount of grant to which he or she is entitled
3 shall be the same percentage of property taxes accrued as is
4 the percentage of ownership held by the claimant in the
5 residence.

6 (e) More than one residence. If a claimant has occupied
7 more than one residence in the taxable year, he or she may
8 claim only one residence for any part of a month. In the case
9 of property taxes accrued, he or she shall prorate 1/12 of the
10 total property taxes accrued on his or her residence to each
11 month that he or she owned and occupied that residence; and, in
12 the case of rent constituting property taxes accrued, shall
13 prorate each month's rent payments to the residence actually
14 occupied during that month.

15 (f) There is hereby established a program of pharmaceutical
16 assistance to the aged and disabled which shall be administered
17 by the Department in accordance with this Act, to consist of
18 payments to authorized pharmacies, on behalf of beneficiaries
19 of the program, for the reasonable costs of covered
20 prescription drugs. Each beneficiary who pays \$5 for an
21 identification card shall pay no additional prescription
22 costs. Each beneficiary who pays \$25 for an identification card
23 shall pay \$3 per prescription. In addition, after a beneficiary
24 receives \$2,000 in benefits during a State fiscal year, that
25 beneficiary shall also be charged 20% of the cost of each
26 prescription for which payments are made by the program during
27 the remainder of the fiscal year. To become a beneficiary under
28 this program a person must: (1) be (i) 65 years of age or
29 older, or (ii) the surviving spouse of such a claimant, who at
30 the time of death received or was entitled to receive benefits
31 pursuant to this subsection, which surviving spouse will become
32 65 years of age within the 24 months immediately following the
33 death of such claimant and which surviving spouse but for his
34 or her age is otherwise qualified to receive benefits pursuant
35 to this subsection, or (iii) disabled, and (2) be domiciled in
36 this State at the time he or she files his or her claim, and (3)

1 have a maximum household income of less than \$14,000 for grant
2 years before the 1998 grant year, less than \$16,000 for the
3 1998 and 1999 grant years, and less than (i) \$21,218 for a
4 household containing one person, (ii) \$28,480 for a household
5 containing 2 persons, or (iii) \$35,740 for a household
6 containing 3 more persons for the 2000 grant year and
7 thereafter. In addition, each eligible person must (1) obtain
8 an identification card from the Department, (2) at the time the
9 card is obtained, sign a statement assigning to the State of
10 Illinois benefits which may be otherwise claimed under any
11 private insurance plans, and (3) present the identification
12 card to the dispensing pharmacist.

13 The Department may adopt rules specifying participation
14 requirements for the pharmaceutical assistance program,
15 including copayment amounts, identification card fees,
16 expenditure limits, and the benefit threshold after which a 20%
17 charge is imposed on the cost of each prescription, to be in
18 effect on and after July 1, 2004. Notwithstanding any other
19 provision of this paragraph, however, the Department may not
20 increase the identification card fee above the amount in effect
21 on May 1, 2003 without the express consent of the General
22 Assembly. To the extent practicable, those requirements shall
23 be commensurate with the requirements provided in rules adopted
24 by the Department of Public Aid to implement the pharmacy
25 assistance program under Section 5-5.12a of the Illinois Public
26 Aid Code.

27 Whenever a generic equivalent for a covered prescription
28 drug is available, the Department shall reimburse only for the
29 reasonable costs of the generic equivalent, less the co-pay
30 established in this Section, unless (i) the covered
31 prescription drug contains one or more ingredients defined as a
32 narrow therapeutic index drug at 21 CFR 320.33, (ii) the
33 prescriber indicates on the face of the prescription "brand
34 medically necessary", and (iii) the prescriber specifies that a
35 substitution is not permitted. When issuing an oral
36 prescription for covered prescription medication described in

1 item (i) of this paragraph, the prescriber shall stipulate
2 "brand medically necessary" and that a substitution is not
3 permitted. If the covered prescription drug and its authorizing
4 prescription do not meet the criteria listed above, the
5 beneficiary may purchase the non-generic equivalent of the
6 covered prescription drug by paying the difference between the
7 generic cost and the non-generic cost plus the beneficiary
8 co-pay.

9 Any person otherwise eligible for pharmaceutical
10 assistance under this Act whose covered drugs are covered by
11 any public program for assistance in purchasing any covered
12 prescription drugs shall be ineligible for assistance under
13 this Act to the extent such costs are covered by such other
14 plan.

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

20 In the event that 2 or more persons are eligible for any
21 benefit under this Act, and are members of the same household,
22 (1) each such person shall be entitled to participate in the
23 pharmaceutical assistance program, provided that he or she
24 meets all other requirements imposed by this subsection and (2)
25 each participating household member contributes the fee
26 required for that person by the preceding paragraph for the
27 purpose of obtaining an identification card.

28 (g) There is established a program of hearing aid
29 assistance to the aged and disabled that shall be administered
30 by the Department in accordance with this Act, to consist of
31 payments to eligible claimants to offset the costs of hearing
32 aids.

33 To offset the cost of the hearing aids, a person entitled
34 to claim a grant under subsection (a) of this Section is
35 entitled to receive a payment of up to \$100 each calendar year
36 in which he or she purchases a hearing aid for his or her

1 personal use.

2 For purposes of this subsection (g), "hearing aid" means an
3 ear-level or body-worn electroacoustic instrument that is used
4 for the purpose of amplifying sound and the basic components of
5 which are a microphone, amplifier, and receiver.

6 (Source: P.A. 92-131, eff. 7-23-01; 92-519, eff. 1-1-02;
7 92-651, eff. 7-11-02; 93-130, eff. 7-10-03.)