



EXECUTIVE ORDER

13-01

EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF THE SENIOR HEALTH INSURANCE PROGRAM OF THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT ON AGING

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2 (the "Act"), provides that "Reorganization" includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Insurance and the Department on Aging are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 1405 *et seq.* and 20 ILCS 105 *et seq.*, respectively; and

WHEREAS, the Senior Health Insurance Program at the Department of Insurance offers important counseling services for older adults and their caregivers regarding how to best take advantage of public benefits to meet long-term care needs; and

WHEREAS, the Department of Insurance administers such counseling services pursuant to its authority under Section 1405-15 of the Civil Administrative Code (the "Department of Insurance Law"), 20 ILCS 1405; and

WHEREAS, the Department of Insurance and the Department on Aging have successfully partnered in the past to maximize outreach opportunities for older adults by using the Aging Network in Illinois; and

WHEREAS, streamlining and consolidating the functions related to the Senior Health Insurance Program offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise, realize savings in administrative costs, promote more effective sharing of best practices and realize other cost savings, among other things; and

WHEREAS, the aforementioned benefits of consolidation can be achieved by transferring the Senior Health Insurance Program, its functions, and staff from the Department of Insurance to the Department on Aging; and

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

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IN THE OFFICE OF
SECRETARY OF STATE

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I. Transfer

- a) Effective April 1, 2013, or as soon thereafter as practicable, the powers, duties, rights and responsibilities related to the functions of the Senior Health Insurance Program, as established in Section 1405-15 of the Department of Insurance Law, as well as the staff performing those functions, shall be transferred from the Department of Insurance to the Department on Aging.
- b) Whenever any provision of any previous Executive Order, any Act, or any section of any Act transferred by this Executive Order provides for membership of the Director of the Department of Insurance, or his or her respective designee, on any board, commission, council, or other entity relating to the functions of the Senior Health Insurance Program, the Director of the Department on Aging, or his or her respective designee, shall serve in that place. If more than one such person is required by law to serve on any board, commission, council, or, other entity, then an equivalent number of representatives of the Department on Aging shall so serve, if necessary.

II. Effect of Transfer

- a) The powers, duties, rights and responsibilities vested in or associated with the functions of the Senior Health Insurance Program shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operations of this Program shall be provided by the Department on Aging.
- b) Personnel under the Department of Insurance affected by this Executive Order shall continue their service within the Department on Aging. The status and rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.
- c) All books, contracts, correspondence, documents, papers, personnel files, property (real and personal), records, other associated items, and pending business in any way pertaining to the powers, duties, rights and responsibilities related to the functions of the Senior Health Insurance Program shall be transferred from the Department of Insurance and delivered to the Department on Aging for continuation, modification, or termination, as appropriate, including, but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Department on Aging; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.
- d) All unexpended appropriations and the balances of any funds, grants, donations, or other moneys available for use by the Department of Insurance in connection with the functions of the Senior Health Insurance Program shall be transferred to the Department on Aging for continued use in supporting this Program as directed by the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. Savings Clause

- a) The powers, duties, rights and responsibilities related to the functions of the Senior Health Insurance Program and transferred from the Department of Insurance by this Executive Order shall be vested in and shall be exercised by the Department on Aging. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Department of Insurance or one of its divisions, officers or employees.
- b) Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Department of Insurance or one of its divisions, officers or employees.

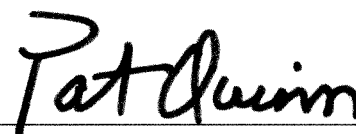
- c) Every officer of the Department on Aging shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer of the Department of Insurance whose powers or duties were transferred under this Executive Order.
- d) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department of Insurance in connection with any of the functions of the Senior Health Insurance Program transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Department on Aging.
- e) This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the functions of the Senior Health Insurance Program before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Department on Aging.
- f) This Executive Order shall not affect the legality of any rules relating to the functions of the Senior Health Insurance Program which were duly adopted by the Department of Insurance and in full force on the effective date of this Executive Order. Any proposed rules filed with the Secretary of State by the Department of Insurance pertaining to the transferred functions that are pending in the rulemaking process on the effective date of this Executive Order shall be deemed to have been filed by the Department on Aging. As soon as practicable hereafter, the affected agencies shall revise and clarify the transferred rules under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order. If necessary, the affected agencies may also propose, adopt, or repeal rules, rule amendments, and rule recodifications using the procedures available under the Illinois Administrative Act as appropriate to effectuate this Executive Order, except that existing title, part, and section numbering for the affected rules may be retained.
- g) To the extent necessary or prudent to fully implement the intent of this Executive Order, the Department of Insurance and the Department on Aging may enter into one or more interagency agreements to ensure the full and appropriate transfer of all functions of the Senior Health Insurance Program.

IV. Severability

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. Effective Date

This Executive Order shall be in full force and effect upon its filing with the Secretary of State.



Pat Quinn
Governor of Illinois

Issued by the Governor:
Filed with the Secretary of State:

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