

1                                    AMENDMENT TO SENATE BILL 2098

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2098 on page 1,  
3 below line 5, by inserting the following:

4            "Section 5. Findings. The General Assembly finds:

5            (1) Senior citizens identify pharmaceutical assistance  
6 as the single most critical factor to their health,  
7 well-being, and continued independence.

8            (2) The State of Illinois currently operates 2  
9 pharmaceutical assistance programs that benefit seniors: (i)  
10 the program of pharmaceutical assistance under the Senior  
11 Citizens and Disabled Persons Property Tax Relief and  
12 Pharmaceutical Assistance Act and (ii) the Aid to the Aged,  
13 Blind, or Disabled program under the Illinois Public Aid  
14 Code. The State has been given authority to establish a third  
15 program, SeniorRx Care, through a federal Medicaid waiver.

16            (3) Each year, numerous pieces of legislation are filed  
17 seeking to establish additional pharmaceutical assistance  
18 benefits for seniors or to make changes to the existing  
19 programs.

20            (4) Establishment of a pharmaceutical assistance review  
21 committee will ensure proper coordination of benefits,  
22 diminish the likelihood of duplicative benefits, and ensure  
23 that the best interests of seniors are served.

1 (5) In addition to the State pharmaceutical assistance  
2 programs, several private entities, such a drug manufacturers  
3 and pharmacies, also offer prescription drug discount or  
4 coverage programs.

5 (6) Many seniors are unaware of the myriad of public and  
6 private programs available to them.

7 (7) Establishing a pharmaceutical clearinghouse with a  
8 toll-free hot-line and local outreach workers will educate  
9 seniors about the vast array of options available to them and  
10 enable seniors to make an educated and informed choice that  
11 is best for them.

12 (8) Estimates indicate that almost one-third of senior  
13 citizens lack prescription drug coverage. The federal  
14 government, states, and the pharmaceutical industry each have  
15 a role in helping these uninsured seniors gain access to  
16 life-saving medications.

17 (9) The State of Illinois has recognized its obligation  
18 to assist Illinois' neediest seniors in purchasing  
19 prescription medications, and it is now time for  
20 pharmaceutical manufacturers to recognize their obligation to  
21 make their medications affordable to seniors.

22 Section 10. Definitions. In this Act:

23 "Manufacturer" includes:

24 (1) An entity that is engaged in (a) the production,  
25 preparation, propagation, compounding, conversion, or  
26 processing of prescription drug products (i) directly or  
27 indirectly by extraction from substances of natural origin,  
28 (ii) independently by means of chemical synthesis, or (iii)  
29 by combination of extraction and chemical synthesis; or (b)  
30 the packaging, repackaging, labeling or re-labeling, or  
31 distribution of prescription drug products.

32 (2) The entity holding legal title to or possession of  
33 the national drug code number for the covered prescription

1 drug.

2 The term does not include a wholesale distributor of  
3 drugs, drugstore chain organization, or retail pharmacy  
4 licensed by the State.

5 "Prescription drug" means a drug that may be dispensed  
6 only upon prescription by an authorized prescriber and that  
7 is approved for safety and effectiveness as a prescription  
8 drug under Section 505 or 507 of the Federal Food, Drug and  
9 Cosmetic Act.

10 "Senior citizen" or "senior" means a person 65 years of  
11 age or older.

12 Section 15. Senior Pharmaceutical Assistance Review  
13 Committee.

14 (a) The Senior Pharmaceutical Assistance Review  
15 Committee is created. The Committee shall consist of 17  
16 members as follows:

17 (1) Twelve members appointed as follows: 2 members  
18 of the General Assembly and 1 member of the general  
19 public, appointed by the President of the Senate; 2  
20 members of the General Assembly and 1 member of the  
21 general public, appointed by the Minority Leader of the  
22 Senate; 2 members of the General Assembly and 1 member of  
23 the general public, appointed by the Speaker of the House  
24 of Representatives; and 2 members of the General Assembly  
25 and 1 member of the general public, appointed by the  
26 Minority Leader of the House of Representatives. These  
27 members shall serve at the pleasure of the appointing  
28 authority.

29 (2) The Director of Aging or his or her designee.

30 (3) The Director of Revenue or his or her designee.

31 (4) The Director of Public Aid or his or her  
32 designee.

33 (5) The Secretary of Human Services or his or her

1           designee.

