

HB0734



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0734

Introduced 2/1/2005, by Rep. William Delgado

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.12

from Ch. 23, par. 5-5.12

Amends the Illinois Public Aid Code. In provisions concerning pharmacy payments under the Medicaid program, provides that the Department of Public Aid may not impose prior approval requirements for antidepressants or other drugs used in treating serious mental illnesses (deletes the provision allowing imposition of such requirements after conducting an impact study). Requires continuous access to medications. Makes other changes, Effective immediately.

LRB094 03620 DRJ 33625 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 5-5.12 as follows:

6 (305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

7 Sec. 5-5.12. Pharmacy payments.

8 (a) Every request submitted by a pharmacy for reimbursement
9 under this Article for prescription drugs provided to a
10 recipient of aid under this Article shall include the name of
11 the prescriber or an acceptable identification number as
12 established by the Department.

13 (b) Pharmacies providing prescription drugs under this
14 Article shall be reimbursed at a rate which shall include a
15 professional dispensing fee as determined by the Illinois
16 Department, plus the current acquisition cost of the
17 prescription drug dispensed. The Illinois Department shall
18 update its information on the acquisition costs of all
19 prescription drugs no less frequently than every 30 days.
20 However, the Illinois Department may set the rate of
21 reimbursement for the acquisition cost, by rule, at a
22 percentage of the current average wholesale acquisition cost.

23 (c) Reimbursement under this Article for prescription
24 drugs shall be limited to reimbursement for 4 brand-name
25 prescription drugs per patient per month. This subsection
26 applies only if (i) the brand-name drug was not prescribed for
27 an acute or urgent condition, (ii) the brand-name drug was not
28 prescribed for Alzheimer's disease, arthritis, diabetes,
29 HIV/AIDS, a mental health condition, or respiratory disease,
30 and (iii) a therapeutically equivalent generic medication has
31 been approved by the federal Food and Drug Administration.

32 (d) The Department shall not impose requirements for prior

1 approval based on a preferred drug list for anti-retroviral,
2 anti-hemophilic factor concentrates, or any atypical
3 antipsychotics, conventional antipsychotics, ~~or~~
4 anticonvulsants, or antidepressants used for the treatment of
5 serious mental illnesses ~~until 30 days after it has conducted a~~
6 ~~study of the impact of such requirements on patient care and~~
7 ~~submitted a report to the Speaker of the House of~~
8 ~~Representatives and the President of the Senate.~~ The Department
9 shall adopt policies and implement procedures that ensure
10 continuous access to medications 24 hours per day, 7 days per
11 week. In an emergency situation, when prior approval or an edit
12 override is not available, a pharmacy may dispense, and the
13 Department shall pay for, up to a 72-hour supply of a drug
14 prescribed to an eligible recipient for a mental illness.
15 Nothing in this Section shall be construed as preventing the
16 Department from implementing other restrictions to ensure the
17 appropriate use of medications described in this subsection by
18 persons with a serious mental illness, as supported by
19 evidence-based medicine.

20 (Source: P.A. 92-597, eff. 6-28-02; 92-825, eff. 8-21-02;
21 93-106, eff. 7-8-03.)

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