

1 AN ACT concerning property tax relief and pharmaceutical
2 assistance.

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 the title and Sections 1, 2, 3.15, 4, and
8 9 as follows:

9 (320 ILCS 25/Act title)

10 An Act in relation to the payment of grants to enable
11 Illinois residents ~~the-elderly-and-the-disabled~~ to acquire or
12 retain private housing and to acquire prescription drugs.

13 (320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

14 Sec. 1. Short title. This Article ~~shall-be-known-and~~ may
15 be cited as the Working Families Circuit Breaker "Senior
16 ~~Citizens--and--Disabled--Persons--Property--Tax--Relief~~ and
17 Pharmaceutical Assistance Act". As used in this Article,
18 "this Act" means this Article.

19 (Source: P.A. 83-1531.)

20 (320 ILCS 25/2) (from Ch. 67 1/2, par. 402)

21 Sec. 2. Purpose. The purpose of this Act is to provide
22 incentives to citizens ~~the--senior--citizens--and-disabled~~
23 ~~persons~~ of this State to acquire and retain private housing
24 of their choice and at the same time to relieve those
25 citizens from the burdens of extraordinary property taxes
26 against their increasingly restricted earning power, and
27 thereby to reduce the requirements for public housing in this
28 State.

29 (Source: P.A. 77-2059.)

1 (320 ILCS 25/3.15) (from Ch. 67 1/2, par. 403.15)

2 Sec. 3.15. "Covered prescription drug" means (1) any
3 cardiovascular agent or drug; (2) any insulin or other
4 prescription drug used in the treatment of diabetes,
5 including syringe and needles used to administer the insulin;
6 (3) any prescription drug used in the treatment of arthritis,
7 (4) beginning on January 1, 2001, any prescription drug used
8 in the treatment of cancer, (5) beginning on January 1, 2001,
9 any prescription drug used in the treatment of Alzheimer's
10 disease, (6) beginning on January 1, 2001, any prescription
11 drug used in the treatment of Parkinson's disease, (7)
12 beginning on January 1, 2001, any prescription drug used in
13 the treatment of glaucoma, and (8) beginning on January 1,
14 2001, any prescription drug used in the treatment of lung
15 disease and smoking related illnesses, (9) beginning on
16 January 1, 2002, any prescription drug used in the treatment
17 of osteoporosis, (10) beginning on January 1, 2002, any
18 prescription drug used in the treatment of clinical
19 depression, (11) beginning on January 1, 2002, any
20 prescription drug used in the treatment of multiple
21 sclerosis, (12) beginning on January 1, 2002, any
22 prescription drug used in the treatment of bi-polar disorder,
23 (13) beginning on January 1, 2002, any prescription drug used
24 in the treatment of schizophrenia, (14) beginning on January
25 1, 2002, any prescription drug used in the treatment of
26 lupus, (15) beginning on January 1, 2002, any prescription
27 drug used in the treatment of amyotrophic lateral sclerosis
28 (ALS), and (16) beginning on January 1, 2002, any
29 prescription drug used in the treatment of gastrointestinal
30 disease. The specific agents or products to be included
31 under such categories shall be listed in a handbook to be
32 prepared and distributed by the Department. The general
33 types of covered prescription drugs shall be indicated by
34 rule. The Department of Public Health shall promulgate a list

1 of covered prescription drugs under this program that meet
2 the definition of a narrow therapeutic index drug as
3 described in subsection (f) of Section 4.

4 (Source: P.A. 91-699, eff. 1-1-01.)