2           (6) The Director of Public Health or his or her  
3           designee.

4           (b) Members appointed from the general public shall  
5 represent the following associations, organizations, and  
6 interests: statewide membership-based senior advocacy  
7 organizations, pharmaceutical manufacturers, pharmacists,  
8 dispensing pharmacies, physicians, and providers of services  
9 to senior citizens. No single organization may have more  
10 than one representative appointed as a member from the  
11 general public.

12           (c) The President of the Senate and Speaker of the House  
13 of Representatives shall each designate one member of the  
14 Committee to serve as co-chairs.

15           (d) Committee members shall serve without compensation  
16 or reimbursement for expenses.

17           (e) The Committee shall meet at the call of the  
18 co-chairs, but at least quarterly.

19           (f) The Committee may conduct public hearings to gather  
20 testimony from interested parties regarding pharmaceutical  
21 assistance for Illinois seniors, including changes to  
22 existing and proposed programs.

23           (g) The Committee may advise appropriate State agencies  
24 regarding the establishment of proposed programs or changes  
25 to existing programs. The State agencies shall take into  
26 consideration any recommendations made by the Committee.

27           (h) The Committee shall report to the General Assembly  
28 and the Governor annually or as it deems necessary regarding  
29 proposed or recommended changes to pharmaceutical assistance  
30 programs that benefit Illinois seniors and any associated  
31 costs of those changes.

32           Section 20. Senior Health Assistance Program.

33           (a) The Senior Health Assistance Program is created

1 within the Department on Aging, to become operational within  
2 90 days after the effective date of this Act. The Senior  
3 Health Assistance Program shall provide outreach and  
4 education to senior citizens on available prescription drug  
5 coverage and discount programs.

6 (b) The Senior Health Assistance Program shall operate a  
7 Clearinghouse for all information regarding prescription drug  
8 coverage programs available to senior citizens in Illinois.  
9 The Clearinghouse shall operate in conjunction with the  
10 Department's toll free senior information program.

11 (c) The purposes of the Clearinghouse include, but are  
12 not limited to:

13 (1) Maintaining information on public and private  
14 prescription assistance programs for Illinois seniors.

15 (2) Educating citizens on available public and  
16 private prescription assistance programs.

17 (3) Educating seniors on how to make an informed  
18 decision about participation in prescription drug  
19 assistance programs.

20 (d) The Clearinghouse has the following duties:

21 (1) Provide a one-stop resource for all information  
22 for seniors regarding public and private prescription  
23 drug discount and coverage programs.

24 (2) Perform outreach and education activities on  
25 public and private prescription drug discount and  
26 coverage programs.

27 (3) Maintain a toll free telephone number staffed  
28 by trained customer service representatives.

29 (4) Maintain measurable data to identify the  
30 progress and success of the program, including, but not  
31 limited to, the number of individuals served, the type of  
32 assistance received, and overall program evaluation.

33 (e) The Department shall work cooperatively with other  
34 Departments that fund senior health assistance, including

1 assistance with prescription drugs, to ensure maximum  
2 coordination.

3 Section 25. Study of catastrophic pharmaceutical  
4 assistance coverage.

5 (a) The Illinois Comprehensive Health Insurance Board  
6 shall study a catastrophic pharmaceutical assistance coverage  
7 option. The Board may contract with a private entity for the  
8 completion of all or part of the study. Specifically, the  
9 study shall:

10 (1) Assess the need for a catastrophic  
11 pharmaceutical assistance coverage option, including  
12 information on the number of individuals in need of such  
13 a benefit.

14 (2) Estimate the cost of providing a catastrophic  
15 pharmaceutical assistance coverage option through the  
16 Illinois Comprehensive Health Insurance Plan or another  
17 public or private entity.

18 (3) Recommend ways to create a catastrophic  
19 pharmaceutical assistance coverage option.

20 (b) The Board may accept donations, in trust, from any  
21 legal source, public or private, for deposit into a specially  
22 created trust account and for expenditure, without the  
23 necessity of being appropriated, solely for the purpose of  
24 conducting all or part of the study.

25 (c) The Board may enter into intergovernmental  
26 agreements with other State agencies for the purpose of  
27 conducting all or part of the study.

28 (d) The Board shall issue a report with recommendations  
29 to the Governor and the General Assembly by January 1, 2003.

30 Section 99. Effective Date. This Act takes effect upon  
31 becoming law."