



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2148

Introduced 2/26/2021, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-4.1

from Ch. 23, par. 5-4.1

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that the Department of Healthcare and Family Services shall (rather than may) provide by rule that any recipient of medical assistance, with the exception of those classes of recipients identified in a specified provision of the Illinois Administrative Code, shall pay a fee as a co-payment for services. Provides that co-payments shall be maximized to the extent permitted by federal law, except that the Department shall impose a co-pay of \$2 on generic drugs and a nominal co-pay of at least \$3.90 for each physician or clinic visit, each emergency room visit in a non-emergency, each day of an inpatient hospital visit, and for each brand name prescription.

LRB102 04392 KTG 15138 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-4.1 as follows:

6 (305 ILCS 5/5-4.1) (from Ch. 23, par. 5-4.1)

7 Sec. 5-4.1. Co-payments. The Department shall ~~may~~ by rule
8 provide that recipients under any Article of this Code, with
9 the exception of those classes of recipients identified in 89
10 Ill. Adm. Code 140.402(d), shall pay a ~~federally approved~~ fee
11 as a co-payment for services. Co-payments shall be maximized
12 to the extent permitted by federal law, except that the
13 Department shall impose a co-pay of \$2 on generic drugs and a
14 nominal co-pay of at least \$3.90 for each physician or clinic
15 visit, each emergency room visit in a non-emergency, each day
16 of an inpatient hospital visit, and for each brand name
17 prescription. However, any such rule must provide that no ~~no~~
18 co-payment requirement can exist for renal dialysis, radiation
19 therapy, cancer chemotherapy, or insulin, and other products
20 necessary on a recurring basis, the absence of which would be
21 life threatening, or where co-payment expenditures for
22 required services and/or medications for chronic diseases that
23 the Illinois Department shall by rule designate shall cause an

1 extensive financial burden on the recipient, and provided no
2 co-payment shall exist for emergency room encounters which are
3 for medical emergencies. The Department shall seek approval of
4 a State plan amendment that allows pharmacies to refuse to
5 dispense drugs in circumstances where the recipient does not
6 pay the required co-payment. Co-payments may not exceed \$10
7 for emergency room use for a non-emergency situation as
8 defined by the Department by rule and subject to federal
9 approval.

10 (Source: P.A. 101-209, eff. 8-5-19.)