

1 AN ACT in relation to senior citizens and disabled  
2 persons.

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

5 Section 5. The Senior Citizens and Disabled Persons  
6 Property Tax Relief and Pharmaceutical Assistance Act is  
7 amended by changing Sections 3.07, 4, and 5 and by adding  
8 Section 4.1 as follows:

9 (320 ILCS 25/3.07) (from Ch. 67 1/2, par. 403.07)

10 Sec. 3.07. "Income" means adjusted gross income,  
11 properly reportable for federal income tax purposes under the  
12 provisions of the Internal Revenue Code, modified by adding  
13 thereto the sum of the following amounts to the extent  
14 deducted or excluded from gross income in the computation of  
15 adjusted gross income:

16 (A) An amount equal to all amounts paid or accrued  
17 as interest or dividends during the taxable year;

18 (B) An amount equal to the amount of tax imposed by  
19 the Illinois Income Tax Act paid for the taxable year;

20 (C) An amount equal to all amounts received during  
21 the taxable year as an annuity under an annuity,  
22 endowment or life insurance contract or under any other  
23 contract or agreement;

24 (D) An amount equal to the amount of benefits paid  
25 under the Federal Social Security Act during the taxable  
26 year;

27 (E) An amount equal to the amount of benefits paid  
28 under the Railroad Retirement Act during the taxable  
29 year;

30 (F) An amount equal to the total amount of cash  
31 public assistance payments received from any governmental

1 agency during the taxable year other than benefits  
2 received pursuant to this Act;

3 (G) An amount equal to any net operating loss  
4 carryover deduction or capital loss carryover deduction  
5 during the taxable year;

6 (H) For claim years beginning on or after January  
7 1, 2002, an amount equal to any benefits received under  
8 the Workers' Compensation Act or the Workers'  
9 Occupational Diseases Act during the taxable year.

10 "Income" does not include any grant assistance received  
11 under the Nursing Home Grant Assistance Act or any  
12 distributions or items of income described under subparagraph  
13 (X) of paragraph (2) of subsection (a) of Section 203 of the  
14 Illinois Income Tax Act.

15 This amendatory Act of 1987 shall be effective for  
16 purposes of this Section for tax years ending on or after  
17 December 31, 1987.

18 (Source: P.A. 90-491, eff. 1-1-98; 91-676, eff. 12-23-99.)

19 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

20 Sec. 4. Amount of Grant.

21 (a) In general. Any individual 65 years or older or any  
22 individual who will become 65 years old during the calendar  
23 year in which a claim is filed, and any surviving spouse of  
24 such a claimant, who at the time of death received or was  
25 entitled to receive a grant pursuant to this Section, which  
26 surviving spouse will become 65 years of age within the 24  
27 months immediately following the death of such claimant and  
28 which surviving spouse but for his or her age is otherwise  
29 qualified to receive a grant pursuant to this Section, and  
30 any disabled person whose annual household income is less  
31 than \$14,000 for grant years before the 1998 grant year, less  
32 than \$16,000 for the 1998 and 1999 grant years, and less than  
33 (i) \$21,218 for a household containing one person, (ii)

1     \$28,480 for a household containing 2 persons, or (iii)  
2     \$35,740 for a household containing 3 or more persons for the  
3     2000 grant year and thereafter and whose household is liable  
4     for payment of property taxes accrued or has paid rent  
5     constituting property taxes accrued and is domiciled in this  
6     State at the time he files his claim is entitled to claim a  
7     grant under this Act. With respect to claims filed by  
8     individuals who will become 65 years old during the calendar  
9     year in which a claim is filed, the amount of any grant to  
10    which that household is entitled shall be an amount equal to  
11    1/12 of the amount to which the claimant would otherwise be  
12    entitled as provided in this Section, multiplied by the  
13    number of months in which the claimant was 65 in the calendar  
14    year in which the claim is filed.

15       (b) Limitation. Except as otherwise provided in  
16    subsections (a) and (f) of this Section, the maximum amount  
17    of grant which a claimant is entitled to claim is the amount  
18    by which the property taxes accrued which were paid or  
19    payable during the last preceding tax year or rent  
20    constituting property taxes accrued upon the claimant's  
21    residence for the last preceding taxable year exceeds 3 1/2%  
22    of the claimant's household income for that year but in no  
23    event is the grant to exceed (i) \$700 less 4.5% of household  
24    income for that year for those with a household income of  
25    \$14,000 or less or (ii) \$70 if household income for that year  
26    is more than \$14,000.

