

SB3213



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3213

Introduced 2/1/2012, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.12

from Ch. 23, par. 5-5.12

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that the Department of Healthcare and Family Services shall by rule establish the drugs, excluding clotting factor, required to be dispensed in the Department's pharmacy specialty drugs program (rather than the Department shall by rule establish the drugs required to be dispensed in the Department's pharmacy specialty drugs program).

LRB097 19090 KTG 64329 b

A BILL FOR

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 or to
24 a resident of a facility licensed under the ID/DD ~~MR/DD~~
25 Community Care Act, may constitute a chemical restraint or an
26 "unnecessary drug" as defined by the Nursing Home Care Act or

1 Titles XVIII and XIX of the Social Security Act and the
2 implementing rules and regulations. The Department shall
3 require prior approval for any such medication prescribed for a
4 nursing home resident or to a resident of a facility licensed
5 under the ID/DD ~~MR/DD~~ Community Care Act, that appears to be a
6 chemical restraint or an unnecessary drug. The Department shall
7 consult with the Department of Human Services Division of
8 Mental Health in developing a protocol and criteria for
9 deciding whether to grant such prior approval.

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

14 (h) Effective July 1, 2011, the Department shall
15 discontinue coverage of select over-the-counter drugs,
16 including analgesics and cough and cold and allergy
17 medications.

18 (i) The Department shall seek any necessary waiver from the
19 federal government in order to establish a program limiting the
20 pharmacies eligible to dispense specialty drugs and shall issue
21 a Request for Proposals in order to maximize savings on these
22 drugs. The Department shall by rule establish the drugs, excluding clotting factor,
23 required to be dispensed in this
24 program.

25 (Source: P.A. 96-1269, eff. 7-26-10; 96-1372, eff. 7-29-10;
26 96-1501, eff. 1-25-11; 97-38, eff. 6-28-11; 97-74, eff.

1 6-30-11; 97-333, eff. 8-12-11; 97-426, eff. 1-1-12; revised
2 10-4-11.)