



Sen. Mattie Hunter

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LRB101 04579 KTG 72472 a

1 AMENDMENT TO HOUSE BILL 823

2 AMENDMENT NO. _____. Amend House Bill 823, AS AMENDED, by
3 replacing Section 1 with the following:

4 "Article 1. Sickle Cell Prevention,
5 Care, and Treatment Program

6 Section 1-1. Short title. This Act may be cited as the
7 Sickle Cell Prevention, Care, and Treatment Program Act.
8 References in this Article to "this Act" mean this Article."
9 and

10 by renumbering Sections 5, 10, 15, 20, 25, 30, and 90 as
11 Sections 1-5, 1-10, 1-15, 1-20, 1-25, 1-30, and 1-90; and

12 by inserting at the end of the bill the following:

13 "Article 15. Telehealth During the COVID-19 Pandemic Act

1 Section 15-1. Short title. This Article may be cited as the
2 Telehealth During the COVID-19 Pandemic Act. References in this
3 Article to "this Act" mean this Article.

4 Section 15-5. Applicability. This Act applies to any health
5 insurance coverage other than excepted benefits as defined in
6 45 CFR 146.145(b) and 45 CFR 148.220. Any policy, contract, or
7 certificate of health insurance coverage that does not
8 distinguish between in-network and out-of-network providers
9 shall be subject to this Act as though all providers were
10 in-network.

11 Section 15-10. Definitions. As used in this Act:

12 "Health insurance coverage" has the meaning given to that
13 term in Section 5 of the Illinois Health Insurance Portability
14 and Accountability Act.

15 "Health insurance issuer" has the meaning given to that
16 term in Section 5 of the Illinois Health Insurance Portability
17 and Accountability Act.

18 "Telehealth services" means the provision of health care,
19 psychiatry, mental health treatment, substance use disorder
20 treatment, and related services to a patient, regardless of his
21 or her location, through electronic or telephonic methods, such
22 as telephone (landline or cellular), video technology commonly
23 available on smart phones and other devices, and

1 videoconferencing, as well as any method within the meaning of
2 telehealth services under Section 356z.22 of the Illinois
3 Insurance Code.

4 Section 15-15. Coverage for telehealth services during the
5 COVID-19 pandemic.

6 (a) In order to protect the public's health, to permit
7 expedited treatment of health conditions during the COVID-19
8 pandemic, and to mitigate its impact upon the residents of the
9 State of Illinois, all health insurance issuers regulated by
10 the Department of Insurance shall cover the costs of all
11 telehealth services rendered by in-network providers to
12 deliver any clinically appropriate, medically necessary
13 covered services and treatments to insureds, enrollees, and
14 members under each policy, contract, or certificate of health
15 insurance coverage.

16 (b) Health insurance issuers may establish reasonable
17 requirements and parameters for telehealth services, including
18 with respect to documentation and recordkeeping, to the extent
19 consistent with this Act or any company bulletin issued by the
20 Department of Insurance under Executive Order 2020-09. A health
21 insurance issuer's requirements and parameters may not be more
22 restrictive or less favorable toward providers, insureds,
23 enrollees, or members than those contained in the emergency
24 rulemaking undertaken by the Department of Healthcare and
25 Family Services at 89 Ill. Adm. Code 140.403(e). Health

1 insurance issuers shall notify providers of any instructions
2 necessary to facilitate billing for telehealth services.

3 Section 15-20. Prior authorization and utilization review
4 requirements.

5 (a) In order to ensure that health care is quickly and
6 efficiently provided to the public, health insurance issuers
7 shall not impose upon telehealth services utilization review
8 requirements that are unnecessary, duplicative, or unwarranted
9 nor impose any treatment limitations that are more stringent
10 than the requirements applicable to the same health care
11 service when rendered in-person.

12 (b) For telehealth services that relate to COVID-19
13 delivered by in-network providers, health insurance issuers
14 shall not impose any prior authorization requirements.

15 Section 15-25. Cost-sharing prohibited. Health insurance
16 issuers shall not impose any cost-sharing (copayments,
17 deductibles, or coinsurance) for telehealth services provided
18 by in-network providers. However, in accordance with the
19 standards and definitions in 26 U.S.C. 223, if an enrollee in a
20 high-deductible health plan has not met the applicable
21 deductible under the terms of his or her coverage, the
22 requirements of this Section do not require an issuer to pay
23 for a charge for telehealth services unless the associated
24 health care service for that particular charge is deemed

1 preventive care by the United States Department of the
2 Treasury. The federal Internal Revenue Service has recognized
3 that services for testing, treatment, and any potential
4 vaccination for COVID-19 fall within the scope of preventive
5 care.

