

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 Mobile Home Local Services Tax Act is  
5 amended by changing Section 7 as follows:

6 (35 ILCS 515/7) (from Ch. 120, par. 1207)

7 Sec. 7. The local services tax for owners of mobile homes  
8 who (a) are actually residing in such mobile homes, (b) hold  
9 title to such mobile home as provided in the "Illinois Vehicle  
10 Code", ~~approved September 29, 1969, as amended,~~ and (c) are 65  
11 years of age or older or are disabled persons within the  
12 meaning of Section 3.14 of the "Senior Citizens and Disabled  
13 Persons Property Tax Relief and Pharmaceutical Assistance Act"  
14 on the annual billing date shall be reduced to 80 percent of  
15 the tax provided for in Section 3 of this Act. Proof that a  
16 claimant has been issued an Illinois Disabled Person  
17 Identification Card stating that the claimant is under a Class  
18 2 disability, as provided in Section 4A of the ~~The~~ Illinois  
19 Identification Card Act, shall constitute proof that the person  
20 thereon named is a disabled person within the meaning of this  
21 Act. An application for reduction of the tax shall be filed  
22 with the county clerk by the individuals who are entitled to  
23 the reduction. If the application is filed after May 1, the

1 reduction in tax shall begin with the next annual bill.  
2 Application for the reduction in tax shall be done by  
3 submitting proof that the applicant has been issued an Illinois  
4 Disabled Person Identification Card designating the  
5 applicant's disability as a Class 2 disability, or by affidavit  
6 in substantially the following form:

7 APPLICATION FOR REDUCTION OF MOBILE HOME LOCAL SERVICES TAX

8 I hereby make application for a reduction to 80% of the  
9 total tax imposed under "An Act to provide for a local services  
10 tax on mobile homes".

11 (1) Senior Citizens

12 (a) I actually reside in the mobile home ....

13 (b) I hold title to the mobile home as provided in the  
14 Illinois Vehicle Code ....

15 (c) I reached the age of 65 on or before either January 1  
16 (or July 1) of the year in which this statement is filed. My  
17 date of birth is: ...

18 (2) Disabled Persons

19 (a) I actually reside in the mobile home...

20 (b) I hold title to the mobile home as provided in the  
21 Illinois Vehicle Code ....

22 (c) I was totally disabled on ... and have remained  
23 disabled until the date of this application. My Social  
24 Security, Veterans, Railroad or Civil Service Total Disability  
25 Claim Number is ... The undersigned declares under the penalty  
26 of perjury that the above statements are true and correct.

1 Dated (insert date).

2 .....

3 Signature of owner

4 .....

5 (Address)

6 .....

7 (City) (State) (Zip)

8 Approved by:

9 .....

10 (Assessor)

11 This application shall be accompanied by a copy of the  
12 applicant's most recent application filed with the Illinois  
13 Department on Aging ~~of Revenue~~ under the "Senior Citizens and  
14 Disabled Persons Property Tax Relief and Pharmaceutical  
15 Assistance Act," ~~approved July 17, 1972, as amended.~~

16 (Source: P.A. 91-357, eff. 7-29-99.)

17 Section 10. The Citizens Utility Board Act is amended by  
18 changing Section 9 as follows:

19 (220 ILCS 10/9) (from Ch. 111 2/3, par. 909)

20 Sec. 9. Mailing procedure.

21 (1) As used in this Section:

22 (a) "Enclosure" means a card, leaflet, envelope or  
23 combination thereof furnished by the corporation under

1           this Section.

2           (b) "Mailing" means any communication by a State  
3           agency, other than a mailing made ~~by the Department of~~  
4           ~~Revenue~~ under the Senior Citizens and Disabled Persons  
5           Property Tax Relief and Pharmaceutical Assistance Act,  
6           that is sent through the United States Postal Service to  
7           more than 50,000 persons within a 12-month period.

8           (c) "State agency" means any officer, department,  
9           board, commission, institution or entity of the executive  
10          or legislative branches of State government.

11          (2) To accomplish its powers and duties under Section 5  
12          this Act, the corporation, subject to the following  
13          limitations, may prepare and furnish to any State agency an  
14          enclosure to be included with a mailing by that agency.

15                 (a) A State agency furnished with an enclosure shall  
16                 include the enclosure within the mailing designated by the  
17                 corporation.

18                 (b) An enclosure furnished by the corporation under  
19                 this Section shall be provided to the State agency a  
20                 reasonable period of time in advance of the mailing.

21                 (c) An enclosure furnished by the corporation under  
22                 this Section shall be limited to informing the reader of  
23                 the purpose, nature and activities of the corporation as  
24                 set forth in this Act and informing the reader that it may  
25                 become a member in the corporation, maintain membership in  
26                 the corporation and contribute money to the corporation

1 directly.

2 (d) Prior to furnishing an enclosure to the State  
3 agency, the corporation shall seek and obtain approval of  
4 the content of the enclosure from the Illinois Commerce  
5 Commission. The Commission shall approve the enclosure if  
6 it determines that the enclosure (i) is not false or  
7 misleading and (ii) satisfies the requirements of this Act.  
8 The Commission shall be deemed to have approved the  
9 enclosure unless it disapproves the enclosure within 14  
10 days from the date of receipt.

11 (3) The corporation shall reimburse each State agency for  
12 all reasonable incremental costs incurred by the State agency  
13 in complying with this Section above the agency's normal  
14 mailing and handling costs, provided that:

15 (a) The State agency shall first furnish the  
16 corporation with an itemized accounting of such additional  
17 cost; and

18 (b) The corporation shall not be required to reimburse  
19 the State agency for postage costs if the weight of the  
20 corporation's enclosure does not exceed .35 ounce  
21 avoirdupois. If the corporation's enclosure exceeds that  
22 weight, then it shall only be required to reimburse the  
23 State agency for postage cost over and above what the  
24 agency's postage cost would have been had the enclosure  
25 weighed only .35 ounce avoirdupois.

26 (Source: P.A. 87-205.)