27       (c) Public aid recipients. If household income in one  
28    or more months during a year includes cash assistance in  
29    excess of \$55 per month from the Department of Public Aid or  
30    the Department of Human Services (acting as successor to the  
31    Department of Public Aid under the Department of Human  
32    Services Act) which was determined under regulations of that  
33    Department on a measure of need that included an allowance  
34    for actual rent or property taxes paid by the recipient of

1 that assistance, the amount of grant to which that household  
2 is entitled, except as otherwise provided in subsection (a),  
3 shall be the product of (1) the maximum amount computed as  
4 specified in subsection (b) of this Section and (2) the ratio  
5 of the number of months in which household income did not  
6 include such cash assistance over \$55 to the number twelve.  
7 If household income did not include such cash assistance over  
8 \$55 for any months during the year, the amount of the grant  
9 to which the household is entitled shall be the maximum  
10 amount computed as specified in subsection (b) of this  
11 Section. For purposes of this paragraph (c), "cash  
12 assistance" does not include any amount received under the  
13 federal Supplemental Security Income (SSI) program.

14 (d) Joint ownership. If title to the residence is held  
15 jointly by the claimant with a person who is not a member of  
16 his household, the amount of property taxes accrued used in  
17 computing the amount of grant to which he is entitled shall  
18 be the same percentage of property taxes accrued as is the  
19 percentage of ownership held by the claimant in the  
20 residence.

21 (e) More than one residence. If a claimant has occupied  
22 more than one residence in the taxable year, he may claim  
23 only one residence for any part of a month. In the case of  
24 property taxes accrued, he shall pro rate 1/12 of the total  
25 property taxes accrued on his residence to each month that he  
26 owned and occupied that residence; and, in the case of rent  
27 constituting property taxes accrued, shall pro rate each  
28 month's rent payments to the residence actually occupied  
29 during that month.

30 (f) There is hereby established a program of  
31 pharmaceutical assistance to the aged and disabled which  
32 shall be administered by the Department in accordance with  
33 this Act, to consist of payments to authorized pharmacies, on  
34 behalf of beneficiaries of the program, for the reasonable

1 costs of covered prescription drugs. Each beneficiary who  
2 pays \$5 for an identification card shall pay no additional  
3 prescription costs. Each beneficiary who pays \$25 for an  
4 identification card shall pay \$3 per prescription. In  
5 addition, after a beneficiary receives \$2,000 in benefits  
6 during a State fiscal year, that beneficiary shall also be  
7 charged 20% of the cost of each prescription for which  
8 payments are made by the program during the remainder of the  
9 fiscal year. To become a beneficiary under this program a  
10 person must be: (1) (i) 65 years or older, or (ii) the  
11 surviving spouse of such a claimant, who at the time of death  
12 received or was entitled to receive benefits pursuant to this  
13 subsection, which surviving spouse will become 65 years of  
14 age within the 24 months immediately following the death of  
15 such claimant and which surviving spouse but for his or her  
16 age is otherwise qualified to receive benefits pursuant to  
17 this subsection, or (iii) disabled, and (2) is domiciled in  
18 this State at the time he files his or her claim, and (3) has  
19 a maximum household income of less than \$14,000 for grant  
20 years before the 1998 grant year, less than \$16,000 for the  
21 1998 and 1999 grant years, and less than (i) \$21,218 for a  
22 household containing one person, (ii) \$28,480 for a household  
23 containing 2 persons, or (iii) \$35,740 for a household  
24 containing 3 more persons for the 2000 grant year and  
25 thereafter. In addition, each eligible person must (1) obtain  
26 an identification card from the Department, (2) at the time  
27 the card is obtained, sign a statement assigning to the State  
28 of Illinois benefits which may be otherwise claimed under any  
29 private insurance plans, (3) present the identification card  
30 to the dispensing pharmacist.

31 Whenever a generic equivalent for a covered prescription  
32 drug is available, the Department shall reimburse only for  
33 the reasonable costs of the generic equivalent, less the  
34 co-pay established in this Section, unless (i) the covered

1 prescription drug contains one or more ingredients defined as  
2 a narrow therapeutic index drug at 21 CFR 320.33, (ii) the  
3 prescriber indicates on the face of the prescription "brand  
4 medically necessary", and (iii) the prescriber specifies that  
5 a substitution is not permitted. When issuing an oral  
6 prescription for covered prescription medication described in  
7 item (i) of this paragraph, the prescriber shall stipulate  
8 "brand medically necessary" and that a substitution is not  
9 permitted. If the covered prescription drug and its  
10 authorizing prescription do not meet the criteria listed  
11 above, the beneficiary may purchase the non-generic  
12 equivalent of the covered prescription drug by paying the  
13 difference between the generic cost and the non-generic cost  
14 plus the beneficiary co-pay.

15 Any person otherwise eligible for pharmaceutical  
16 assistance under this Act whose covered drugs are covered by  
17 any public program for assistance in purchasing any covered  
18 prescription drugs shall be ineligible for assistance under  
19 this Act to the extent such costs are covered by such other  
20 plan.

21 The fee to be charged by the Department for the  
22 identification card shall be equal to \$5 per coverage year  
23 for persons below the official poverty line as defined by the  
24 United States Department of Health and Human Services and \$25  
25 per coverage year for all other persons.

