

1 AN ACT concerning citizen assistance.

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

4 Section 1. Short title. This Act may be cited as the
5 Senior Pharmaceutical Assistance Act.

6 Section 5. Findings. The General Assembly finds:

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

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

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

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

26 (5) In addition to the State pharmaceutical assistance
27 programs, several private entities, such as drug
28 manufacturers and pharmacies, also offer prescription drug
29 discount or coverage programs.

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

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

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

11 (9) The State of Illinois has recognized its obligation
12 to assist Illinois' neediest seniors in purchasing
13 prescription medications, and it is now time for
14 pharmaceutical manufacturers to recognize their obligation to
15 make their medications affordable to seniors.

16 Section 10. Definitions. In this Act:

17 "Manufacturer" includes:

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

26 (2) The entity holding legal title to or possession of
27 the national drug code number for the covered prescription
28 drug.

29 The term does not include a wholesale distributor of
30 drugs, drugstore chain organization, or retail pharmacy
31 licensed by the State.

32 "Prescription drug" means a drug that may be dispensed
33 only upon prescription by an authorized prescriber and that

1 is approved for safety and effectiveness as a prescription
2 drug under Section 505 or 507 of the Federal Food, Drug and
3 Cosmetic Act.

4 "Senior citizen" or "senior" means a person 65 years of
5 age or older.

6 Section 15. Senior Pharmaceutical Assistance Review
7 Committee.

8 (a) The Senior Pharmaceutical Assistance Review
9 Committee is created. The Committee shall consist of 17
10 members as follows:

11 (1) Twelve members appointed as follows: 2 members
12 of the General Assembly and 1 member of the general
13 public, appointed by the President of the Senate; 2
14 members of the General Assembly and 1 member of the
15 general public, appointed by the Minority Leader of the
16 Senate; 2 members of the General Assembly and 1 member of
17 the general public, appointed by the Speaker of the House
18 of Representatives; and 2 members of the General Assembly
19 and 1 member of the general public, appointed by the
20 Minority Leader of the House of Representatives. These
21 members shall serve at the pleasure of the appointing
22 authority.

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

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

25 (4) The Director of Public Aid or his or her
26 designee.

27 (5) The Secretary of Human Services or his or her
28 designee.

29 (6) The Director of Public Health or his or her
30 designee.

31 (b) Members appointed from the general public shall
32 represent the following associations, organizations, and
33 interests: statewide membership-based senior advocacy

1 organizations, pharmaceutical manufacturers, pharmacists,
2 dispensing pharmacies, physicians, and providers of services
3 to senior citizens. No single organization may have more
4 than one representative appointed as a member from the
5 general public.

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

9 (d) Committee members shall serve without compensation
10 or reimbursement for expenses.

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

13 (f) The Committee may conduct public hearings to gather
14 testimony from interested parties regarding pharmaceutical
15 assistance for Illinois seniors, including changes to
16 existing and proposed programs.

17 (g) The Committee may advise appropriate State agencies
18 regarding the establishment of proposed programs or changes
19 to existing programs. The State agencies shall take into
20 consideration any recommendations made by the Committee.

21 (h) The Committee shall report to the General Assembly
22 and the Governor annually or as it deems necessary regarding
23 proposed or recommended changes to pharmaceutical assistance
24 programs that benefit Illinois seniors and any associated
25 costs of those changes.

26 Section 20. Senior Health Assistance Program.

27 (a) The Senior Health Assistance Program is created
28 within the Department on Aging, to become operational within
29 90 days after the effective date of this Act. The Senior
30 Health Assistance Program shall provide outreach and
31 education to senior citizens on available prescription drug
32 coverage and discount programs.

33 (b) The Senior Health Assistance Program shall operate a

1 Clearinghouse for all information regarding prescription drug
2 coverage programs available to senior citizens in Illinois.
3 The Clearinghouse shall operate in conjunction with the
4 Department's toll-free senior information program.

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

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

9 (2) Educating citizens on available public and
10 private prescription assistance programs.

11 (3) Educating seniors on how to make an informed
12 decision about participation in prescription drug
13 assistance programs.

14 (d) The Clearinghouse has the following duties:

15 (1) Provide a one-stop resource for all information
16 for seniors regarding public and private prescription
17 drug discount and coverage programs.

18 (2) Perform outreach and education activities on
19 public and private prescription drug discount and
20 coverage programs.

21 (3) Maintain a toll-free telephone number staffed
22 by trained customer service representatives.

23 (4) Maintain measurable data to identify the
24 progress and success of the program, including, but not
25 limited to, the number of individuals served, the type of
26 assistance received, and overall program evaluation.

27 (e) The Department shall work cooperatively with other
28 Departments that fund senior health assistance, including
29 assistance with prescription drugs, to ensure maximum
30 coordination.

31 Section 25. Study of catastrophic pharmaceutical
32 assistance coverage.

33 (a) The Illinois Comprehensive Health Insurance Board

1 shall study a catastrophic pharmaceutical assistance coverage
2 option. The Board may contract with a private entity for the
3 completion of all or part of the study. Specifically, the
4 study shall:

5 (1) Assess the need for a catastrophic
6 pharmaceutical assistance coverage option, including
7 information on the number of individuals in need of such
8 a benefit.

9 (2) Estimate the cost of providing a catastrophic
10 pharmaceutical assistance coverage option through the
11 Illinois Comprehensive Health Insurance Plan or another
12 public or private entity.

13 (3) Recommend ways to create a catastrophic
14 pharmaceutical assistance coverage option.

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

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

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

25 Section 99. Effective Date. This Act takes effect upon
26 becoming law.