

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Substance Use Disorder Act is amended by
5 adding Article 7 as follows:

6 (20 ILCS 301/Art. 7 heading new)

7 ARTICLE 7. BEHAVIORAL HEALTH ACCESS TO CARE OMBUDSMAN

8 (20 ILCS 301/7-5 new)

9 Sec. 7-5. Definitions. As used in this Article:

10 (a) "Health care provider" or "provider" means:

11 (1) a physician licensed under the Medical Practice Act
12 of 1987 to practice medicine in all of its branches; a
13 clinical psychologist licensed under the Clinical
14 Psychologist Licensing Act;

15 (2) a mental health professional who is licensed or
16 registered to provide mental health services by the
17 Department of Financial and Professional Regulation;

18 (3) any other health care provider regulated by the
19 State when engaged in assisting consumers with behavioral
20 health care access and coverage issues; or

21 (4) a health care facility licensed or regulated by the
22 State, when the facility is engaged in assisting consumers

1 with behavioral health care access and coverage issues,
2 excluding any facility that is listed under subsection (b)
3 of Section 4.04 of the Illinois Act on the Aging.

4 (b) "Office" means the Office of the Ombudsman for
5 Behavioral Health Access to Care created in Section 7-10.

6 (c) "Ombudsman" means the individual designated under
7 Section 7-10 as the Ombudsman for Behavioral Health Access to
8 Care.

9 (20 ILCS 301/7-10 new)

10 Sec. 7-10. Office of the Ombudsman for Behavioral Health
11 Access to Care; appointment; duties.

12 (a) Subject to appropriation, the Department of Human
13 Services shall establish the Office of the Ombudsman for
14 Behavioral Health Access to Care for the purpose of assisting
15 residents of Illinois in accessing behavioral health care.

16 (b) The Office and the Department shall operate in
17 accordance with a memorandum of understanding between the 2
18 entities. The memorandum of understanding shall contain, at a
19 minimum:

20 (1) a requirement that the Office has its own personnel
21 rules;

22 (2) a requirement that the Ombudsman has independent
23 hiring and termination authority over Office employees;

24 (3) a requirement that the Office must follow State
25 fiscal rules;

1 (4) a requirement that the Department of Human
2 Services' Division of Mental Health shall offer the Office
3 limited support with respect to:

4 (A) personnel matters;

5 (B) recruitment;

6 (C) payroll;

7 (D) benefits;

8 (E) budget submission, as needed;

9 (F) accounting;

10 (G) office space, facilities, and technical
11 support; and

12 (H) other provisions regarding administrative
13 support that will help maintain the independence of the
14 Office.

15 (c) The Office shall operate with full independence and has
16 complete autonomy, control, and authority over operations,
17 budget, and personnel decisions related to the Office and the
18 Ombudsman.

19 (d) By November 1, 2019, the Governor shall designate an
20 Ombudsman for Behavioral Health Access to Care, who shall serve
21 as Director of the Office. The Ombudsman shall serve as a
22 neutral party to help consumers, including consumers who are
23 uninsured or have public or private health benefit coverage,
24 including coverage that is not subject to State regulation, and
25 health care providers, acting on their own behalf, on behalf of
26 a consumer with the consumer's written permission, or on behalf

1 of a group of health care providers, navigate and resolve
2 issues related to consumer access to behavioral health care,
3 including care for mental health conditions and substance use
4 disorders.

5 (e) The Ombudsman shall:

6 (1) interact with consumers and health care providers
7 with concerns or complaints to help the consumers and
8 providers resolve behavioral health care access and
9 coverage issues;

10 (2) identify, track, and report to the appropriate
11 regulatory or oversight agency concerns, complaints, and
12 potential violations of State or federal rules,
13 regulations, or statutes concerning the availability of,
14 and terms and conditions of, benefits for mental health
15 conditions or substance use disorders, including potential
16 violations related to quantitative and non-quantitative
17 treatment limitations;

18 (3) receive and assist consumers and providers in
19 reporting concerns and filing complaints with appropriate
20 regulatory or oversight agencies relating to inappropriate
21 care or involuntary admissions or judicial admissions
22 under the Mental Health and Developmental Disabilities
23 Code;

24 (4) provide appropriate information to help consumers
25 obtain behavioral health care;

26 (5) develop appropriate points of contact for

1 referrals to other State and federal agencies; and

2 (6) provide appropriate information to help consumers
3 or health care providers file appeals or complaints with
4 the appropriate entities, including insurers and other
5 State and federal agencies.

