



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3482

Introduced 2/7/2012, by Sen. William Delgado

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.12b new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that no later than November 1, 2012, the Department of Healthcare and Family Services shall promulgate and file a regulation defining criteria utilized for granting prior authorization for non-preferred medications; criteria utilized for denying a request for prior authorization; criteria utilized for approval or denial of a request for prior authorization made to any managed care entity under contract with the State to administer pharmaceutical drug benefits to any recipient of medical assistance benefits; and other matters. Provides that prior to promulgating this regulation, the Department shall consult with recipients of aid, health care advocates, including mental health care advocates, and providers. Grants the Department the authority to use preemptory rulemaking, in accordance with the Illinois Administrative Procedure Act, to place into the Illinois Administrative Code the criteria, appeal process, and policies set forth. Effective immediately.

LRB097 19951 KTG 65245 b

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 adding Section 5-5.12b as follows:

6 (305 ILCS 5/5-5.12b new)

7 Sec. 5-5.12b. Medicaid Prior Authorization Program.

8 (a) No later than November 1, 2012, the Department shall  
9 promulgate and file a regulation defining:

10 (1) Criteria utilized for granting prior authorization  
11 for non-preferred medications.

12 (2) Criteria utilized for denying a request for prior  
13 authorization.

14 (3) Criteria utilized for approval or denial of a  
15 request for prior authorization made to any managed care  
16 entity under contract with the State to administer  
17 pharmaceutical drug benefits to any recipient of aid under  
18 this Article.

19 (4) A non-exclusive list of circumstances under which  
20 prior authorization will be waived, specifying particular  
21 medical conditions and classes of drugs.

22 (5) An expedited appeal procedure for immediate  
23 authorization in "emergency situations" as defined by the

1 Department by rule.

2 (6) Safeguard provisions to ensure continued benefits  
3 when a prescriber fails to request prior authorization,  
4 including written notice and appeal procedures.

5 (b) Prior to promulgating this regulation, the Department  
6 shall consult with recipients of aid, health care advocates,  
7 including mental health care advocates, and providers.

8 (c) The Department is authorized to use preemptory  
9 rulemaking, in accordance with Section 5-50 of the Illinois  
10 Administrative Procedure Act, to place into the Illinois  
11 Administrative Code the criteria, appeal process, and policies  
12 set forth in this Section.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.