

1 AN ACT concerning regulation.

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 Telehealth Act.

6 Section 5. Definitions. As used in this Act:

7 "Health care professional" includes physicians, physician  
8 assistants, optometrists, advanced practice nurses, and  
9 clinical psychologists licensed in Illinois.

10 "Telehealth" means the evaluation, diagnosis, or  
11 interpretation of electronically transmitted patient-specific  
12 data between a remote location and a licensed health care  
13 professional that generates interaction or treatment  
14 recommendations. "Telehealth" includes telemedicine.

15 Section 10. Licensure. A health care professional treating  
16 a patient located in this State through telehealth must be  
17 licensed in Illinois.

18 Section 15. Use of telehealth. A health care professional  
19 may engage in the practice of telehealth in Illinois to the  
20 extent of his or her scope of practice as established in his or  
21 her respective licensing Act consistent with the standards of

1 care for in-person services. This Act shall not be construed to  
2 alter the scope of practice of any health care professional or  
3 authorize the delivery of health care services in a setting or  
4 in a manner not otherwise authorized by the laws of this State.

5 Section 90. The Medical Practice Act of 1987 is amended by  
6 changing Section 49.5 as follows:

7 (225 ILCS 60/49.5)

8 (Section scheduled to be repealed on December 31, 2017)

9 Sec. 49.5. Telemedicine.

10 (a) The General Assembly finds and declares that because of  
11 technological advances and changing practice patterns the  
12 practice of medicine is occurring with increasing frequency  
13 across state lines and across increasing geographical  
14 distances within the State of Illinois and that certain  
15 technological advances in the practice of medicine are in the  
16 public interest. The General Assembly further finds and  
17 declares that the practice of medicine is a privilege and that  
18 the licensure by this State of practitioners outside this State  
19 engaging in medical practice within this State and the ability  
20 to discipline those practitioners is necessary for the  
21 protection of the public health, welfare, and safety.

22 (b) A person who engages in the practice of telemedicine  
23 without a license issued under this Act shall be subject to  
24 penalties provided in Section 59.

1 (c) For purposes of this Act, "telemedicine" means the  
2 performance of any of the activities listed in Section 49,  
3 including, but not limited to, rendering written or oral  
4 opinions concerning diagnosis or treatment of a patient in  
5 Illinois by a person in a different location than the patient  
6 ~~located outside the State of Illinois~~ as a result of  
7 transmission of individual patient data by telephonic,  
8 electronic, or other means of communication ~~from within this~~  
9 ~~State~~. "Telemedicine" does not include the following:

10 (1) periodic consultations between a person licensed  
11 under this Act and a person outside the State of Illinois;

12 (2) a second opinion provided to a person licensed  
13 under this Act; ~~and~~

14 (3) diagnosis or treatment services provided to a  
15 patient in Illinois following care or treatment originally  
16 provided to the patient in the state in which the provider  
17 is licensed to practice medicine; and -

18 (4) health care services provided to an existing  
19 patient while the person licensed under this Act or patient  
20 is traveling.

21 (d) Whenever the Department has reason to believe that a  
22 person has violated this Section, the Department may issue a  
23 rule to show cause why an order to cease and desist should not  
24 be entered against that person. The rule shall clearly set  
25 forth the grounds relied upon by the Department and shall  
26 provide a period of 7 days from the date of the rule to file an

1 answer to the satisfaction of the Department. Failure to answer  
2 to the satisfaction of the Department shall cause an order to  
3 cease and desist to be issued immediately.

4 (e) An out-of-state person providing a service listed in  
5 Section 49 to a patient residing in Illinois through the  
6 practice of telemedicine submits himself or herself to the  
7 jurisdiction of the courts of this State.

8 (Source: P.A. 90-99, eff. 1-1-98.)