

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 5. The State Employees Group Insurance Act of 1971  
5 is amended by changing Section 6.11 as follows:

6 (5 ILCS 375/6.11)

7 (Text of Section before amendment by P.A. 100-1170)

8 Sec. 6.11. Required health benefits; Illinois Insurance  
9 Code requirements. The program of health benefits shall provide  
10 the post-mastectomy care benefits required to be covered by a  
11 policy of accident and health insurance under Section 356t of  
12 the Illinois Insurance Code. The program of health benefits  
13 shall provide the coverage required under Sections 356g,  
14 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4,  
15 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
16 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~  
17 356z.29, 356z.32, and 356z.33 of the Illinois Insurance Code.  
18 The program of health benefits must comply with Sections  
19 155.22a, 155.37, 355b, 356z.19, 370c, and 370c.1 of the  
20 Illinois Insurance Code. The Department of Insurance shall  
21 enforce the requirements of this Section.

22 Rulemaking authority to implement Public Act 95-1045, if  
23 any, is conditioned on the rules being adopted in accordance

1 with all provisions of the Illinois Administrative Procedure  
2 Act and all rules and procedures of the Joint Committee on  
3 Administrative Rules; any purported rule not so adopted, for  
4 whatever reason, is unauthorized.

5 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;  
6 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.  
7 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised  
8 1-8-19.)

9 (Text of Section after amendment by P.A. 100-1170)

10 Sec. 6.11. Required health benefits; Illinois Insurance  
11 Code requirements. The program of health benefits shall provide  
12 the post-mastectomy care benefits required to be covered by a  
13 policy of accident and health insurance under Section 356t of  
14 the Illinois Insurance Code. The program of health benefits  
15 shall provide the coverage required under Sections 356g,  
16 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4,  
17 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
18 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, 356z.26, 356z.29,  
19 ~~and~~ 356z.32, and 356z.33 of the Illinois Insurance Code. The  
20 program of health benefits must comply with Sections 155.22a,  
21 155.37, 355b, 356z.19, 370c, and 370c.1 of the Illinois  
22 Insurance Code. The Department of Insurance shall enforce the  
23 requirements of this Section with respect to Sections 370c and  
24 370c.1 of the Illinois Insurance Code; all other requirements  
25 of this Section shall be enforced by the Department of Central

1 Management Services.

2 Rulemaking authority to implement Public Act 95-1045, if  
3 any, is conditioned on the rules being adopted in accordance  
4 with all provisions of the Illinois Administrative Procedure  
5 Act and all rules and procedures of the Joint Committee on  
6 Administrative Rules; any purported rule not so adopted, for  
7 whatever reason, is unauthorized.

8 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;  
9 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.  
10 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19;  
11 100-1170, eff. 6-1-19.)

12 Section 10. The Department of Public Health Powers and  
13 Duties Law of the Civil Administrative Code of Illinois is  
14 amended by adding Section 2310-705 as follows:

15 (20 ILCS 2310/2310-705 new)

16 Sec. 2310-705. Contraceptive drugs and products; Director  
17 standing order.

18 (a) As used in this Section:

19 "Hormonal contraceptive" means a prescribed  
20 medically-acceptable oral drug, transdermal patch, or vaginal  
21 ring that is approved by the United States Food and Drug  
22 Administration to prevent pregnancy.

23 "Standing order" has the meaning given to that term in the  
24 Pharmacy Practice Act.

1       (b) If the Director of Public Health is a physician  
2       licensed to practice medicine in all its branches in Illinois,  
3       the Director shall establish a standing order complete with the  
4       issuance of a prescription for a hormonal contraceptive in  
5       accordance with this Section. If the Director is not a  
6       physician licensed to practice medicine in all its branches in  
7       Illinois, then the Medical Director of the Department of Public  
8       Health shall establish a standing order in accordance with this  
9       Section.

10       (c) The standing order, at a minimum, shall comply with the  
11       following:

12               (1) A pharmacist may dispense a 12-month supply of  
13               hormonal contraceptives to a patient.

14               (2) A pharmacist shall have the patient complete the  
15               self-screening risk assessment tool. The self-screening  
16               risk assessment tool is to be based on the most current  
17               version of the United States Medical Eligibility Criteria  
18               for Contraceptive Use published by the federal Centers for  
19               Disease Control and Prevention.