5 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

6 Sec. 4. Amount of Grant.

7 (a) In general. Any individual 65-years-or-older-or-any
8 individual-who-will-become-65-years-old-during--the--calendar
9 year--in--which-a-claim-is-filed,-and-any-surviving-spouse-of
10 such-a-claimant,-who-at-the-time-of--death--received--or--was
11 entitled--to--receive-a-grant-pursuant-to-this-Section,-which
12 surviving-spouse-will-become-65-years-of-age--within--the--24
13 months--immediately--following-the-death-of-such-claimant-and
14 which-surviving-spouse-but-for-his-or-her--age--is--otherwise
15 qualified--to--receive--a-grant-pursuant-to-this-Section,-and
16 any-disabled-person whose annual household income is less
17 than \$14,000 for grant years before the 1998 grant year, less
18 than \$16,000 for the 1998 and 1999 grant years, and less than
19 (i) \$21,218 for a household containing one person, (ii)
20 \$28,480 for a household containing 2 persons, or (iii)
21 \$35,740 for a household containing 3 or more persons for the
22 2000 grant year, and less than (i) 25,000 for a household
23 containing one person, (ii) \$28,000 for a household
24 containing 2 persons, or (iii) \$30,000 for a household
25 containing 3 or more persons for the 2001 grant year and
26 thereafter and whose household is liable for payment of
27 property taxes accrued or has paid rent constituting property
28 taxes accrued and is domiciled in this State at the time he
29 files his or her claim is entitled to claim a grant under
30 this Act. With--respect--to-claims-filed-by-individuals-who
31 will-become-65-years-old-during-the-calendar-year-in-which--a
32 claim--is--filed,-the--amount--of--any--grant--to-which-that
33 household-is-entitled-shall-be-an-amount-equal-to-1/12-of-the

1 amount-to-which-the-claimant-would-otherwise-be--entitled--as
2 provided--in-this-Section,--multiplied-by-the-number-of-months
3 in-which-the-claimant-was-65-in-the-calendar--year--in--which
4 the-claim-is-filed.

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

17 (c) Public aid recipients. If household income in one
18 or more months during a year includes cash assistance in
19 excess of \$55 per month from the Department of Public Aid or
20 the Department of Human Services (acting as successor to the
21 Department of Public Aid under the Department of Human
22 Services Act) which was determined under regulations of that
23 Department on a measure of need that included an allowance
24 for actual rent or property taxes paid by the recipient of
25 that assistance, the amount of grant to which that household
26 is entitled, except as otherwise provided in subsection (a),
27 shall be the product of (1) the maximum amount computed as
28 specified in subsection (b) of this Section and (2) the ratio
29 of the number of months in which household income did not
30 include such cash assistance over \$55 to the number twelve.
31 If household income did not include such cash assistance over
32 \$55 for any months during the year, the amount of the grant
33 to which the household is entitled shall be the maximum
34 amount computed as specified in subsection (b) of this

1 Section. For purposes of this paragraph (c), "cash
2 assistance" does not include any amount received under the
3 federal Supplemental Security Income (SSI) program.

4 (d) Joint ownership. If title to the residence is held
5 jointly by the claimant with a person who is not a member of
6 his household, the amount of property taxes accrued used in
7 computing the amount of grant to which he is entitled shall
8 be the same percentage of property taxes accrued as is the
9 percentage of ownership held by the claimant in the
10 residence.

11 (e) More than one residence. If a claimant has occupied
12 more than one residence in the taxable year, he may claim
13 only one residence for any part of a month. In the case of
14 property taxes accrued, he shall pro rate 1/12 of the total
15 property taxes accrued on his residence to each month that he
16 owned and occupied that residence; and, in the case of rent
17 constituting property taxes accrued, shall pro rate each
18 month's rent payments to the residence actually occupied
19 during that month.

20 (f) There is hereby established a program of
21 pharmaceutical assistance ~~to--the--aged--and--disabled~~ which
22 shall be administered by the Department in accordance with
23 this Act, to consist of payments to authorized pharmacies, on
24 behalf of beneficiaries of the program, for the reasonable
25 costs of covered prescription drugs. Each beneficiary who
26 pays \$5 for an identification card shall pay no additional
27 prescription costs. Each beneficiary who pays \$25 for an
28 identification card shall pay \$3 per prescription. In
29 addition, after a beneficiary receives \$2,000 in benefits
30 during a State fiscal year, that beneficiary shall also be
31 charged 20% of the cost of each prescription for which
32 payments are made by the program during the remainder of the
33 fiscal year. To become a beneficiary under this program a
34 person must be: (1) be ~~(i)--65-years-or--older,~~ ~~--or--(ii)--the~~

