

1 AN ACT concerning 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 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) (Blank).

1           (d) The Department shall not impose requirements for prior  
2 approval based on a preferred drug list for anti-retroviral,  
3 anti-hemophilic factor concentrates, or any atypical  
4 antipsychotics, conventional antipsychotics, or  
5 anticonvulsants used for the treatment of serious mental  
6 illnesses until 30 days after it has conducted a study of the  
7 impact of such requirements on patient care and submitted a  
8 report to the Speaker of the House of Representatives and the  
9 President of the Senate. The Department shall review  
10 utilization of narcotic medications in the medical assistance  
11 program and impose utilization controls that protect against  
12 abuse.

13           (e) When making determinations as to which drugs shall be  
14 on a prior approval list, the Department shall include as part  
15 of the analysis for this determination, the degree to which a  
16 drug may affect individuals in different ways based on factors  
17 including the gender of the person taking the medication.

18           (f) The Department shall cooperate with the Department of  
19 Public Health and the Department of Human Services Division of  
20 Mental Health in identifying psychotropic medications that,  
21 when given in a particular form, manner, duration, or frequency  
22 (including "as needed") in a dosage, or in conjunction with  
23 other psychotropic medications to a nursing home resident, may  
24 constitute a chemical restraint or an "unnecessary drug" as  
25 defined by the Nursing Home Care Act or Titles XVIII and XIX of  
26 the Social Security Act and the implementing rules and

1 regulations. The Department shall require prior approval for  
2 any such medication prescribed for a nursing home resident that  
3 appears to be a chemical restraint or an unnecessary drug. The  
4 Department shall consult with the Department of Human Services  
5 Division of Mental Health in developing a protocol and criteria  
6 for deciding whether to grant such prior approval.

7 (g) The Department may by rule provide for reimbursement of  
8 the dispensing of a 90-day supply of a generic or brand name,  
9 non-narcotic maintenance medication in circumstances where it  
10 is cost effective.

11 (Source: P.A. 96-1269, eff. 7-26-10; 96-1372, eff. 7-29-10;  
12 96-1501, eff. 1-25-11.)