1 Section 15. The Senior Citizens and Disabled Persons  
2 Property Tax Relief and Pharmaceutical Assistance Act is  
3 amended by changing Sections 1, 2, 3.01, 3.04, 3.05, 3.06,  
4 3.07, 3.08, 3.09, 3.10, 3.12, 4, 5, 7, 8, 8a, 9, 12, and 13 and  
5 by adding Sections 1.5, 3.01a, 3.03a, 3.05a, and 4.05 as  
6 follows:

7 (320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

8 Sec. 1. Short title; common name. This Article shall be  
9 known and may be cited as the "Senior Citizens and Disabled  
10 Persons Property Tax Relief and Pharmaceutical Assistance  
11 Act". Common references to the "Circuit Breaker Act" mean this  
12 Article. As used in this Article, "this Act" means this  
13 Article.

14 (Source: P.A. 83-1531.)

15 (320 ILCS 25/1.5 new)

16 Sec. 1.5. Implementation of Executive Order No. 3 of 2004.  
17 Executive Order No. 3 of 2004, in part, provided for the  
18 transfer of the programs under this Act from the Department of  
19 Revenue to the Department on Aging and the Department of  
20 Healthcare and Family Services. It is the purpose of this  
21 amendatory Act of the 96th General Assembly to conform this Act  
22 and certain related provisions of other statutes to that  
23 Executive Order. This amendatory Act of the 96th General

1 Assembly also makes other substantive changes to this Act.

2 (320 ILCS 25/2) (from Ch. 67 1/2, par. 402)

3 Sec. 2. Purpose. The purpose of this Act is to provide  
4 incentives to the senior citizens and disabled persons of this  
5 State to acquire and retain private housing of their choice and  
6 at the same time to relieve those citizens from the burdens of  
7 extraordinary property taxes and rising drug costs against  
8 their increasingly restricted earning power, and thereby to  
9 reduce the requirements for public housing in this State.  
10 (Source: P.A. 77-2059.)

11 (320 ILCS 25/3.01) (from Ch. 67 1/2, par. 403.01)

12 Sec. 3.01. Claimant. "Claimant" means an individual who has  
13 filed a claim for a property tax relief grant under this Act.  
14 In appropriate contexts, "claimant" may also include a person  
15 who has applied for pharmaceutical assistance under this Act or  
16 for other benefits that are based on eligibility for benefits  
17 under this Act.  
18 (Source: P.A. 77-2059.)

19 (320 ILCS 25/3.01a new)

20 Sec. 3.01a. Claim year. "Claim year" means the calendar  
21 year prior to the period of time during which a claimant may  
22 file an application for benefits under this Act.

1 (320 ILCS 25/3.03a new)

2 Sec. 3.03a. Federal Poverty Level. "Federal Poverty Level"  
3 means the federal poverty income guidelines as determined  
4 annually by the United States Department of Health and Human  
5 Services and updated periodically in the Federal Register by  
6 that Department under the authority of 42 U.S.C. 9902(2).

7 (320 ILCS 25/3.04) (from Ch. 67 1/2, par. 403.04)

8 Sec. 3.04. Gross rent. "Gross rent ~~Rent~~" means the total  
9 amount paid solely for the right to occupy a residence.

10 If the residence is a nursing or sheltered care home,  
11 "gross rent" means the amount paid in a taxable year that is  
12 attributable to the cost of housing, but not of meals or care,  
13 for the claimant in that home, determined in accordance with  
14 regulations of the Department on Aging.

15 (Source: P.A. 78-1249; 78-1297.)

16 (320 ILCS 25/3.05) (from Ch. 67 1/2, par. 403.05)

17 Sec. 3.05. Household. "Household" means a claimant or a  
18 claimant and his or her spouse, if any, living together in the  
19 same residence. An additional resident may be counted in  
20 determining household size.

21 (Source: P.A. 77-2059.)

22 (320 ILCS 25/3.05a new)

23 Sec. 3.05a. Additional resident. "Additional resident"

1 means a person who (i) is living in the same residence with a  
2 claimant for the claim year and at the time of filing the  
3 claim, (ii) is not the spouse of the claimant, (iii) does not  
4 file a separate claim under this Act for the same period, and  
5 (iv) receives more than half of his or her total financial  
6 support for that claim year from the household. An additional  
7 resident who meets qualifications may receive pharmaceutical  
8 assistance based on a claimant's application.

9 (320 ILCS 25/3.06) (from Ch. 67 1/2, par. 403.06)

10 Sec. 3.06. Household income. "Household income" means the  
11 combined income of the members of a household. The term does  
12 not include the income of any qualified additional resident who  
13 lives with the claimant.

14 (Source: P.A. 77-2059.)

15 (320 ILCS 25/3.07) (from Ch. 67 1/2, par. 403.07)

16 Sec. 3.07. Income. "Income" means adjusted gross income,  
17 properly reportable for federal income tax purposes under the  
18 provisions of the Internal Revenue Code, modified by adding  
19 thereto the sum of the following amounts to the extent deducted  
20 or excluded from gross income in the computation of adjusted  
21 gross income:

22 (A) An amount equal to all amounts paid or accrued as  
23 interest or dividends during the taxable year;

24 (B) An amount equal to the amount of tax imposed by the

1 Illinois Income Tax Act paid for the taxable year;

2 (C) An amount equal to all amounts received during the  
3 taxable year as an annuity under an annuity, endowment or  
4 life insurance contract or under any other contract or  
5 agreement;

6 (D) An amount equal to the amount of benefits paid  
7 under the Federal Social Security Act during the taxable  
8 year;

9 (E) An amount equal to the amount of benefits paid  
10 under the Railroad Retirement Act during the taxable year;

11 (F) An amount equal to the total amount of cash public  
12 assistance payments received from any governmental agency  
13 during the taxable year other than benefits received  
14 pursuant to this Act;

15 (G) An amount equal to any net operating loss carryover  
16 deduction or capital loss carryover deduction during the  
17 taxable year; and

18 (H) An ~~For claim years beginning on or after January 1,~~  
19 ~~2002,~~ ~~an~~ amount equal to any benefits received under the  
20 Workers' Compensation Act or the Workers' Occupational  
21 Diseases Act during the taxable year.

22 "Income" does not include ~~any grant assistance received~~  
23 ~~under the Nursing Home Grant Assistance Act or any~~  
24 distributions or items of income described under subparagraph  
25 (X) of paragraph (2) of subsection (a) of Section 203 of the  
26 Illinois Income Tax Act or any payments under Section 2201 or

1 Section 2202 of the American Recovery and Reinvestment Act of  
2 2009.

3 ~~This amendatory Act of 1987 shall be effective for purposes~~  
4 ~~of this Section for tax years ending on or after December 31,~~  
5 ~~1987.~~

6 (Source: P.A. 91-676, eff. 12-23-99; 92-131, eff. 7-23-01;  
7 92-519, eff. 1-1-02.)

