

# SB2799



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2799

Introduced 1/30/2014, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

20 ILCS 105/4.15 new  
20 ILCS 105/4.16 new  
20 ILCS 1405/1405-15

was 20 ILCS 1405/56.2

Amends the Illinois Act on the Aging and the Department of Insurance Law of the Civil Administrative Code of Illinois. Implements Executive Order 2013-1. Transfers the Senior Health Insurance Program from the Department of Insurance to the Department on Aging. Contains a severability provision. Effective immediately.

LRB098 12336 RPM 46634 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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) Beginning April 1, 2013, or as soon thereafter as  
12 practicable, the powers, duties, rights and responsibilities  
13 related to the functions of the Senior Health Insurance  
14 Program, as established in Section 1405-15 of the Department of  
15 Insurance Law, as well as the staff performing those functions,  
16 shall be transferred from the Department of Insurance to the  
17 Department on Aging.

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

1 board, commission, council, or other entity, then an equivalent  
2 number of representatives of the Department on Aging shall so  
3 serve.

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

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

19 (f) All books, contracts, correspondence, documents,  
20 papers, personnel files, property (real and personal),  
21 records, other associated items, and pending business in any  
22 way pertaining to the powers, duties, rights, and  
23 responsibilities related to the functions of the Senior Health  
24 Insurance Program shall be transferred from the Department of  
25 Insurance and delivered to the Department on Aging for  
26 continuation, modification, or termination, as appropriate,

1 including, but not limited to, material in electronic or  
2 magnetic format and necessary computer hardware and software;  
3 provided, however, that the delivery of such information shall  
4 not violate any applicable confidentiality constraints.

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

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

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

1 responsibilities, as are prescribed by law in connection with  
2 the exercise of those powers, duties, rights, and  
3 responsibilities.

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

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

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

25 (m) This amendatory Act of the 98th General Assembly does  
26 not affect the legality of any rules relating to the functions

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

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

24 (20 ILCS 105/4.16 new)

25 Sec. 4.16. Senior citizen assistance and information

1 program.

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

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

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

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

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

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

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

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

24 (20 ILCS 1405/1405-15) (was 20 ILCS 1405/56.2)

1           Sec. 1405-15. Senior citizen assistance and information  
2 program.

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

10          (b) The Department shall recruit and train volunteers to  
11 provide the following:

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

13                 (ii) education on insurance matters to senior citizens  
14 through public forums.

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

18          (d) The Department shall strive to assure that all seniors  
19 residing in Illinois have access to the program.

20          (e) The Department of Insurance may promulgate reasonable  
21 rules necessary to implement this Section.

22          (f) Pursuant to Section 4.15 of the Illinois Act on the  
23 Aging, the Department of Insurance's powers, duties, rights,  
24 and responsibilities related to the Senior Health Insurance  
25 Program under this Section are transferred to the Department on  
26 Aging.



1           (g) This Section is repealed on April 1, 2014.

2           (Source: P.A. 91-239, eff. 1-1-00.)

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

5           Section 99. Effective date. This Act takes effect upon  
6           becoming law.