20               (3) Based upon the results of the self-screening risk  
21               assessment and the patient assessment, the pharmacist  
22               shall use his or her professional and clinical judgment as  
23               to when a patient should be referred to the patient's  
24               physician or another health care provider.

25               (4) The pharmacist shall provide, during the patient  
26               assessment and consultation, counseling and education

1 about all methods of contraception, including methods not  
2 covered under the standing order, and their proper use and  
3 effectiveness.

4 (5) The patient consultation shall take place in a  
5 private manner consistent with rules adopted by the  
6 Department of Financial and Professional Regulation.

7 (6) The Department shall adopt rules under this Section  
8 that require a pharmacist to:

9 (A) complete an educational training program  
10 accredited by the Accreditation Council for Pharmacy  
11 Education and approved by the Department that is  
12 related to the patient self-screening risk assessment,  
13 patient assessment, contraceptive counseling and  
14 education, and dispensation of hormonal  
15 contraceptives; and

16 (B) dispense the hormonal contraceptive to the  
17 patient as soon as practicable after meeting the  
18 requirements of paragraph (2).

19 (7) All State and federal laws governing insurance  
20 coverage of contraceptive drugs shall apply to hormonal  
21 contraceptives dispensed by a pharmacist under this  
22 Section.

23 Section 15. The Counties Code is amended by changing  
24 Section 5-1069.3 as follows:

1 (55 ILCS 5/5-1069.3)

2 Sec. 5-1069.3. Required health benefits. If a county,  
3 including a home rule county, is a self-insurer for purposes of  
4 providing health insurance coverage for its employees, the  
5 coverage shall include coverage for the post-mastectomy care  
6 benefits required to be covered by a policy of accident and  
7 health insurance under Section 356t and the coverage required  
8 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,  
9 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
10 356z.14, 356z.15, 356z.22, 356z.25, ~~and 356z.26, and 356z.29,~~  
11 356z.32, and 356z.33 of the Illinois Insurance Code. The  
12 coverage shall comply with Sections 155.22a, 355b, 356z.19, and  
13 370c of the Illinois Insurance Code. The Department of  
14 Insurance shall enforce the requirements of this Section. The  
15 requirement that health benefits be covered as provided in this  
16 Section is an exclusive power and function of the State and is  
17 a denial and limitation under Article VII, Section 6,  
18 subsection (h) of the Illinois Constitution. A home rule county  
19 to which this Section applies must comply with every provision  
20 of this Section.

21 Rulemaking authority to implement Public Act 95-1045, if  
22 any, is conditioned on the rules being adopted in accordance  
23 with all provisions of the Illinois Administrative Procedure  
24 Act and all rules and procedures of the Joint Committee on  
25 Administrative Rules; any purported rule not so adopted, for  
26 whatever reason, is unauthorized.

1 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;  
2 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.  
3 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised  
4 10-3-18.)

5 Section 20. The Illinois Municipal Code is amended by  
6 changing Section 10-4-2.3 as follows:

7 (65 ILCS 5/10-4-2.3)

8 Sec. 10-4-2.3. Required health benefits. If a  
9 municipality, including a home rule municipality, is a  
10 self-insurer for purposes of providing health insurance  
11 coverage for its employees, the coverage shall include coverage  
12 for the post-mastectomy care benefits required to be covered by  
13 a policy of accident and health insurance under Section 356t  
14 and the coverage required under Sections 356g, 356g.5,  
15 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10,  
16 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25,  
17 ~~and 356z.26, and 356z.29,~~ 356z.32, and 356z.33 of the Illinois  
18 Insurance Code. The coverage shall comply with Sections  
19 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance  
20 Code. The Department of Insurance shall enforce the  
21 requirements of this Section. The requirement that health  
22 benefits be covered as provided in this is an exclusive power  
23 and function of the State and is a denial and limitation under  
24 Article VII, Section 6, subsection (h) of the Illinois

1 Constitution. A home rule municipality to which this Section  
2 applies must comply with every provision of this Section.

3 Rulemaking authority to implement Public Act 95-1045, if  
4 any, is conditioned on the rules being adopted in accordance  
5 with all provisions of the Illinois Administrative Procedure  
6 Act and all rules and procedures of the Joint Committee on  
7 Administrative Rules; any purported rule not so adopted, for  
8 whatever reason, is unauthorized.