8 (320 ILCS 25/3.08) (from Ch. 67 1/2, par. 403.08)

9 Sec. 3.08. Internal Revenue Code. "Internal Revenue Code"  
10 means the United States Internal Revenue Code of 1986 ~~1954~~ or  
11 any successor law or laws relating to federal income taxes in  
12 effect for the year.

13 (Source: P.A. 77-2059.)

14 (320 ILCS 25/3.09) (from Ch. 67 1/2, par. 403.09)

15 Sec. 3.09. Property taxes accrued. "Property taxes  
16 accrued" means the ad valorem property taxes extended against a  
17 residence, but does not include special assessments, interest  
18 or charges for service. In the case of real estate improved  
19 with a multidwelling or multipurpose building, "property taxes  
20 accrued" extended against a residence within such a building is  
21 an amount equal to the same percentage of the total property  
22 taxes extended against that real estate as improved as the  
23 value of the residence is to the total value of the building.  
24 If the multidwelling building is owned and operated as a

1 cooperative, the value of an individual residence is the value  
2 of the interest in the cooperative held by the owner of record  
3 of the legal or equitable interest, other than a leasehold  
4 interest, in the cooperative which confers the right to occupy  
5 that residence. In determining the amount of grant under  
6 Section 4 ~~for 1976 and thereafter~~, the applicable "property  
7 taxes accrued", as determined under this Section, are those  
8 payable or paid in the last preceding taxable year.

9 In addition, if the residence is a mobile home as defined  
10 in and subject to the tax imposed by the Mobile Home Local  
11 Services Tax Act, "property taxes accrued" includes the amount  
12 of privilege tax paid during the calendar year for which  
13 benefits are claimed under that Act on that mobile home. If  
14 ~~Beginning in taxable year 1999, if~~ (i) the residence is a  
15 mobile home, (ii) the resident is the record owner of the  
16 property upon which the mobile home is located, and (iii) the  
17 resident is liable for the taxes imposed under the Property Tax  
18 Code for both the mobile home and the property, then "property  
19 taxes accrued" includes the amount of property taxes paid on  
20 both the mobile home and the property upon which the mobile  
21 home is located.

22 (Source: P.A. 91-357, eff. 7-29-99; 91-391, eff. 7-30-99.)

23 (320 ILCS 25/3.10) (from Ch. 67 1/2, par. 403.10)

24 Sec. 3.10. Regulations. "Regulations" includes both rules  
25 promulgated and forms prescribed by the applicable Department.

1 In this Act, references to the rules of the Department on Aging  
2 or the Department of Healthcare and Family Services shall be  
3 deemed to include, in appropriate cases, the corresponding  
4 rules adopted by the Department of Revenue, to the extent that  
5 those rules continue in force under Executive Order No. 3 of  
6 2004.

7 (Source: P.A. 77-2059.)

8 (320 ILCS 25/3.12) (from Ch. 67 1/2, par. 403.12)

9 Sec. 3.12. Residence. "Residence" means the principal  
10 dwelling place occupied in this State by a household and so  
11 much of the surrounding land as is reasonably necessary for use  
12 of the dwelling as a home, and includes rental property, mobile  
13 homes, single family dwellings, and units in multifamily,  
14 multidwelling or multipurpose buildings. If the assessor has  
15 established a specific legal description for a portion of  
16 property constituting the residence, then that portion of  
17 property shall be deemed "residence" for the purposes of this  
18 Act. "Residence" also includes that portion of a nursing or  
19 sheltered care home occupied as a dwelling by a claimant,  
20 determined as prescribed in regulations of the Department on  
21 Aging.

22 (Source: P.A. 78-1249.)

23 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

24 Sec. 4. Amount of Grant.

1 (a) In general. Any individual 65 years or older or any  
2 individual who will become 65 years old during the calendar  
3 year in which a claim is filed, and any surviving spouse of  
4 such a claimant, who at the time of death received or was  
5 entitled to receive a grant pursuant to this Section, which  
6 surviving spouse will become 65 years of age within the 24  
7 months immediately following the death of such claimant and  
8 which surviving spouse but for his or her age is otherwise  
9 qualified to receive a grant pursuant to this Section, and any  
10 disabled person whose annual household income is less than the  
11 income eligibility limitation, as defined in subsection (a-5)  
12 and whose household is liable for payment of property taxes  
13 accrued or has paid rent constituting property taxes accrued  
14 and is domiciled in this State at the time he or she files his  
15 or her claim is entitled to claim a grant under this Act. With  
16 respect to claims filed by individuals who will become 65 years  
17 old during the calendar year in which a claim is filed, the  
18 amount of any grant to which that household is entitled shall  
19 be an amount equal to 1/12 of the amount to which the claimant  
20 would otherwise be entitled as provided in this Section,  
21 multiplied by the number of months in which the claimant was 65  
22 in the calendar year in which the claim is filed.

23 (a-5) Income eligibility limitation. For purposes of this  
24 Section, "income eligibility limitation" means an amount for  
25 grant years 2008 and thereafter:

26 ~~(i) for grant years before the 1998 grant year, less~~

1 ~~than \$14,000;~~

2 ~~(ii) for the 1998 and 1999 grant year, less than~~  
3 ~~\$16,000;~~

4 ~~(iii) for grant years 2000 through 2007:~~

5 ~~(A) less than \$21,218 for a household containing~~  
6 ~~one person;~~

7 ~~(B) less than \$28,480 for a household containing 2~~  
8 ~~persons; or~~

9 ~~(C) less than \$35,740 for a household containing 3~~  
10 ~~or more persons; or~~

11 ~~(iv) for grant years 2008 and thereafter:~~

12 (1) ~~(A)~~ less than \$22,218 for a household containing  
13 one person;

14 (2) ~~(B)~~ less than \$29,480 for a household containing 2  
15 persons; or

16 (3) ~~(C)~~ less than \$36,740 for a household containing 3  
17 or more persons.

18 For 2009 claim year applications submitted during calendar  
19 year 2010, a household must have annual household income of  
20 less than \$27,610 for a household containing one person; less  
21 than \$36,635 for a household containing 2 persons; or less than  
22 \$45,657 for a household containing 3 or more persons.

