



Rep. Robyn Gabel

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LRB098 15406 RPM 58425 a

1 AMENDMENT TO HOUSE BILL 3834

2 AMENDMENT NO. _____. Amend House Bill 3834 by replacing
3 everything after the enacting clause with the following:

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13 Program, as created by repealed Section 1405-15 of the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.

1 (c) Whenever any provision of law provides for membership
2 of the Director of Insurance, or his or her designee, on any
3 board, commission, council, or other entity relating to the
4 functions of the Senior Health Insurance Program, the Director
5 of Aging, or his or her designee, shall serve in that place. If
6 more than one such person is required by law to serve on any
7 board, commission, council, or other entity, then an equivalent
8 number of representatives of the Department on Aging shall so
9 serve.

10 (d) The powers, duties, rights, and responsibilities
11 vested in or associated with the functions of the Senior Health
12 Insurance Program shall not be affected by this amendatory Act
13 of the 98th General Assembly, except that all management and
14 staff support or other resources necessary to the operations of
15 the Senior Health Insurance Program shall be provided by the
16 Department on Aging.

17 (e) Personnel under the Department of Insurance affected by
18 this amendatory Act of the 98th General Assembly shall continue
19 their service within the Department on Aging. The status and
20 rights of the employees and the State of Illinois and its
21 agencies under the Personnel Code and applicable collective
22 bargaining agreements or under any pension, retirement, or
23 annuity plan shall not be affected by this amendatory Act of
24 the 98th General Assembly.

25 (f) All books, contracts, correspondence, documents,
26 papers, personnel files, property (real and personal),

1 records, other associated items, and pending business in any
2 way pertaining to the powers, duties, rights, and
3 responsibilities related to the functions of the Senior Health
4 Insurance Program shall be transferred from the Department of
5 Insurance and delivered to the Department on Aging for
6 continuation, modification, or termination, as appropriate,
7 including, but not limited to, material in electronic or
8 magnetic format and necessary computer hardware and software;
9 provided, however, that the delivery of such information shall
10 not violate any applicable confidentiality constraints.

11 (g) All unexpended appropriations and the balances of any
12 funds, grants, donations, or other moneys available for use by
13 the Department of Insurance in connection with the functions of
14 the Senior Health Insurance Program shall be transferred to the
15 Department on Aging for continued use in supporting the Senior
16 Health Insurance Program as directed by the Governor.
17 Unexpended balances so transferred shall be expended only for
18 the purpose for which the appropriation was originally made.

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

1 or employees.

2 (i) Every person or entity to whom powers, duties, rights,
3 or responsibilities are transferred under this Section is
4 subject to the same obligations and duties and any penalties,
5 civil or criminal, arising therefrom, and has the same rights
6 arising from the exercise of those powers, duties, rights, and
7 responsibilities, as are prescribed by law in connection with
8 the exercise of those powers, duties, rights, and
9 responsibilities.

10 (j) Every officer of the Department on Aging shall, for any
11 offense, be subject to the same penalty or penalties, civil or
12 criminal, as are prescribed by existing law for the same
13 offense by any officer of the Department of Insurance whose
14 powers or duties were transferred under this amendatory Act of
15 the 98th General Assembly.

16 (k) Whenever reports or notices are required to be made or
17 given or papers or documents furnished or served by any person
18 to or upon the Department of Insurance in connection with any
19 of the functions of the Senior Health Insurance Program
20 transferred by this amendatory Act of the 98th General
21 Assembly, the same shall be made, given, furnished, or served
22 in the same manner to or upon the Department on Aging.

23 (l) This amendatory Act of the 98th General Assembly does
24 not affect any act completed, ratified, or canceled or any
25 right occurring or established or any action or proceeding had
26 or commenced in an administrative, civil, or criminal cause

1 regarding the functions of the Senior Health Insurance Program
2 before the effective date of Executive Order 2013-1; such
3 actions or proceedings may be prosecuted and continued by the
4 Department on Aging.

5 (m) This amendatory Act of the 98th General Assembly does
6 not affect the legality of any rules relating to the functions
7 of the Senior Health Insurance Program that were duly adopted
8 by the Department of Insurance and in full force on the
9 effective date of Executive Order 2013-1. Any proposed rules
10 filed with the Secretary of State by the Department of
11 Insurance pertaining to the transferred functions that are
12 pending in the rulemaking process on the effective date of
13 Executive Order 2013-1 shall be deemed to have been filed by
14 the Department on Aging. As soon as practicable, the affected
15 agencies shall revise and clarify the transferred rules under
16 this amendatory Act of the 98th General Assembly to reflect the
17 reorganization of rights, powers, and duties affected by this
18 amendatory Act of the 98th General Assembly. If necessary, the
19 affected agencies may also propose, adopt, or repeal rules,
20 rule amendments, and rule recodifications using the procedures
21 available under the Illinois Administrative Act as appropriate
22 to effectuate this amendatory Act of the 98th General Assembly,
23 except that existing Title, Part, and Section numbering for the
24 affected rules may be retained.

25 (n) To the extent necessary or prudent to fully implement
26 the intent of this Section, the Department of Insurance and the

1 Department on Aging may enter into one or more interagency
2 agreements to ensure the full and appropriate transfer of all
3 functions of the Senior Health Insurance Program.

4 (20 ILCS 105/4.16 new)

5 Sec. 4.16. Senior citizen assistance and information
6 program.

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

14 (b) The Department shall recruit and train volunteers to
15 provide the following:

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

17 (ii) education on insurance matters to senior citizens
18 through public forums.

19 (c) The Department shall solicit the volunteers for their
20 input and advice on the success and accessibility of the
21 program.

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

24 (e) The Department may promulgate reasonable rules
25 necessary to implement this Section.

1 (20 ILCS 1405/1405-15 rep.)

2 Section 10. The Department of Insurance Law of the Civil
3 Administrative Code of Illinois is amended by repealing Section
4 1405-15.

5 Section 97. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".