

1 AN ACT concerning insurance.

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

4 Section 1. Short title. This Act may be cited as the Organ  
5 Transplant Quality Assurance Act.

6 Section 5. Definitions. For the purpose of this Act:

7 "Health insurance policy or health care service plan" means  
8 any policy of health or accident insurance subject to the  
9 provisions of the Illinois Insurance Code, Health Maintenance  
10 Organization Act, Voluntary Health Services Plan Act, Counties  
11 Code, Municipal Code, School Code, and State Employees Group  
12 Insurance Act.

13 "Immunosuppressant drugs" mean drugs that are used in  
14 immunosuppressive therapy to inhibit or prevent the activity of  
15 the immune system. "Immunosuppressant drugs" are used  
16 clinically to prevent the rejection of transplanted organs and  
17 tissues. "Immunosuppressant drugs" do not include drugs for the  
18 treatment of autoimmune diseases or diseases that are most  
19 likely of autoimmune origin.

20 Section 10. Quality assurance in patient care. When a  
21 prescribing physician has indicated on a prescription "may not  
22 substitute", a health insurance policy or health care service

1 plan that covers immunosuppressant drugs may not require or  
2 cause a pharmacist to interchange another immunosuppressive  
3 drug or formulation issued on behalf of a person to inhibit or  
4 prevent the activity of the immune system of a patient to  
5 prevent the rejection of transplanted organs and tissues  
6 without notification and the documented consent of the  
7 prescribing physician and the patient, or the parent or  
8 guardian if the patient is a child, or the spouse of a patient  
9 who is authorized to consent to the treatment of the person.

10 In accordance with the Pharmacy Practice Act, the  
11 prescribing person may, in his or her own handwriting, place a  
12 mark beside "may not substitute" on the prescription form to  
13 direct the pharmacist in the dispensing of the prescription;  
14 this marking of the prescription shall control dispensing.  
15 Patient co-payments, deductibles, or other charges for the  
16 prescribed drug for which another immunosuppressive drug or  
17 formulation is not interchanged shall remain the same for the  
18 enrollment period established by the health insurance policy or  
19 plan. This Act does not apply to medication orders issued for  
20 immunosuppressive drugs for any in-patient care in a licensed  
21 hospital.