23 The Department on Aging may adopt rules such that on  
24 January 1, 2011, and thereafter, the foregoing household income  
25 eligibility limits may be changed to reflect the annual cost of  
26 living adjustment in Social Security and Supplemental Security

1 Income benefits that are applicable to the year for which those  
2 benefits are being reported as income on an application.

3 If a person files as a surviving spouse, then only his or  
4 her income shall be counted in determining his or her household  
5 income.

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

17 (c) Public aid recipients. If household income in one or  
18 more months during a year includes cash assistance in excess of  
19 \$55 per month from the Department of Healthcare and Family  
20 Services or the Department of Human Services (acting as  
21 successor to the Department of Public Aid under the Department  
22 of Human Services Act) which was determined under regulations  
23 of that Department on a measure of need that included an  
24 allowance for actual rent or property taxes paid by the  
25 recipient of that assistance, the amount of grant to which that  
26 household is entitled, except as otherwise provided in

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

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

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

1 occupied during that month.

2 (f) (Blank). ~~There is hereby established a program of~~  
3 ~~pharmaceutical assistance to the aged and disabled which shall~~  
4 ~~be administered by the Department in accordance with this Act,~~  
5 ~~to consist of payments to authorized pharmacies, on behalf of~~  
6 ~~beneficiaries of the program, for the reasonable costs of~~  
7 ~~covered prescription drugs. Each beneficiary who pays \$5 for an~~  
8 ~~identification card shall pay no additional prescription~~  
9 ~~costs. Each beneficiary who pays \$25 for an identification card~~  
10 ~~shall pay \$3 per prescription. In addition, after a beneficiary~~  
11 ~~receives \$2,000 in benefits during a State fiscal year, that~~  
12 ~~beneficiary shall also be charged 20% of the cost of each~~  
13 ~~prescription for which payments are made by the program during~~  
14 ~~the remainder of the fiscal year. To become a beneficiary under~~  
15 ~~this program a person must: (1) be (i) 65 years of age or~~  
16 ~~elder, or (ii) the surviving spouse of such a claimant, who at~~  
17 ~~the time of death received or was entitled to receive benefits~~  
18 ~~pursuant to this subsection, which surviving spouse will become~~  
19 ~~65 years of age within the 24 months immediately following the~~  
20 ~~death of such claimant and which surviving spouse but for his~~  
21 ~~or her age is otherwise qualified to receive benefits pursuant~~  
22 ~~to this subsection, or (iii) disabled, and (2) be domiciled in~~  
23 ~~this State at the time he or she files his or her claim, and (3)~~  
24 ~~have a maximum household income of less than the income~~  
25 ~~eligibility limitation, as defined in subsection (a-5). In~~  
26 ~~addition, each eligible person must (1) obtain an~~

1 ~~identification card from the Department, (2) at the time the~~  
2 ~~card is obtained, sign a statement assigning to the State of~~  
3 ~~Illinois benefits which may be otherwise claimed under any~~  
4 ~~private insurance plans, and (3) present the identification~~  
5 ~~card to the dispensing pharmacist.~~

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

20 ~~Whenever a generic equivalent for a covered prescription~~  
21 ~~drug is available, the Department shall reimburse only for the~~  
22 ~~reasonable costs of the generic equivalent, less the co-pay~~  
23 ~~established in this Section, unless (i) the covered~~  
24 ~~prescription drug contains one or more ingredients defined as a~~  
25 ~~narrow therapeutic index drug at 21 CFR 320.33, (ii) the~~  
26 ~~prescriber indicates on the face of the prescription "brand~~

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

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

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

23 ~~In the event that 2 or more persons are eligible for any~~  
24 ~~benefit under this Act, and are members of the same household,~~  
25 ~~(1) each such person shall be entitled to participate in the~~  
26 ~~pharmaceutical assistance program, provided that he or she~~

1 ~~meets all other requirements imposed by this subsection and (2)~~  
2 ~~each participating household member contributes the fee~~  
3 ~~required for that person by the preceding paragraph for the~~  
4 ~~purpose of obtaining an identification card.~~

5 ~~The provisions of this subsection (f), other than this~~  
6 ~~paragraph, are inoperative after December 31, 2005.~~  
7 ~~Beneficiaries who received benefits under the program~~  
8 ~~established by this subsection (f) are not entitled, at the~~  
9 ~~termination of the program, to any refund of the identification~~  
10 ~~card fee paid under this subsection.~~

11 (g) Effective January 1, 2006, there is hereby established  
12 a program of pharmaceutical assistance to the aged and  
13 disabled, entitled the Illinois Seniors and Disabled Drug  
14 Coverage Program, which shall be administered by the Department  
15 of Healthcare and Family Services and the Department on Aging  
16 in accordance with this subsection, to consist of coverage of  
17 specified prescription drugs on behalf of beneficiaries of the  
18 program as set forth in this subsection. ~~The program under this~~  
19 ~~subsection replaces and supersedes the program established~~  
20 ~~under subsection (f), which shall end at midnight on December~~  
21 ~~31, 2005.~~

22 To become a beneficiary under the program established under  
23 this subsection, a person must:

24 (1) be (i) 65 years of age or older or (ii) disabled;

25 and

26 (2) be domiciled in this State; and

1 (3) enroll with a qualified Medicare Part D  
2 Prescription Drug Plan if eligible and apply for all  
3 available subsidies under Medicare Part D; and

4 (4) for the 2006 and 2007 claim years, have a maximum  
5 household income of (i) less than \$21,218 for a household  
6 containing one person, (ii) less than \$28,480 for a  
7 household containing 2 persons, or (iii) less than \$35,740  
8 for a household containing 3 or more persons; and ~~. If any~~  
9 ~~income eligibility limit set forth in items (i) through~~  
10 ~~(iii) is less than 200% of the Federal Poverty Level for~~  
11 ~~any year, the income eligibility limit for that year for~~  
12 ~~households of that size shall be income equal to or less~~  
13 ~~than 200% of the Federal Poverty Level.~~

14 (5) for the 2008 claim year, have a maximum household  
15 income of (i) less than \$22,218 for a household containing  
16 one person, (ii) \$29,480 for a household containing 2  
17 persons, or (iii) \$36,740 for a household containing 3 or  
18 more persons; and

19 (6) for 2009 claim year applications submitted during  
20 calendar year 2010, have annual household income of less  
21 than (i) \$27,610 for a household containing one person;  
22 (ii) less than \$36,635 for a household containing 2  
23 persons; or (iii) less than \$45,657 for a household  
24 containing 3 or more persons.