26 In the event that 2 or more persons are eligible for any  
27 benefit under this Act, and are members of the same  
28 household, (1) each such person shall be entitled to  
29 participate in the pharmaceutical assistance program,  
30 provided that he or she meets all other requirements imposed  
31 by this subsection and (2) each participating household  
32 member contributes the fee required for that person by the  
33 preceding paragraph for the purpose of obtaining an  
34 identification card.

1 (Source: P.A. 90-650, eff. 7-27-98; 91-357, eff. 7-29-99;  
2 91-699, eff. 1-1-01.)

3 (320 ILCS 25/4.1 new)

4 Sec. 4.1. Information to the Department.  
5 Notwithstanding any other law to the contrary, entities  
6 subject to the Illinois Insurance Code, Comprehensive Health  
7 Insurance Plan Act, Dental Service Plan Act, Children's  
8 Health Insurance Program Act, Health Care Purchasing Group  
9 Act, Health Maintenance Organization Act, Limited Health  
10 Service Organization Act, Voluntary Health Services Plans  
11 Act, and the Workers' Compensation Act, including, but not  
12 limited to, insurers, health maintenance organizations,  
13 pharmacy benefit managers, third party administrators,  
14 fraternal benefit societies, group-funded workers'  
15 compensation pools, municipal group-funded pools, self-funded  
16 or self-insured welfare or benefit plans or programs, and any  
17 other entities that provide health coverage through an  
18 employer, union, trade association or other organization or  
19 source, or any other entities, must provide information to  
20 the Department, or its designee, that is necessary to carry  
21 out the purposes of this Act, including, but not limited to,  
22 the name, social security number, address, date of birth, and  
23 coverage of their policyholders, their subscribers, or the  
24 beneficiaries of their plans, benefits, or services who  
25 participate in the programs under this Act. The provision of  
26 this information to the Department or its designee is subject  
27 to the confidentiality provisions in Section 8a of this Act.

28 (320 ILCS 25/5) (from Ch. 67 1/2, par. 405)

29 Sec. 5. Procedure.

30 (a) In general. Claims must be filed after January 1,  
31 on forms prescribed by the Department. No claim may be filed  
32 more than one year after December 31 of the year for which

1 the claim is filed except that claims for 1976 may be filed  
2 until December 31, 1978. The pharmaceutical assistance  
3 identification card provided for in subsection (f) of Section  
4 4 shall be valid for a period not to exceed one year. On and  
5 after the effective date of this amendatory Act of the 92nd  
6 General Assembly, however, to enable the Department to  
7 convert coverage for a pharmaceutical assistance program  
8 participant to a State fiscal year basis, a card shall be  
9 valid for a longer or shorter period than 12 months,  
10 depending on the date a timely claim is filed and as  
11 determined by the Department. All applicants for benefits  
12 under this program approved for benefits on or after July 1  
13 but on or before December 31 of any State fiscal year are  
14 eligible for benefits through June 30 of that State fiscal  
15 year. All applicants for benefits under this program  
16 approved for benefits on or after January 1 but on or before  
17 June 30 of any State fiscal year are eligible for benefits  
18 through June 30 of the following State fiscal year.

19 (b) Claim is Personal. The right to file a claim under  
20 this Act shall be personal to the claimant and shall not  
21 survive his death, but such right may be exercised on behalf  
22 of a claimant by his legal guardian or attorney-in-fact. If  
23 a claimant dies after having filed a timely claim, the amount  
24 thereof shall be disbursed to his surviving spouse or, if no  
25 spouse survives, to his surviving dependent minor children in  
26 equal parts, provided the spouse or child, as the case may  
27 be, resided with the claimant at the time he filed his claim.  
28 If at the time of disbursement neither the claimant nor his  
29 spouse is surviving, and no dependent minor children of the  
30 claimant are surviving the amount of the claim shall escheat  
31 to the State.

32 (c) One claim per household. Only one member of a  
33 household may file a claim under this Act in any calendar  
34 year; where both members of a household are otherwise



1 entitled to claim a grant under this Act, they must agree as  
2 to which of them will file a claim for that year.

3 (d) Content of application form. The form prescribed by  
4 the Department for purposes of paragraph (a) shall include a  
5 table, appropriately keyed to the parts of the form on which  
6 the claimant is required to furnish information, which will  
7 enable the claimant to determine readily the approximate  
8 amount of grant to which he is entitled by relating levels of  
9 household income to property taxes accrued or rent  
10 constituting property taxes accrued.

11 (e) Pharmaceutical Assistance Procedures. The  
12 Department shall establish the form and manner for  
13 application, and establish by January 1, 1986 a procedure to  
14 enable persons to apply for the additional grant or for the  
15 pharmaceutical assistance identification card on the same  
16 application form. The Department shall determine eligibility  
17 for pharmaceutical assistance using the applicant's current  
18 income. The Department shall determine a person's current  
19 income in the manner provided by the Department by rule.

20 (Source: P.A. 91-533, eff. 8-13-99; 91-699, eff. 1-1-01.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.