

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Act on the Aging is amended by
5 adding Sections 4.15 and 4.16 as follows:

6 (20 ILCS 105/4.15 new)

7 Sec. 4.15. Transfer of the Senior Health Insurance Program
8 to the Department on Aging.

9 (a) This amendatory Act of the 98th General Assembly
10 implements and supersedes Executive Order 2013-1.

11 (b) The powers, duties, rights and responsibilities
12 related to the functions of the Senior Health Insurance
13 Program, as created by repealed Section 1405-15 of the
14 Department of Insurance Law, as well as the staff performing
15 those functions, are transferred from the Department of
16 Insurance to the Department on Aging.

17 (c) Whenever any provision of law provides for membership
18 of the Director of Insurance, or his or her designee, on any
19 board, commission, council, or other entity relating to the
20 functions of the Senior Health Insurance Program, the Director
21 of Aging, or his or her designee, shall serve in that place. If
22 more than one such person is required by law to serve on any
23 board, commission, council, or other entity, then an equivalent

1 number of representatives of the Department on Aging shall so
2 serve.

3 (d) The powers, duties, rights, and responsibilities
4 vested in or associated with the functions of the Senior Health
5 Insurance Program shall not be affected by this amendatory Act
6 of the 98th General Assembly, except that all management and
7 staff support or other resources necessary to the operations of
8 the Senior Health Insurance Program shall be provided by the
9 Department on Aging.

10 (e) Personnel under the Department of Insurance affected by
11 this amendatory Act of the 98th General Assembly shall continue
12 their service within the Department on Aging. The status and
13 rights of the employees and the State of Illinois and its
14 agencies under the Personnel Code and applicable collective
15 bargaining agreements or under any pension, retirement, or
16 annuity plan shall not be affected by this amendatory Act of
17 the 98th General Assembly.

18 (f) All books, contracts, correspondence, documents,
19 papers, personnel files, property (real and personal),
20 records, other associated items, and pending business in any
21 way pertaining to the powers, duties, rights, and
22 responsibilities related to the functions of the Senior Health
23 Insurance Program shall be transferred from the Department of
24 Insurance and delivered to the Department on Aging for
25 continuation, modification, or termination, as appropriate,
26 including, but not limited to, material in electronic or

1 magnetic format and necessary computer hardware and software;
2 provided, however, that the delivery of such information shall
3 not violate any applicable confidentiality constraints.

4 (g) All unexpended appropriations and the balances of any
5 funds, grants, donations, or other moneys available for use by
6 the Department of Insurance in connection with the functions of
7 the Senior Health Insurance Program shall be transferred to the
8 Department on Aging for continued use in supporting the Senior
9 Health Insurance Program as directed by the Governor.
10 Unexpended balances so transferred shall be expended only for
11 the purpose for which the appropriation was originally made.

12 (h) The powers, duties, rights, and responsibilities
13 related to the functions of the Senior Health Insurance Program
14 and transferred from the Department of Insurance by this
15 amendatory Act of the 98th General Assembly shall be vested in
16 and shall be exercised by the Department on Aging. Each act
17 done in exercise of such powers, duties, rights, and
18 responsibilities shall have the same legal effect as if done by
19 the Department of Insurance or one of its divisions, officers,
20 or employees.

21 (i) Every person or entity to whom powers, duties, rights,
22 or responsibilities are transferred under this Section is
23 subject to the same obligations and duties and any penalties,
24 civil or criminal, arising therefrom, and has the same rights
25 arising from the exercise of those powers, duties, rights, and
26 responsibilities, as are prescribed by law in connection with

1 the exercise of those powers, duties, rights, and
2 responsibilities.

3 (j) Every officer of the Department on Aging shall, for any
4 offense, be subject to the same penalty or penalties, civil or
5 criminal, as are prescribed by existing law for the same
6 offense by any officer of the Department of Insurance whose
7 powers or duties were transferred under this amendatory Act of
8 the 98th General Assembly.

9 (k) Whenever reports or notices are required to be made or
10 given or papers or documents furnished or served by any person
11 to or upon the Department of Insurance in connection with any
12 of the functions of the Senior Health Insurance Program
13 transferred by this amendatory Act of the 98th General
14 Assembly, the same shall be made, given, furnished, or served
15 in the same manner to or upon the Department on Aging.

16 (l) This amendatory Act of the 98th General Assembly does
17 not affect any act completed, ratified, or canceled or any
18 right occurring or established or any action or proceeding had
19 or commenced in an administrative, civil, or criminal cause
20 regarding the functions of the Senior Health Insurance Program
21 before the effective date of Executive Order 2013-1; such
22 actions or proceedings may be prosecuted and continued by the
23 Department on Aging.

24 (m) This amendatory Act of the 98th General Assembly does
25 not affect the legality of any rules relating to the functions
26 of the Senior Health Insurance Program that were duly adopted

1 by the Department of Insurance and in full force on the
2 effective date of Executive Order 2013-1. Any proposed rules
3 filed with the Secretary of State by the Department of
4 Insurance pertaining to the transferred functions that are
5 pending in the rulemaking process on the effective date of
6 Executive Order 2013-1 shall be deemed to have been filed by
7 the Department on Aging. As soon as practicable, the affected
8 agencies shall revise and clarify the transferred rules under
9 this amendatory Act of the 98th General Assembly to reflect the
10 reorganization of rights, powers, and duties affected by this
11 amendatory Act of the 98th General Assembly. If necessary, the
12 affected agencies may also propose, adopt, or repeal rules,
13 rule amendments, and rule recodifications using the procedures
14 available under the Illinois Administrative Act as appropriate
15 to effectuate this amendatory Act of the 98th General Assembly,
16 except that existing Title, Part, and Section numbering for the
17 affected rules may be retained.

18 (n) To the extent necessary or prudent to fully implement
19 the intent of this Section, the Department of Insurance and the
20 Department on Aging may enter into one or more interagency
21 agreements to ensure the full and appropriate transfer of all
22 functions of the Senior Health Insurance Program.

23 (20 ILCS 105/4.16 new)

24 Sec. 4.16. Senior citizen assistance and information
25 program.

1 (a) Pursuant to Section 4.15 of this Act, the Department on
2 Aging shall administer and operate a program to provide
3 assistance and information to senior citizens in relation to
4 insurance matters. The program may include, but is not limited
5 to, counseling for senior citizens in the evaluation,
6 comparison, or selection of Medicare options, Medicare
7 supplement insurance, and long-term care insurance.

8 (b) The Department shall recruit and train volunteers to
9 provide the following:

10 (i) one-on-one counseling on insurance matters; and

11 (ii) education on insurance matters to senior citizens
12 through public forums.

13 (c) The Department shall solicit the volunteers for their
14 input and advice on the success and accessibility of the
15 program.

16 (d) The Department shall strive to ensure that all seniors
17 residing in Illinois have access to the program.

18 (e) The Department may promulgate reasonable rules
19 necessary to implement this Section.

20 (20 ILCS 1405/1405-15 rep.)

21 Section 10. The Department of Insurance Law of the Civil
22 Administrative Code of Illinois is amended by repealing Section
23 1405-15.

24 Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.