



Sen. Pamela J. Althoff

Filed: 4/25/2017

10000SB1811sam002

LRB100 09639 SMS 25545 a

1 AMENDMENT TO SENATE BILL 1811

2 AMENDMENT NO. _____. Amend Senate Bill 1811 by replacing
3 everything after the enacting clause with the following:

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

1 a patient located in this State through telehealth must be
2 licensed in Illinois.

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

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

13 (225 ILCS 60/49.5)

14 (Section scheduled to be repealed on December 31, 2017)

15 Sec. 49.5. Telemedicine.

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

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

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

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

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

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

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

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

1 is traveling.

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

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

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