



Rep. Bob Morgan

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10100SB1756ham001

LRB101 09296 SMS 64137 a

1 AMENDMENT TO SENATE BILL 1756

2 AMENDMENT NO. _____. Amend Senate Bill 1756 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by
5 changing Section 155.36 as follows:

6 (215 ILCS 5/155.36)

7 Sec. 155.36. Managed Care Reform and Patient Rights Act.
8 Insurance companies that transact the kinds of insurance
9 authorized under Class 1(b) or Class 2(a) of Section 4 of this
10 Code shall comply with Sections 45, 45.1, 45.2, and 85,
11 subsection (d) of Section 30, and the definition of the term
12 "emergency medical condition" in Section 10 of the Managed Care
13 Reform and Patient Rights Act.

14 (Source: P.A. 98-1035, eff. 8-25-14.)

15 (215 ILCS 125/5-10 rep.)

1 Section 10. The Health Maintenance Organization Act is
2 amended by repealing Section 5-10.

3 Section 15. The Managed Care Reform and Patient Rights Act
4 is amended by changing Section 30 as follows:

5 (215 ILCS 134/30)

6 (Text of Section before amendment by P.A. 101-452)

7 Sec. 30. Prohibitions.

8 (a) No health care plan or its subcontractors may prohibit
9 or discourage health care providers by contract or policy from
10 discussing any health care services and health care providers,
11 utilization review and quality assurance policies, terms and
12 conditions of plans and plan policy with enrollees, prospective
13 enrollees, providers, or the public.

14 (b) No health care plan by contract, written policy, or
15 procedure may permit or allow an individual or entity to
16 dispense a different drug in place of the drug or brand of drug
17 ordered or prescribed without the express permission of the
18 person ordering or prescribing the drug, except as provided
19 under Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

20 (c) No health care plan or its subcontractors may by
21 contract, written policy, procedure, or otherwise mandate or
22 require an enrollee to substitute his or her participating
23 primary care physician under the plan during inpatient
24 hospitalization, such as with a hospitalist physician licensed

1 to practice medicine in all its branches, without the agreement
2 of that enrollee's participating primary care physician.
3 "Participating primary care physician" for health care plans
4 and subcontractors that do not require coordination of care by
5 a primary care physician means the participating physician
6 treating the patient. All health care plans shall inform
7 enrollees of any policies, recommendations, or guidelines
8 concerning the substitution of the enrollee's primary care
9 physician when hospitalization is necessary in the manner set
10 forth in subsections (d) and (e) of Section 15.

11 (d) Any violation of this Section shall be subject to the
12 penalties under this Act.

13 (Source: P.A. 94-866, eff. 6-16-06.)

14 (Text of Section after amendment by P.A. 101-452)

15 Sec. 30. Prohibitions.

16 (a) No health care plan or its subcontractors may prohibit
17 or discourage health care providers by contract or policy from
18 discussing any health care services and health care providers,
19 utilization review and quality assurance policies, terms and
20 conditions of plans and plan policy with enrollees, prospective
21 enrollees, providers, or the public.

22 (b) No health care plan by contract, written policy, or
23 procedure may permit or allow an individual or entity to
24 dispense a different drug in place of the drug or brand of drug
25 ordered or prescribed without the express permission of the

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2 under Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

3 (c) No health care plan or its subcontractors may by
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7 hospitalization, such as with a hospitalist physician licensed
8 to practice medicine in all its branches, without the agreement
9 of that enrollee's participating primary care physician.

10 "Participating primary care physician" for health care plans
11 and subcontractors that do not require coordination of care by
12 a primary care physician means the participating physician
13 treating the patient. All health care plans shall inform
14 enrollees of any policies, recommendations, or guidelines
15 concerning the substitution of the enrollee's primary care
16 physician when hospitalization is necessary in the manner set
17 forth in subsections (d) and (e) of Section 15.

18 (d) A health care plan shall apply any third-party
19 payments, financial assistance, discount, product vouchers, or
20 any other reduction in out-of-pocket expenses made by or on
21 behalf of such insured for prescription drugs toward a covered
22 individual's deductible, copay, or cost-sharing
23 responsibility, or out-of-pocket maximum associated with the
24 individual's health insurance. The provisions of this
25 subsection do not apply to the minimum extent they would
26 disqualify a high-deductible health plan from eligibility for a

1 health savings account pursuant to Section 223 of the federal
2 Internal Revenue Code (26 U.S.C. 223).

3 (e) Any violation of this Section shall be subject to the
4 penalties under this Act.

5 (Source: P.A. 101-452, eff. 1-1-20.)

6 Section 20. The Illinois Public Aid Code is amended by
7 adding Section 5H-9 as follows:

8 (305 ILCS 5/5H-9 new)

9 Sec. 5H-9. Managed care organizations; revenue data.

10 (a) No managed care organization shall pass the cost of the
11 assessment imposed pursuant to this Article on to consumers as
12 a discrete addition to their premiums.

13 (b) With respect to health maintenance organizations, the
14 Department of Insurance shall provide the Department with
15 member months and premium revenue data needed for implementing
16 the assessment imposed under this Article.

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".