9 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;  
10 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.  
11 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised  
12 10-4-18.)

13 Section 25. The School Code is amended by changing Section  
14 10-22.3f as follows:

15 (105 ILCS 5/10-22.3f)

16 Sec. 10-22.3f. Required health benefits. Insurance  
17 protection and benefits for employees shall provide the  
18 post-mastectomy care benefits required to be covered by a  
19 policy of accident and health insurance under Section 356t and  
20 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
21 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,  
22 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~  
23 356z.29, 356z.32, and 356z.33 of the Illinois Insurance Code.  
24 Insurance policies shall comply with Section 356z.19 of the



1 Illinois Insurance Code. The coverage shall comply with  
2 Sections 155.22a, 355b, and 370c of the Illinois Insurance  
3 Code. The Department of Insurance shall enforce the  
4 requirements of this Section.

5 Rulemaking authority to implement Public Act 95-1045, if  
6 any, is conditioned on the rules being adopted in accordance  
7 with all provisions of the Illinois Administrative Procedure  
8 Act and all rules and procedures of the Joint Committee on  
9 Administrative Rules; any purported rule not so adopted, for  
10 whatever reason, is unauthorized.

11 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
12 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
13 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

14 Section 30. The Illinois Insurance Code is amended by  
15 adding Section 356z.33 as follows:

16 (215 ILCS 5/356z.33 new)

17 Sec. 356z.33. Coverage for patient care services for  
18 hormonal contraceptives provided by a pharmacist. A group or  
19 individual policy of accident and health insurance or a managed  
20 care plan that is amended, delivered, issued, or renewed after  
21 the effective date of this amendatory Act of the 101st General  
22 Assembly shall provide coverage for patient care services  
23 provided by a pharmacist for hormonal contraceptives  
24 assessment and consultation.

1           Section 35. The Pharmacy Practice Act is amended by  
2 changing Section 3 as follows:

3           (225 ILCS 85/3)

4           (Section scheduled to be repealed on January 1, 2020)

5           Sec. 3. Definitions. For the purpose of this Act, except  
6 where otherwise limited therein:

7           (a) "Pharmacy" or "drugstore" means and includes every  
8 store, shop, pharmacy department, or other place where  
9 pharmacist care is provided by a pharmacist (1) where drugs,  
10 medicines, or poisons are dispensed, sold or offered for sale  
11 at retail, or displayed for sale at retail; or (2) where  
12 prescriptions of physicians, dentists, advanced practice  
13 registered nurses, physician assistants, veterinarians,  
14 podiatric physicians, or optometrists, within the limits of  
15 their licenses, are compounded, filled, or dispensed; or (3)  
16 which has upon it or displayed within it, or affixed to or used  
17 in connection with it, a sign bearing the word or words  
18 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",  
19 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",  
20 "Drugs", "Dispensary", "Medicines", or any word or words of  
21 similar or like import, either in the English language or any  
22 other language; or (4) where the characteristic prescription  
23 sign (Rx) or similar design is exhibited; or (5) any store, or  
24 shop, or other place with respect to which any of the above

1 words, objects, signs or designs are used in any advertisement.

2 (b) "Drugs" means and includes (1) articles recognized in  
3 the official United States Pharmacopoeia/National Formulary  
4 (USP/NF), or any supplement thereto and being intended for and  
5 having for their main use the diagnosis, cure, mitigation,  
6 treatment or prevention of disease in man or other animals, as  
7 approved by the United States Food and Drug Administration, but  
8 does not include devices or their components, parts, or  
9 accessories; and (2) all other articles intended for and having  
10 for their main use the diagnosis, cure, mitigation, treatment  
11 or prevention of disease in man or other animals, as approved  
12 by the United States Food and Drug Administration, but does not  
13 include devices or their components, parts, or accessories; and  
14 (3) articles (other than food) having for their main use and  
15 intended to affect the structure or any function of the body of  
16 man or other animals; and (4) articles having for their main  
17 use and intended for use as a component or any articles  
18 specified in clause (1), (2) or (3); but does not include  
19 devices or their components, parts or accessories.

20 (c) "Medicines" means and includes all drugs intended for  
21 human or veterinary use approved by the United States Food and  
22 Drug Administration.