1 surviving-spouse-of-such-a-claimant, who-at-the-time-of-death
2 received-or-was-entitled-to-receive-benefits-pursuant-to-this
3 subsection, which-surviving-spouse-will-become-65-years-of
4 age-within-the-24-months-immediately-following-the-death-of
5 such-claimant-and-which-surviving-spouse-but-for-his-or-her
6 age-is-otherwise-qualified-to-receive-benefits-pursuant-to
7 this-subsection, or-(iii)-disabled, and-(2)-is domiciled in
8 this State at the time he or she files his or her claim, and
9 (2) have (3)-has a maximum household income of less than
10 \$14,000 for grant years before the 1998 grant year, less than
11 \$16,000 for the 1998 and 1999 grant years, and less than (i)
12 \$21,218 for a household containing one person, (ii) \$28,480
13 for a household containing 2 persons, or (iii) \$35,740 for a
14 household containing 3 more persons for the 2000 grant year,
15 and less than (i) 25,000 for a household containing one
16 person, (ii) \$28,000 for a household containing 2 persons, or
17 (iii) \$30,000 for a household containing 3 or more persons
18 for the 2001 grant year and thereafter. In addition, each
19 eligible person must (1) obtain an identification card from
20 the Department, (2) at the time the card is obtained, sign a
21 statement assigning to the State of Illinois benefits which
22 may be otherwise claimed under any private insurance plans,
23 (3) present the identification card to the dispensing
24 pharmacist.

25 Whenever a generic equivalent for a covered prescription
26 drug is available, the Department shall reimburse only for
27 the reasonable costs of the generic equivalent, less the
28 co-pay established in this Section, unless (i) the covered
29 prescription drug contains one or more ingredients defined as
30 a narrow therapeutic index drug at 21 CFR 320.33, (ii) the
31 prescriber indicates on the face of the prescription "brand
32 medically necessary", and (iii) the prescriber specifies that
33 a substitution is not permitted. When issuing an oral
34 prescription for covered prescription medication described in

1 item (i) of this paragraph, the prescriber shall stipulate
2 "brand medically necessary" and that a substitution is not
3 permitted. If the covered prescription drug and its
4 authorizing prescription do not meet the criteria listed
5 above, the beneficiary may purchase the non-generic
6 equivalent of the covered prescription drug by paying the
7 difference between the generic cost and the non-generic cost
8 plus the beneficiary co-pay.

9 Any person otherwise eligible for pharmaceutical
10 assistance under this Act whose covered drugs are covered by
11 any public program for assistance in purchasing any covered
12 prescription drugs shall be ineligible for assistance under
13 this Act to the extent such costs are covered by such other
14 plan.

15 The fee to be charged by the Department for the
16 identification card shall be equal to \$5 for persons below
17 the official poverty line as defined by the United States
18 Department of Health and Human Services and \$25 for all other
19 persons.

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

29 (Source: P.A. 90-650, eff. 7-27-98; 91-357, eff. 7-29-99;
30 91-699, eff. 1-1-01.)

31 (320 ILCS 25/9) (from Ch. 67 1/2, par. 409)

32 Sec. 9. Any person who files a fraudulent claim for a
33 grant under this Act, or who for compensation prepares a

1 claim for a grant and knowingly enters false information on a
2 claim form for any claimant under this Act, or who
3 fraudulently files multiple claim forms, ~~or who fraudulently~~
4 ~~states that a nondisabled person is disabled,~~ or who
5 fraudulently procures a pharmaceutical assistance
6 identification card, or who fraudulently uses such card to
7 procure covered prescription drugs, or who, on behalf of an
8 authorized pharmacy, files a fraudulent claim for payment, is
9 guilty of a Class 4 felony for the first offense and is
10 guilty of a Class 3 felony for each subsequent offense. The
11 Department shall immediately suspend the use of the
12 pharmaceutical assistance identification card of any person
13 suspected of fraudulent procurement or fraudulent use of such
14 card, and shall revoke such card upon a conviction. A person
15 convicted of such fraud shall be permanently barred from the
16 program of pharmaceutical assistance established under this
17 Act. The Department may recover from a claimant, including an
18 authorized pharmacy, any amount paid under this Act on
19 account of an erroneous or fraudulent claim, together with 6%
20 interest per year. A prosecution for a violation of this
21 Section may be commenced at any time within 3 years of the
22 commission of that violation.

23 (Source: P.A. 85-299.)

24 (320 ILCS 25/3.14 rep.)

25 Section 10. The Senior citizens and Disabled Persons
26 Property Tax Relief and Pharmaceutical Assistance Act is
27 amended by repealing Section 3.14.

28 Section 99. Effective date. This Act takes effect on
29 January 1, 2002.