6 Section 15-30. Eligible services. Services eligible under
7 this Act include services provided by any professional,
8 practitioner, clinician, or other provider who is licensed,
9 certified, registered, or otherwise authorized to practice in
10 the State where the patient receives treatment, subject to the
11 provisions of the Telehealth Act for any health care
12 professional, as defined in the Telehealth Act, who delivers
13 treatment through telehealth to a patient located in this
14 State, and substance use disorder professionals and clinicians
15 authorized by Illinois law to provide substance use disorder
16 services.

17 Section 15-35. Mental Health and Developmental
18 Disabilities Confidentiality Act. A covered health care
19 provider or covered entity subject to the requirements of the
20 Mental Health and Developmental Disabilities Confidentiality
21 Act that uses audio or video communication technology to
22 provide telehealth services to mental health and developmental
23 disability patients may use any non-public facing remote
24 communication product in accordance with this Act to the extent

1 allowed by the U.S. Department of Health and Human Services
2 under the federal Health Insurance Portability and
3 Accountability Act of 1996 for the duration of the
4 Gubernatorial Disaster Proclamation issued by the Governor on
5 March 9, 2020 concerning COVID-19 and any subsequent
6 Gubernatorial Disaster Proclamation issued by the Governor
7 concerning COVID-19. Providers and covered entities shall, to
8 the extent feasible, notify patients that third-party
9 applications potentially introduce privacy risks. Providers
10 shall enable all available encryption and privacy modes when
11 using such applications. A public facing video communication
12 application may not be used in the provision of telehealth
13 services by covered health care providers or covered entities.

14 Section 15-40. Rulemaking authority. The Department of
15 Insurance may adopt rules to implement the provisions of this
16 Act.

17 Section 15-90. Repeal. This Act is repealed on December 31,
18 2020.

19 Section 15-95. The Illinois Insurance Code is amended by
20 changing Section 356z.22 as follows:

21 (215 ILCS 5/356z.22)

22 Sec. 356z.22. Coverage for telehealth services.

1 (a) For purposes of this Section:

2 "Distant site" means the location at which the health care
3 provider rendering the telehealth service is located.

4 "Interactive telecommunications system" means an audio and
5 video system permitting 2-way, live interactive communication
6 between the patient and the distant site health care provider.

7 "Originating site" means the location at which the patient
8 is located at the time that health care services are provided
9 to the patient by means of telehealth. "Originating site"
10 includes only the sites described in 42 U.S.C.
11 1395m(m) (4) (C) (ii).

12 "Telehealth services" means the delivery of covered health
13 care services by way of an interactive telecommunications
14 system, through electronic means, or through telephonic means
15 (landline or cellular).

16 (b) If an individual or group policy of accident or health
17 insurance provides coverage for telehealth services, then it
18 must comply with the following:

19 (1) An individual or group policy of accident or health
20 insurance providing telehealth services may not:

21 (A) require that in-person contact occur between a
22 health care provider and a patient;

23 (B) require the health care provider to document a
24 barrier to an in-person consultation for coverage of
25 services to be provided through telehealth;

26 (C) require the use of telehealth when the health

1 care provider has determined that it is not
2 appropriate; or

3 (D) require the use of telehealth when a patient
4 chooses an in-person consultation.

5 (2) Deductibles, copayments, or coinsurance applicable
6 to services provided through telehealth shall not exceed
7 the deductibles, copayments, or coinsurance required by
8 the individual or group policy of accident or health
9 insurance for the same services provided through in-person
10 consultation.

11 (3) An individual or group policy of accident or health
12 insurance may not exclude from coverage a medically
13 necessary health care service or procedure delivered by a
14 contracted health care professional or contracted health
15 care provider solely because the service or procedure is
16 provided through telehealth.

17 (4) Nothing in this Act shall prohibit an insurer from
18 entering a contract for telehealth services in which the
19 terms and reimbursement, including the facility fee, are
20 subject to negotiation. However, no facility fee shall be
21 paid with respect to the home of an individual other than
22 the home of a health care provider when used as his or her
23 office for providing health care services.

24 (b-5) If an individual or group policy of accident or
25 health insurance provides coverage for telehealth services, it
26 must provide coverage for licensed dietitian nutritionists and

1 certified diabetes educators who counsel senior diabetes
2 patients in the senior diabetes patients' homes to remove the
3 hurdle of transportation for senior diabetes patients to
4 receive treatment.

5 (c) Nothing in this Section shall be deemed as precluding a
6 health insurer from providing benefits for other services,
7 including, but not limited to, remote monitoring services,
8 other monitoring services, or oral communications otherwise
9 covered under the policy.

10 (Source: P.A. 100-1009, eff. 1-1-19.)

11 Article 99. Effective Date

12 Section 99-99. Effective date. Article 15 and this Article
13 take effect upon becoming law."