23 (d) "Practice of pharmacy" means:

24 (1) the interpretation and the provision of assistance  
25 in the monitoring, evaluation, and implementation of  
26 prescription drug orders;

- 1           (2) the dispensing of prescription drug orders;  
2           (3) participation in drug and device selection;  
3           (4) drug administration limited to the administration  
4 of oral, topical, injectable, and inhalation as follows:

5           (A) in the context of patient education on the  
6 proper use or delivery of medications;

7           (B) vaccination of patients 14 years of age and  
8 older pursuant to a valid prescription or standing  
9 order, by a physician licensed to practice medicine in  
10 all its branches, upon completion of appropriate  
11 training, including how to address contraindications  
12 and adverse reactions set forth by rule, with  
13 notification to the patient's physician and  
14 appropriate record retention, or pursuant to hospital  
15 pharmacy and therapeutics committee policies and  
16 procedures; and

17           (C) administration of injections of  
18 alpha-hydroxyprogesterone caproate, pursuant to a  
19 valid prescription, by a physician licensed to  
20 practice medicine in all its branches, upon completion  
21 of appropriate training, including how to address  
22 contraindications and adverse reactions set forth by  
23 rule, with notification to the patient's physician and  
24 appropriate record retention, or pursuant to hospital  
25 pharmacy and therapeutics committee policies and  
26 procedures;

1           (5) vaccination of patients ages 10 through 13 limited  
2           to the Influenza (inactivated influenza vaccine and live  
3           attenuated influenza intranasal vaccine) and Tdap (defined  
4           as tetanus, diphtheria, acellular pertussis) vaccines,  
5           pursuant to a valid prescription or standing order, by a  
6           physician licensed to practice medicine in all its  
7           branches, upon completion of appropriate training,  
8           including how to address contraindications and adverse  
9           reactions set forth by rule, with notification to the  
10          patient's physician and appropriate record retention, or  
11          pursuant to hospital pharmacy and therapeutics committee  
12          policies and procedures;

13           (6) drug regimen review;

14           (7) drug or drug-related research;

15           (8) the provision of patient counseling;

16           (9) the practice of telepharmacy;

17           (10) the provision of those acts or services necessary  
18          to provide pharmacist care;

19           (11) medication therapy management; and

20           (12) the responsibility for compounding and labeling  
21          of drugs and devices (except labeling by a manufacturer,  
22          repackager, or distributor of non-prescription drugs and  
23          commercially packaged legend drugs and devices), proper  
24          and safe storage of drugs and devices, and maintenance of  
25          required records; and -

26           (13) the assessment and consultation of patients and

1       dispensing of hormonal contraceptives pursuant to the  
2       standing order under Section 2310-705 of the Department of  
3       Public Health Powers and Duties Law of the Civil  
4       Administrative Code of Illinois.

5       A pharmacist who performs any of the acts defined as the  
6       practice of pharmacy in this State must be actively licensed as  
7       a pharmacist under this Act.

8       (e) "Prescription" means and includes any written, oral,  
9       facsimile, or electronically transmitted order for drugs or  
10      medical devices, issued by a physician licensed to practice  
11      medicine in all its branches, dentist, veterinarian, podiatric  
12      physician, or optometrist, within the limits of his or her  
13      license, by a physician assistant in accordance with subsection  
14      (f) of Section 4, or by an advanced practice registered nurse  
15      in accordance with subsection (g) of Section 4, containing the  
16      following: (1) name of the patient; (2) date when prescription  
17      was issued; (3) name and strength of drug or description of the  
18      medical device prescribed; and (4) quantity; (5) directions for  
19      use; (6) prescriber's name, address, and signature; and (7) DEA  
20      registration number where required, for controlled substances.  
21      The prescription may, but is not required to, list the illness,  
22      disease, or condition for which the drug or device is being  
23      prescribed. DEA registration numbers shall not be required on  
24      inpatient drug orders. A prescription for medication other than  
25      controlled substances shall be valid for up to 15 months from  
26      the date issued for the purpose of refills, unless the

1 prescription states otherwise.

2 (f) "Person" means and includes a natural person,  
3 partnership, association, corporation, government entity, or  
4 any other legal entity.

5 (g) "Department" means the Department of Financial and  
6 Professional Regulation.

7 (h) "Board of Pharmacy" or "Board" means the State Board of  
8 Pharmacy of the Department of Financial and Professional  
9 Regulation.