6 (f) The Ombudsman, employees of the Office, and any persons
7 acting on behalf of the Office shall comply with all State and
8 federal confidentiality laws that govern the Department of
9 Human Services with respect to the treatment of confidential
10 information or records and the disclosure of such information
11 and records.

12 (g) In the performance of his or her duties, the Ombudsman
13 shall act independently of the Department of Human Services'
14 Division of Mental Health. Any recommendations made or
15 positions taken by the Ombudsman do not reflect those of the
16 Department of Human Services or the Division of Mental Health.

17 (20 ILCS 301/7-15 new)

18 Sec. 7-15. Liaisons. The Director of Insurance and the
19 Secretary of Human Services shall each appoint a liaison to the
20 Ombudsman to receive reports of concerns, complaints, and
21 potential violations described in paragraph (2) of subsection
22 (e) of Section 7-10 from the Ombudsman, consumers, or health
23 care providers.

24 (20 ILCS 301/7-20 new)

1 Sec. 7-20. Qualified immunity. The Ombudsman and employees
2 or persons acting on behalf of the Office are immune from suit
3 and liability, either personally or in their official
4 capacities, for any claim for damage to or loss of property, or
5 for personal injury or other civil liability caused by or
6 arising out of any actual or alleged act, error, or omission
7 that occurred within the scope of employment, duties, or
8 responsibilities pertaining to the Office, including issuing
9 reports or recommendations; except that nothing in this Section
10 protects those persons from suit or liability for damage, loss,
11 injury, or liability caused by the intentional or willful and
12 wanton misconduct of the person.

13 (20 ILCS 301/7-25 new)

14 Sec. 7-25. Annual report.

15 (a) On or before September 1, 2021, and on or before
16 September 1 of each year thereafter, the Ombudsman shall
17 prepare and submit, in accordance with subsection (b), a
18 written report that includes information from the preceding
19 fiscal year concerning actions taken by the Ombudsman relating
20 to the duties of the Office set forth in Section 7-10.

21 (b) The Ombudsman shall submit the report required by this
22 Section to the Governor, the Secretary of Human Services, the
23 Director of Insurance, the Senate Human Services Committee or
24 any successor committee, and the House Committees on Human
25 Services, Insurance, Energy & Environment, and Mental Health or

1 any successor committees.

2 (c) The Ombudsman shall post the annual report on the
3 Department of Human Services' website.

4 (d) The Ombudsman shall not include in the report required
5 by this Section any personally identifying information about an
6 individual consumer or health care provider or identifying
7 information about a health care facility licensed by the State
8 or an emergency medical services system as defined in Section
9 3.20 of the Emergency Medical Services (EMS) Systems Act.

10 Section 10. The Illinois Insurance Code is amended by
11 adding Section 370c.2 as follows:

12 (215 ILCS 5/370c.2 new)

13 Sec. 370c.2. Parity reporting.

14 (a) By March 1, 2020, and every other March 1 thereafter,
15 the Director shall submit a written report and provide a
16 presentation of the report to the General Assembly that:

17 (1) specifies the methodology the Director uses to
18 verify that insurance carriers are complying with Section
19 370c and rules adopted under that Section and with the
20 federal Paul Wellstone and Pete Domenici Mental Health
21 Parity and Addiction Equity Act of 2008, Public Law
22 110-343, as amended, any regulations adopted in accordance
23 with that Act, or guidance related to compliance with and
24 oversight of that Act;

1 (2) identifies market conduct examinations initiated,
2 conducted, or completed during the preceding 12 months
3 regarding compliance with Section 370c and rules adopted
4 under that Section and with the Paul Wellstone and Pete
5 Domenici Mental Health Parity and Addiction Equity Act of
6 2008 and regulations adopted under that Act and summarizes
7 the outcomes of those market conduct examinations; and

8 (3) details any educational or corrective actions the
9 Director has taken to ensure insurance carrier compliance
10 with Section 370c and rules adopted under that Section and
11 with the Paul Wellstone and Pete Domenici Mental Health
12 Parity and Addiction Equity Act of 2008 and regulations
13 adopted under that Act.

14 (b) The Director shall ensure that the report is written in
15 plain language and is made available to the public by, at a
16 minimum, posting the report on the Department's website.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.