25 The Department of Healthcare and Family Services may adopt  
26 rules such that on January 1, 2011, and thereafter, the

1 foregoing household income eligibility limits may be changed to  
2 reflect the annual cost of living adjustment in Social Security  
3 and Supplemental Security Income benefits that are applicable  
4 to the year for which those benefits are being reported as  
5 income on an application.

6 All individuals enrolled as of December 31, 2005, in the  
7 pharmaceutical assistance program operated pursuant to  
8 subsection (f) of this Section and all individuals enrolled as  
9 of December 31, 2005, in the SeniorCare Medicaid waiver program  
10 operated pursuant to Section 5-5.12a of the Illinois Public Aid  
11 Code shall be automatically enrolled in the program established  
12 by this subsection for the first year of operation without the  
13 need for further application, except that they must apply for  
14 Medicare Part D and the Low Income Subsidy under Medicare Part  
15 D. A person enrolled in the pharmaceutical assistance program  
16 operated pursuant to subsection (f) of this Section as of  
17 December 31, 2005, shall not lose eligibility in future years  
18 due only to the fact that they have not reached the age of 65.

19 To the extent permitted by federal law, the Department may  
20 act as an authorized representative of a beneficiary in order  
21 to enroll the beneficiary in a Medicare Part D Prescription  
22 Drug Plan if the beneficiary has failed to choose a plan and,  
23 where possible, to enroll beneficiaries in the low-income  
24 subsidy program under Medicare Part D or assist them in  
25 enrolling in that program.

26 Beneficiaries under the program established under this

1 subsection shall be divided into the following ~~4~~ 5 eligibility  
2 groups:

3 (A) Eligibility Group 1 shall consist of beneficiaries  
4 who are not eligible for Medicare Part D coverage and who  
5 are:

6 (i) disabled and under age 65; or

7 (ii) age 65 or older, with incomes over 200% of the  
8 Federal Poverty Level; or

9 (iii) age 65 or older, with incomes at or below  
10 200% of the Federal Poverty Level and not eligible for  
11 federally funded means-tested benefits due to  
12 immigration status.

13 (B) Eligibility Group 2 shall consist of beneficiaries  
14 ~~otherwise described in Eligibility Group 1~~ but who are  
15 eligible for Medicare Part D coverage.

16 (C) Eligibility Group 3 shall consist of beneficiaries  
17 age 65 or older, with incomes at or below 200% of the  
18 Federal Poverty Level, who are not barred from receiving  
19 federally funded means-tested benefits due to immigration  
20 status and are not eligible for Medicare Part D coverage.

21 ~~(D) Eligibility Group 4 shall consist of beneficiaries~~  
22 ~~age 65 or older, with incomes at or below 200% of the~~  
23 ~~Federal Poverty Level, who are not barred from receiving~~  
24 ~~federally funded means tested benefits due to immigration~~  
25 ~~status and are not eligible for Medicare Part D coverage.~~

26 If the State applies and receives federal approval for

1 a waiver under Title XIX of the Social Security Act,  
2 persons in Eligibility Group 3 ~~4~~ shall continue to receive  
3 benefits through the approved waiver, and Eligibility  
4 Group 3 ~~4~~ may be expanded to include disabled persons under  
5 age 65 with incomes under 200% of the Federal Poverty Level  
6 who are not eligible for Medicare and who are not barred  
7 from receiving federally funded means-tested benefits due  
8 to immigration status.

9 ~~(D) (E) On and after January 1, 2007,~~ Eligibility Group  
10 4 ~~5~~ shall consist of beneficiaries who are otherwise  
11 described in Eligibility Group 2 ~~Groups 2 and 3~~ who have a  
12 diagnosis of HIV or AIDS.

13 The program established under this subsection shall cover  
14 the cost of covered prescription drugs in excess of the  
15 beneficiary cost-sharing amounts set forth in this paragraph  
16 that are not covered by Medicare. In 2006, beneficiaries shall  
17 pay a co-payment of \$2 for each prescription of a generic drug  
18 and \$5 for each prescription of a brand-name drug. In future  
19 years, beneficiaries shall pay co-payments equal to the  
20 co-payments required under Medicare Part D for "other  
21 low-income subsidy eligible individuals" pursuant to 42 CFR  
22 423.782(b). For individuals in Eligibility Groups 1, 2, and 3,  
23 ~~and 4,~~ once the program established under this subsection and  
24 Medicare combined have paid \$1,750 in a year for covered  
25 prescription drugs, the beneficiary shall pay 20% of the cost  
26 of each prescription in addition to the co-payments set forth

1 in this paragraph. For individuals in Eligibility Group 4 5,  
2 once the program established under this subsection and Medicare  
3 combined have paid \$1,750 in a year for covered prescription  
4 drugs, the beneficiary shall pay 20% of the cost of each  
5 prescription in addition to the co-payments set forth in this  
6 paragraph unless the drug is included in the formulary of the  
7 Illinois AIDS Drug Assistance Program operated by the Illinois  
8 Department of Public Health and covered by the Medicare Part D  
9 Prescription Drug Plan in which the beneficiary is enrolled. If  
10 the drug is included in the formulary of the Illinois AIDS Drug  
11 Assistance Program and covered by the Medicare Part D  
12 Prescription Drug Plan in which the beneficiary is enrolled,  
13 individuals in Eligibility Group 4 5 shall continue to pay the  
14 co-payments set forth in this paragraph after the program  
15 established under this subsection and Medicare combined have  
16 paid \$1,750 in a year for covered prescription drugs.

17 For beneficiaries eligible for Medicare Part D coverage,  
18 the program established under this subsection shall pay 100% of  
19 the premiums charged by a qualified Medicare Part D  
20 Prescription Drug Plan for Medicare Part D basic prescription  
21 drug coverage, not including any late enrollment penalties.  
22 Qualified Medicare Part D Prescription Drug Plans may be  
23 limited by the Department of Healthcare and Family Services to  
24 those plans that sign a coordination agreement with the  
25 Department.