10 (i) "Secretary" means the Secretary of Financial and  
11 Professional Regulation.

12 (j) "Drug product selection" means the interchange for a  
13 prescribed pharmaceutical product in accordance with Section  
14 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
15 Cosmetic Act.

16 (k) "Inpatient drug order" means an order issued by an  
17 authorized prescriber for a resident or patient of a facility  
18 licensed under the Nursing Home Care Act, the ID/DD Community  
19 Care Act, the MC/DD Act, the Specialized Mental Health  
20 Rehabilitation Act of 2013, the Hospital Licensing Act, or the  
21 University of Illinois Hospital Act, or a facility which is  
22 operated by the Department of Human Services (as successor to  
23 the Department of Mental Health and Developmental  
24 Disabilities) or the Department of Corrections.

25 (k-5) "Pharmacist" means an individual health care  
26 professional and provider currently licensed by this State to

1 engage in the practice of pharmacy.

2 (l) "Pharmacist in charge" means the licensed pharmacist  
3 whose name appears on a pharmacy license and who is responsible  
4 for all aspects of the operation related to the practice of  
5 pharmacy.

6 (m) "Dispense" or "dispensing" means the interpretation,  
7 evaluation, and implementation of a prescription drug order,  
8 including the preparation and delivery of a drug or device to a  
9 patient or patient's agent in a suitable container  
10 appropriately labeled for subsequent administration to or use  
11 by a patient in accordance with applicable State and federal  
12 laws and regulations. "Dispense" or "dispensing" does not mean  
13 the physical delivery to a patient or a patient's  
14 representative in a home or institution by a designee of a  
15 pharmacist or by common carrier. "Dispense" or "dispensing"  
16 also does not mean the physical delivery of a drug or medical  
17 device to a patient or patient's representative by a  
18 pharmacist's designee within a pharmacy or drugstore while the  
19 pharmacist is on duty and the pharmacy is open.

20 (n) "Nonresident pharmacy" means a pharmacy that is located  
21 in a state, commonwealth, or territory of the United States,  
22 other than Illinois, that delivers, dispenses, or distributes,  
23 through the United States Postal Service, commercially  
24 acceptable parcel delivery service, or other common carrier, to  
25 Illinois residents, any substance which requires a  
26 prescription.



1           (o) "Compounding" means the preparation and mixing of  
2 components, excluding flavorings, (1) as the result of a  
3 prescriber's prescription drug order or initiative based on the  
4 prescriber-patient-pharmacist relationship in the course of  
5 professional practice or (2) for the purpose of, or incident  
6 to, research, teaching, or chemical analysis and not for sale  
7 or dispensing. "Compounding" includes the preparation of drugs  
8 or devices in anticipation of receiving prescription drug  
9 orders based on routine, regularly observed dispensing  
10 patterns. Commercially available products may be compounded  
11 for dispensing to individual patients only if all of the  
12 following conditions are met: (i) the commercial product is not  
13 reasonably available from normal distribution channels in a  
14 timely manner to meet the patient's needs and (ii) the  
15 prescribing practitioner has requested that the drug be  
16 compounded.

17           (p) (Blank).

18           (q) (Blank).

19           (r) "Patient counseling" means the communication between a  
20 pharmacist or a student pharmacist under the supervision of a  
21 pharmacist and a patient or the patient's representative about  
22 the patient's medication or device for the purpose of  
23 optimizing proper use of prescription medications or devices.  
24 "Patient counseling" may include without limitation (1)  
25 obtaining a medication history; (2) acquiring a patient's  
26 allergies and health conditions; (3) facilitation of the

1 patient's understanding of the intended use of the medication;  
2 (4) proper directions for use; (5) significant potential  
3 adverse events; (6) potential food-drug interactions; and (7)  
4 the need to be compliant with the medication therapy. A  
5 pharmacy technician may only participate in the following  
6 aspects of patient counseling under the supervision of a  
7 pharmacist: (1) obtaining medication history; (2) providing  
8 the offer for counseling by a pharmacist or student pharmacist;  
9 and (3) acquiring a patient's allergies and health conditions.

10 (s) "Patient profiles" or "patient drug therapy record"  
11 means the obtaining, recording, and maintenance of patient  
12 prescription information, including prescriptions for  
13 controlled substances, and personal information.

