

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, clinical  
9 psychologists licensed in Illinois, and mental health  
10 professionals and clinicians authorized by Illinois law to  
11 provide mental health services.

12 "Telehealth" means the evaluation, diagnosis, or  
13 interpretation of electronically transmitted patient-specific  
14 data between a remote location and a licensed health care  
15 professional that generates interaction or treatment  
16 recommendations. "Telehealth" includes telemedicine and the  
17 delivery of health care services provided by way of an  
18 interactive telecommunications system, as defined in  
19 subsection (a) of Section 356z.22 of the Illinois Insurance  
20 Code.

21 Section 10. Practice authority. A health care professional  
22 treating a patient located in this State through telehealth

1 must be licensed or authorized to practice in Illinois.

2 Section 15. Use of telehealth. A health care professional  
3 may engage in the practice of telehealth in Illinois to the  
4 extent of his or her scope of practice as established in his or  
5 her respective licensing Act consistent with the standards of  
6 care for in-person services. This Act shall not be construed to  
7 alter the scope of practice of any health care professional or  
8 authorize the delivery of health care services in a setting or  
9 in a manner not otherwise authorized by the laws of this State.

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

12 (225 ILCS 60/49.5)

13 (Section scheduled to be repealed on December 31, 2017)

14 Sec. 49.5. Telemedicine.

15 (a) The General Assembly finds and declares that because of  
16 technological advances and changing practice patterns the  
17 practice of medicine is occurring with increasing frequency  
18 across state lines and across increasing geographical  
19 distances within the State of Illinois and that certain  
20 technological advances in the practice of medicine are in the  
21 public interest. The General Assembly further finds and  
22 declares that the practice of medicine is a privilege and that  
23 the licensure by this State of practitioners outside this State

1 engaging in medical practice within this State and the ability  
2 to discipline those practitioners is necessary for the  
3 protection of the public health, welfare, and safety.

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

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

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

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

20 (3) diagnosis or treatment services provided to a  
21 patient in Illinois following care or treatment originally  
22 provided to the patient in the state in which the provider  
23 is licensed to practice medicine; and -

24 (4) health care services provided to an existing  
25 patient while the person licensed under this Act or patient  
26 is traveling.

1           (d) Whenever the Department has reason to believe that a  
2 person has violated this Section, the Department may issue a  
3 rule to show cause why an order to cease and desist should not  
4 be entered against that person. The rule shall clearly set  
5 forth the grounds relied upon by the Department and shall  
6 provide a period of 7 days from the date of the rule to file an  
7 answer to the satisfaction of the Department. Failure to answer  
8 to the satisfaction of the Department shall cause an order to  
9 cease and desist to be issued immediately.

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

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