26 Notwithstanding Section 3.15, for purposes of the program

1 established under this subsection, the term "covered  
2 prescription drug" has the following meanings:

3 For Eligibility Group 1, "covered prescription drug"  
4 means: (1) any cardiovascular agent or drug; (2) any  
5 insulin or other prescription drug used in the treatment of  
6 diabetes, including syringe and needles used to administer  
7 the insulin; (3) any prescription drug used in the  
8 treatment of arthritis; (4) any prescription drug used in  
9 the treatment of cancer; (5) any prescription drug used in  
10 the treatment of Alzheimer's disease; (6) any prescription  
11 drug used in the treatment of Parkinson's disease; (7) any  
12 prescription drug used in the treatment of glaucoma; (8)  
13 any prescription drug used in the treatment of lung disease  
14 and smoking-related illnesses; (9) any prescription drug  
15 used in the treatment of osteoporosis; and (10) any  
16 prescription drug used in the treatment of multiple  
17 sclerosis. The Department may add additional therapeutic  
18 classes by rule. The Department may adopt a preferred drug  
19 list within any of the classes of drugs described in items  
20 (1) through (10) of this paragraph. The specific drugs or  
21 therapeutic classes of covered prescription drugs shall be  
22 indicated by rule.

23 For Eligibility Group 2, "covered prescription drug"  
24 means those drugs ~~covered for Eligibility Group 1 that are~~  
25 ~~also~~ covered by the Medicare Part D Prescription Drug Plan  
26 in which the beneficiary is enrolled.

1           ~~For Eligibility Group 3, "covered prescription drug"~~  
2           ~~means those drugs covered by the Medicare Part D~~  
3           ~~Prescription Drug Plan in which the beneficiary is~~  
4           ~~enrolled.~~

5           For Eligibility Group 3 ~~4~~, "covered prescription drug"  
6           means those drugs covered by the Medical Assistance Program  
7           under Article V of the Illinois Public Aid Code.

8           For Eligibility Group 4 ~~5~~, ~~for individuals otherwise~~  
9           ~~described in Eligibility Group 2, "covered prescription~~  
10           ~~drug" means: (1) those drugs covered for Eligibility Group~~  
11           ~~2 that are also covered by the Medicare Part D Prescription~~  
12           ~~Drug Plan in which the beneficiary is enrolled; and (2)~~  
13           ~~those drugs included in the formulary of the Illinois AIDS~~  
14           ~~Drug Assistance Program operated by the Illinois~~  
15           ~~Department of Public Health that are also covered by the~~  
16           ~~Medicare Part D Prescription Drug Plan in which the~~  
17           ~~beneficiary is enrolled. For Eligibility Group 5, for~~  
18           ~~individuals otherwise described in Eligibility Group 3,~~  
19           "covered prescription drug" means those drugs covered by  
20           the Medicare Part D Prescription Drug Plan in which the  
21           beneficiary is enrolled.

22           An individual in Eligibility Group 1, 2, 3, or ~~4, or 5~~ may  
23           opt to receive a \$25 monthly payment in lieu of the direct  
24           coverage described in this subsection.

25           Any person otherwise eligible for pharmaceutical  
26           assistance under this subsection whose covered drugs are

1 covered by any public program is ineligible for assistance  
2 under this subsection to the extent that the cost of those  
3 drugs is covered by the other program.

4 The Department of Healthcare and Family Services shall  
5 establish by rule the methods by which it will provide for the  
6 coverage called for in this subsection. Those methods may  
7 include direct reimbursement to pharmacies or the payment of a  
8 capitated amount to Medicare Part D Prescription Drug Plans.

9 For a pharmacy to be reimbursed under the program  
10 established under this subsection, it must comply with rules  
11 adopted by the Department of Healthcare and Family Services  
12 regarding coordination of benefits with Medicare Part D  
13 Prescription Drug Plans. A pharmacy may not charge a  
14 Medicare-enrolled beneficiary of the program established under  
15 this subsection more for a covered prescription drug than the  
16 appropriate Medicare cost-sharing less any payment from or on  
17 behalf of the Department of Healthcare and Family Services.

18 The Department of Healthcare and Family Services or the  
19 Department on Aging, as appropriate, may adopt rules regarding  
20 applications, counting of income, proof of Medicare status,  
21 mandatory generic policies, and pharmacy reimbursement rates  
22 and any other rules necessary for the cost-efficient operation  
23 of the program established under this subsection.

24 (h) A qualified individual is not entitled to duplicate  
25 benefits in a coverage period as a result of the changes made  
26 by this amendatory Act of the 96th General Assembly.

1 (Source: P.A. 94-86, eff. 1-1-06; 94-909, eff. 6-23-06; 95-208,  
2 eff. 8-16-07; 95-644, eff. 10-12-07; 95-876, eff. 8-21-08.)

3 (320 ILCS 25/4.05 new)

4 Sec. 4.05. Application.

5 (a) The Department on Aging shall establish the content,  
6 required eligibility and identification information, use of  
7 social security numbers, and manner of applying for benefits in  
8 a simplified format under this Act, including claims filed for  
9 new or renewed prescription drug benefits.

10 (b) An application may be filed on paper or over the  
11 Internet to enable persons to apply separately or for both a  
12 property tax relief grant and pharmaceutical assistance on the  
13 same application. An application may also enable persons to  
14 apply for other State or federal programs that provide medical  
15 or pharmaceutical assistance or other benefits, as determined  
16 by the Department on Aging in conjunction with the Department  
17 of Healthcare and Family Services.

18 (c) Applications must be filed during the time period  
19 prescribed by the Department.

20 (320 ILCS 25/5) (from Ch. 67 1/2, par. 405)

21 Sec. 5. Procedure.

22 (a) In general. Claims must be filed after January 1, on  
23 forms prescribed by the Department. No claim may be filed more  
24 than one year after December 31 of the year for which the claim

1 is filed ~~except that claims for 1976 may be filed until~~  
2 ~~December 31, 1978.~~ The pharmaceutical assistance  
3 identification card provided for in subsection (f) of Section 4  
4 shall be valid for a period determined by the Department of  
5 Healthcare and Family Services ~~not to exceed one year. On and~~  
6 ~~after January 1, 2002, however, to enable the Department to~~  
7 ~~convert coverage for a pharmaceutical assistance program~~  
8 ~~participant to a State fiscal year basis, a card shall be valid~~  
9 ~~for a longer or shorter period than 12 months, depending on the~~  
10 ~~date a timely claim is filed and as determined by the~~  
11 ~~Department. All applicants for benefits under this program~~  
12 ~~approved for benefits on or after July 1 but on or before~~  
13 ~~December 31 of any State fiscal year are eligible for benefits~~  
14 ~~through June 30 of that State fiscal year. All applicants for~~  
15 ~~benefits under this program approved for benefits on or after~~  
16 ~~January 1 but on or before June 30 of any State fiscal year are~~  
17 ~~eligible for benefits through June 30 of the following State~~  
18 ~~fiscal year.~~