14 (t) (Blank).

15 (u) "Medical device" or "device" means an instrument,  
16 apparatus, implement, machine, contrivance, implant, in vitro  
17 reagent, or other similar or related article, including any  
18 component part or accessory, required under federal law to bear  
19 the label "Caution: Federal law requires dispensing by or on  
20 the order of a physician". A seller of goods and services who,  
21 only for the purpose of retail sales, compounds, sells, rents,  
22 or leases medical devices shall not, by reasons thereof, be  
23 required to be a licensed pharmacy.

24 (v) "Unique identifier" means an electronic signature,  
25 handwritten signature or initials, thumb print, or other  
26 acceptable biometric or electronic identification process as

1 approved by the Department.

2 (w) "Current usual and customary retail price" means the  
3 price that a pharmacy charges to a non-third-party payor.

4 (x) "Automated pharmacy system" means a mechanical system  
5 located within the confines of the pharmacy or remote location  
6 that performs operations or activities, other than compounding  
7 or administration, relative to storage, packaging, dispensing,  
8 or distribution of medication, and which collects, controls,  
9 and maintains all transaction information.

10 (y) "Drug regimen review" means and includes the evaluation  
11 of prescription drug orders and patient records for (1) known  
12 allergies; (2) drug or potential therapy contraindications;  
13 (3) reasonable dose, duration of use, and route of  
14 administration, taking into consideration factors such as age,  
15 gender, and contraindications; (4) reasonable directions for  
16 use; (5) potential or actual adverse drug reactions; (6)  
17 drug-drug interactions; (7) drug-food interactions; (8)  
18 drug-disease contraindications; (9) therapeutic duplication;  
19 (10) patient laboratory values when authorized and available;  
20 (11) proper utilization (including over or under utilization)  
21 and optimum therapeutic outcomes; and (12) abuse and misuse.

22 (z) "Electronically transmitted prescription" means a  
23 prescription that is created, recorded, or stored by electronic  
24 means; issued and validated with an electronic signature; and  
25 transmitted by electronic means directly from the prescriber to  
26 a pharmacy. An electronic prescription is not an image of a

1 physical prescription that is transferred by electronic means  
2 from computer to computer, facsimile to facsimile, or facsimile  
3 to computer.

4 (aa) "Medication therapy management services" means a  
5 distinct service or group of services offered by licensed  
6 pharmacists, physicians licensed to practice medicine in all  
7 its branches, advanced practice registered nurses authorized  
8 in a written agreement with a physician licensed to practice  
9 medicine in all its branches, or physician assistants  
10 authorized in guidelines by a supervising physician that  
11 optimize therapeutic outcomes for individual patients through  
12 improved medication use. In a retail or other non-hospital  
13 pharmacy, medication therapy management services shall consist  
14 of the evaluation of prescription drug orders and patient  
15 medication records to resolve conflicts with the following:

16 (1) known allergies;

17 (2) drug or potential therapy contraindications;

18 (3) reasonable dose, duration of use, and route of  
19 administration, taking into consideration factors such as  
20 age, gender, and contraindications;

21 (4) reasonable directions for use;

22 (5) potential or actual adverse drug reactions;

23 (6) drug-drug interactions;

24 (7) drug-food interactions;

25 (8) drug-disease contraindications;

26 (9) identification of therapeutic duplication;

1           (10) patient laboratory values when authorized and  
2           available;

3           (11) proper utilization (including over or under  
4           utilization) and optimum therapeutic outcomes; and

5           (12) drug abuse and misuse.

6           "Medication therapy management services" includes the  
7           following:

8           (1) documenting the services delivered and  
9           communicating the information provided to patients'  
10          prescribers within an appropriate time frame, not to exceed  
11          48 hours;

12          (2) providing patient counseling designed to enhance a  
13          patient's understanding and the appropriate use of his or  
14          her medications; and

15          (3) providing information, support services, and  
16          resources designed to enhance a patient's adherence with  
17          his or her prescribed therapeutic regimens.

18          "Medication therapy management services" may also include  
19          patient care functions authorized by a physician licensed to  
20          practice medicine in all its branches for his or her identified  
21          patient or groups of patients under specified conditions or  
22          limitations in a standing order from the physician.

23          "Medication therapy management services" in a licensed  
24          hospital may also include the following:

25          (1) reviewing assessments of the patient's health  
26          status; and

1           (2) following protocols of a hospital pharmacy and  
2           therapeutics committee with respect to the fulfillment of  
3           medication orders.

4           (bb) "Pharmacist care" means the provision by a pharmacist  
5           of medication therapy management services, with or without the  
6           dispensing of drugs or devices, intended to achieve outcomes  
7           that improve patient health, quality of life, and comfort and  
8           enhance patient safety.

9           (cc) "Protected health information" means individually  
10          identifiable health information that, except as otherwise  
11          provided, is:

12                 (1) transmitted by electronic media;

13                 (2) maintained in any medium set forth in the  
14          definition of "electronic media" in the federal Health  
15          Insurance Portability and Accountability Act; or

16                 (3) transmitted or maintained in any other form or  
17          medium.

18          "Protected health information" does not include  
19          individually identifiable health information found in:

20                 (1) education records covered by the federal Family  
21          Educational Right and Privacy Act; or

22                 (2) employment records held by a licensee in its role  
23          as an employer.

24          (dd) "Standing order" means a specific order for a patient  
25          or group of patients issued by a physician licensed to practice  
26          medicine in all its branches in Illinois.

1 (ee) "Address of record" means the designated address  
2 recorded by the Department in the applicant's application file  
3 or licensee's license file maintained by the Department's  
4 licensure maintenance unit.

5 (ff) "Home pharmacy" means the location of a pharmacy's  
6 primary operations.

7 (gg) "Email address of record" means the designated email  
8 address recorded by the Department in the applicant's  
9 application file or the licensee's license file, as maintained  
10 by the Department's licensure maintenance unit.

11 (Source: P.A. 99-180, eff. 7-29-15; 100-208, eff. 1-1-18;  
12 100-497, eff. 9-8-17; 100-513, eff. 1-1-18; 100-804, eff.  
13 1-1-19; 100-863, eff. 8-14-18.)

14 Section 40. The Illinois Public Aid Code is amended by  
15 adding Section 5-5.12c as follows:

16 (305 ILCS 5/5-5.12c new)

17 Sec. 5-5.12c. Coverage for patient care services for  
18 hormonal contraceptives provided by a pharmacist.

19 (a) Subject to approval by the federal Centers for Medicare  
20 and Medicaid Services, the medical assistance program,  
21 including both the fee-for-service and managed care medical  
22 assistance programs established under this Article, shall  
23 cover patient care services provided by a pharmacist for  
24 hormonal contraceptives assessment and consultation.

1       (b) The Department shall establish a fee schedule for  
2 patient care services provided by a pharmacist for hormonal  
3 contraceptives assessment and consultation.

4       (c) The rate of reimbursement for patient care services  
5 provided by a pharmacist for hormonal contraceptives  
6 assessment and consultation shall be at 85% of the fee schedule  
7 for physician services by the medical assistance program.

8       (d) A pharmacist must be enrolled in the medical assistance  
9 program as an ordering and referring provider prior to  
10 providing hormonal contraceptives assessment and consultation  
11 that is submitted by a pharmacy or pharmacist provider for  
12 reimbursement pursuant to this Section.

13       (e) The Director shall seek any necessary federal waivers  
14 or approvals to implement this Section. This Section shall not  
15 be implemented until the receipt of all necessary federal  
16 wavers or approvals or until January 1, 2022, whichever comes  
17 first. If federal approval is not obtained by January 1, 2022,  
18 the provisions of this Section shall be implemented using State  
19 funds.

20       (f) This Section does not restrict or prohibit any services  
21 currently provided by pharmacists as authorized by law,  
22 including, but not limited to, pharmacist services provided  
23 under this Code or authorized under the Illinois Title XIX  
24 State Plan.

25       (g) The Department shall adopt administrative rules for  
26 this Section as soon as practicable but no later than May 1,



1 2020.

2       Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.

9       Section 99. Effective date. This Act takes effect January  
10 1, 2020.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 375/6.11

4 20 ILCS 2310/2310-705 new

5 55 ILCS 5/5-1069.3

6 65 ILCS 5/10-4-2.3

7 105 ILCS 5/10-22.3f

8 215 ILCS 5/356z.33 new

9 225 ILCS 85/3

10 305 ILCS 5/5-5.12c new