19 (b) Claim is Personal. The right to file a claim under this  
20 Act shall be personal to the claimant and shall not survive his  
21 death, but such right may be exercised on behalf of a claimant  
22 by his legal guardian or attorney-in-fact. If a claimant dies  
23 after having filed a timely claim, the amount thereof shall be  
24 disbursed to his surviving spouse or, if no spouse survives, to  
25 his surviving dependent minor children in equal parts, provided  
26 the spouse or child, as the case may be, resided with the

1 claimant at the time he filed his claim. If at the time of  
2 disbursement neither the claimant nor his spouse is surviving,  
3 and no dependent minor children of the claimant are surviving  
4 the amount of the claim shall escheat to the State.

5 (c) One claim per household. Only one member of a household  
6 may file a claim under this Act in any calendar year; where  
7 both members of a household are otherwise entitled to claim a  
8 grant under this Act, they must agree as to which of them will  
9 file a claim for that year.

10 (d) (Blank). ~~Content of application form. The form~~  
11 ~~prescribed by the Department for purposes of paragraph (a)~~  
12 ~~shall include a table, appropriately keyed to the parts of the~~  
13 ~~form on which the claimant is required to furnish information,~~  
14 ~~which will enable the claimant to determine readily the~~  
15 ~~approximate amount of grant to which he is entitled by relating~~  
16 ~~levels of household income to property taxes accrued or rent~~  
17 ~~constituting property taxes accrued.~~

18 (e) Pharmaceutical Assistance Procedures. ~~The Department~~  
19 ~~shall establish the form and manner for application, and~~  
20 ~~establish by January 1, 1986 a procedure to enable persons to~~  
21 ~~apply for the additional grant or for the pharmaceutical~~  
22 ~~assistance identification card on the same application form.~~  
23 The Department of Healthcare and Family Services shall  
24 determine eligibility for pharmaceutical assistance using the  
25 applicant's current income. The Department shall determine a  
26 person's current income in the manner provided by the

1 Department by rule.

2 (Source: P.A. 91-533, eff. 8-13-99; 91-699, eff. 1-1-01;  
3 92-131, eff. 7-23-01; 92-519, eff. 1-1-02.)

4 (320 ILCS 25/7) (from Ch. 67 1/2, par. 407)

5 Sec. 7. Payment and denial of claims.

6 (a) In general. The Director shall order the payment from  
7 appropriations made for that purpose of grants to claimants  
8 under this Act in the amounts to which the Department has  
9 determined they are entitled, respectively. If a claim is  
10 denied, the Director shall cause written notice of that denial  
11 and the reasons for that denial to be sent to the claimant.

12 (b) Payment of claims one dollar and under. Where the  
13 amount of the grant computed under Section 4 is less than one  
14 dollar, the Department shall pay to the claimant one dollar.

15 (c) Right to appeal. Any person aggrieved by an action or  
16 determination of the Department on Aging arising under any of  
17 its powers or duties under this Act may request in writing that  
18 the Department on Aging reconsider its action or determination,  
19 setting out the facts upon which the request is based. The  
20 Department on Aging shall consider the request and either  
21 modify or affirm its prior action or determination. The  
22 Department on Aging may adopt, by rule, procedures for  
23 conducting its review under this Section.

24 Any person aggrieved by an action or determination of the  
25 Department of Healthcare and Family Services arising under any

1 of its powers or duties under this Act may request in writing  
2 that the Department of Healthcare and Family Services  
3 reconsider its action or determination, setting out the facts  
4 upon which the request is based. The Department of Healthcare  
5 and Family Services shall consider the request and either  
6 modify or affirm its prior action or determination. The  
7 Department of Healthcare and Family Services may adopt, by  
8 rule, procedures for conducting its review under this Section.  
9 ~~Any claimant aggrieved by the action of the Department under~~  
10 ~~this Act, whether in the reduction of the amount of the grant~~  
11 ~~claimed or in the denial of the claim, may request in writing~~  
12 ~~that the Department reconsider its prior determination,~~  
13 ~~setting out the facts on which his request is based. The~~  
14 ~~Department shall consider the request and either modify or~~  
15 ~~affirm its prior determination.~~

16 (d) (Blank). ~~Administrative review. The decision of the~~  
17 ~~Department to affirm its prior determination, or the failure of~~  
18 ~~the Department to act on a request for reconsideration within~~  
19 ~~60 days, is a final administrative decision which is subject to~~  
20 ~~judicial review under the Administrative Review Law, and all~~  
21 ~~amendments and modifications thereof and the rules adopted~~  
22 ~~thereto. The term "administrative decision" is defined as in~~  
23 ~~Section 3-101 of the Code of Civil Procedure.~~

24 (Source: P.A. 82-783.)

25 (320 ILCS 25/8) (from Ch. 67 1/2, par. 408)

1           Sec. 8. Records. Every claimant of a grant under this Act  
2 and every applicant for pharmaceutical assistance under this  
3 Act shall keep such records, render such statements, file such  
4 forms and comply with such rules and regulations as the  
5 Department on Aging may from time to time prescribe. The  
6 Department on Aging may by regulations require landlords to  
7 furnish to tenants statements as to gross rent or rent  
8 constituting property taxes accrued.

9           (Source: P.A. 77-2059.)

10           (320 ILCS 25/8a) (from Ch. 67 1/2, par. 408.1)

11           Sec. 8a. Confidentiality.

12           (a) Except as otherwise provided in this Act, all  
13 information received by the Department of Revenue or its  
14 successors, the Department on Aging and the Department of  
15 Healthcare and Family Services, from claims filed under this  
16 Act, or from any investigation conducted under the provisions  
17 of this Act, shall be confidential, except for official  
18 purposes within those Departments ~~the Department~~ or pursuant to  
19 official procedures for collection of any State tax or  
20 enforcement of any civil or criminal penalty or sanction  
21 imposed by this Act or by any statute imposing a State tax, and  
22 any person who divulges any such information in any manner,  
23 except for such purposes and pursuant to order of the Director  
24 of one of those Departments or in accordance with a proper  
25 judicial order, shall be guilty of a Class A misdemeanor.

1 (b) Nothing contained in this Act shall prevent the  
2 Director of Aging from publishing or making available  
3 reasonable statistics concerning the operation of the grant  
4 programs contained in this Act wherein the contents of claims  
5 are grouped into aggregates in such a way that information  
6 contained in any individual claim shall not be disclosed.

7 (c) The Department on Aging shall furnish to the Secretary  
8 of State such information as is reasonably necessary for the  
9 administration of reduced vehicle registration fees pursuant  
10 to Section 3-806.3 of "The Illinois Vehicle Code".

11 (Source: P.A. 89-399, eff. 8-20-95.)

12 (320 ILCS 25/9) (from Ch. 67 1/2, par. 409)

13 Sec. 9. Fraud; error.

14 (a) Any person who files a fraudulent claim for a grant  
15 under this Act, or who for compensation prepares a claim for a  
16 grant and knowingly enters false information on an application  
17 ~~a claim form~~ for any claimant under this Act, or who  
18 fraudulently files multiple applications ~~claim forms~~, or who  
19 fraudulently states that a nondisabled person is disabled, or  
20 who fraudulently procures a pharmaceutical assistance benefits  
21 ~~identification card~~, or who fraudulently uses such assistance  
22 ~~card~~ to procure covered prescription drugs, or who, on behalf  
23 of an authorized pharmacy, files a fraudulent request ~~claim~~ for  
24 payment, is guilty of a Class 4 felony for the first offense  
25 and is guilty of a Class 3 felony for each subsequent offense.

1       **(b)** The Department on Aging and the Department of  
2 Healthcare and Family Services shall immediately suspend ~~the~~  
3 ~~use of~~ the pharmaceutical assistance benefits identification  
4 ~~card~~ of any person suspected of fraudulent procurement or  
5 fraudulent use of such assistance card, and shall revoke such  
6 assistance card upon a conviction. A person convicted of ~~such~~  
7 fraud under subsection (a) shall be permanently barred from all  
8 of the programs ~~the program of pharmaceutical assistance~~  
9 established under this Act.

10       **(c)** The Department on Aging may recover from a claimant,  
11 ~~including an authorized pharmacy,~~ any amount paid to that  
12 claimant under this Act on account of an erroneous or  
13 fraudulent claim, together with 6% interest per year. Amounts  
14 recoverable from a claimant by the Department on Aging under  
15 this Act may, but need not, be recovered by offsetting the  
16 amount owed against any future grant payable to the person  
17 under this Act.

18       The Department of Healthcare and Family Services may  
19 recover from an authorized pharmacy any amount paid to that  
20 pharmacy under the pharmaceutical assistance program on  
21 account of an erroneous or fraudulent request for payment under  
22 that program, together with 6% interest per year. The  
23 Department of Healthcare and Family Services may recover from a  
24 person who erroneously or fraudulently obtains benefits under  
25 the pharmaceutical assistance program the value of the benefits  
26 so obtained, together with 6% interest per year.

1        (d) A prosecution for a violation of this Section may be  
2 commenced at any time within 3 years of the commission of that  
3 violation.

4        (Source: P.A. 85-299.)

5            (320 ILCS 25/12) (from Ch. 67 1/2, par. 412)

6            Sec. 12. Regulations - Department on Aging.

7            (a) Regulations. Notwithstanding any other provision to  
8 the contrary, the Department on Aging may adopt rules regarding  
9 applications, proof of eligibility, required identification  
10 information, use of social security numbers, counting of  
11 income, and a method of computing "gross rent" in the case of a  
12 claimant living in a nursing or sheltered care home, and any  
13 other rules necessary for the cost-efficient operation of the  
14 program established under Section 4. The Director shall  
15 ~~promulgate such regulations as are necessary or desirable to~~  
16 ~~effectuate the purposes of this Act, including but not limited~~  
17 ~~to the method of computing "gross rent" in the case of a~~  
18 ~~claimant living in a nursing or sheltered care home.~~

19            (b) The Department on Aging shall, to the extent of  
20 appropriations made for that purpose:

21            (1) attempt to secure the cooperation of appropriate  
22 federal, State and local agencies in securing the names and  
23 addresses of persons to whom this Act pertains;

24            (2) prepare a mailing list of persons eligible for  
25 grants under this Act;

1           (3) secure the cooperation of the Department of  
2           Revenue, the Department of Healthcare and Family Services,  
3           other State agencies, and ~~of~~ local business establishments  
4           to facilitate distribution of applications ~~application~~  
5           ~~forms~~ under this Act to those eligible to file claims; and

6           (4) through use of direct mail, newspaper  
7           advertisements and radio and television advertisements,  
8           and all other appropriate means of communication, conduct  
9           an on-going public relations program to increase awareness  
10          of eligible citizens of the benefits ~~grants~~ under this Act  
11          and the procedures for applying for them.

12          (Source: P.A. 78-1249.)

13          (320 ILCS 25/13) (from Ch. 67 1/2, par. 413)

14          Sec. 13. List of persons who have qualified. The Department  
15          on Aging ~~of Revenue~~ shall maintain a list of all persons who  
16          have qualified under this Act and shall make the list available  
17          to the Department of Healthcare and Family Services, the  
18          Department of Public Health, the Secretary of State,  
19          municipalities, and public transit authorities upon request.

20          All information received by a State agency, municipality,  
21          or public transit authority under this Section shall be  
22          confidential, except for official purposes, and any person who  
23          divulges or uses that information in any manner, except in  
24          accordance with a proper judicial order, shall be guilty of a  
25          Class B misdemeanor.

1 (Source: P.A. 87-247.)

2 (320 ILCS 25/3.02 rep.)

3 (320 ILCS 25/3.03 rep.)

4 (320 ILCS 25/3.15 rep.)

5 (320 ILCS 25/3.16 rep.)

6 (320 ILCS 25/3.17 rep.)

7 Section 20. The Senior Citizens and Disabled Persons  
8 Property Tax Relief and Pharmaceutical Assistance Act is  
9 amended by repealing Sections 3.02, 3.03, 3.15, 3.16, and 3.17.

10 Section 99. Effective date. This Act takes effect January  
11 1, 2010.