



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3811

by Rep. Mark Batinick

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Provides that the Director of Public Health, if a physician licensed to practice medicine in all its branches in Illinois, shall establish a standing order complete with the issuance of a prescription for a hormonal contraceptive in accordance with the requirements of the provisions. Provides that if the Director is not a physician licensed to practice medicine in all its branches in Illinois, the Medical Director of the Department of Public Health shall establish the standing order. Provides that a pharmacist may dispense a 12-month supply of hormonal contraceptives to a patient who is age 17 or older. Amends the Illinois Insurance Code. Requires a group or individual policy of accident and health insurance or managed care plan to provide coverage for patient care services provided by a pharmacist. Makes conforming changes in the State Employees Group Insurance Act of 1971, the Counties Code, the Illinois Municipal Code, and the School Code. Amends the Pharmacy Practice Act. Provides that the definition of "practice of pharmacy" includes the dispensing of hormonal contraceptives pursuant to the standing order under provisions of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Amends the Illinois Public Aid Code. Requires the medical assistance program to cover patient care services provided by a pharmacist for hormonal contraceptives assessment and consultation for patients who are age 17 or older. Effective January 1, 2020.

LRB101 11591 RAB 57590 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 who is age 17 or  
14               older.

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

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

26               (4) The pharmacist shall provide, during the patient

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

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

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

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

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

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

24 (8) Nothing in this Section shall apply to any contact  
25 between a pharmacist and a patient who is under age 17.

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

3 (55 ILCS 5/5-1069.3)

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

23 Rulemaking authority to implement Public Act 95-1045, if  
24 any, is conditioned on the rules being adopted in accordance  
25 with all provisions of the Illinois Administrative Procedure

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

4 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;  
5 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.  
6 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised  
7 10-3-18.)

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

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

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



1 benefits be covered as provided in this is an exclusive power  
2 and function of the State and is a denial and limitation under  
3 Article VII, Section 6, subsection (h) of the Illinois  
4 Constitution. A home rule municipality to which this Section  
5 applies must comply with every provision of this Section.

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

12 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;  
13 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.  
14 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised  
15 10-4-18.)

16 Section 25. The School Code is amended by changing Section  
17 10-22.3f as follows:

18 (105 ILCS 5/10-22.3f)

19 Sec. 10-22.3f. Required health benefits. Insurance  
20 protection and benefits for employees shall provide the  
21 post-mastectomy care benefits required to be covered by a  
22 policy of accident and health insurance under Section 356t and  
23 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
24 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,

1 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~  
2 356z.29, 356z.32, and 356z.33 of the Illinois Insurance Code.  
3 Insurance policies shall comply with Section 356z.19 of the  
4 Illinois Insurance Code. The coverage shall comply with  
5 Sections 155.22a, 355b, and 370c of the Illinois Insurance  
6 Code. The Department of Insurance shall enforce the  
7 requirements of this Section.

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

14 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
15 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
16 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

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

19 (215 ILCS 5/356z.33 new)

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

1 Assembly shall provide coverage for patient care services  
2 provided by a pharmacist for hormonal contraceptives  
3 assessment and consultation. Nothing in this Section shall  
4 mandate the coverage of patient care services provided by a  
5 pharmacist for hormonal contraceptives assessment and  
6 consultation to a patient under age 17.

7 Section 35. The Pharmacy Practice Act is amended by  
8 changing Section 3 as follows:

9 (225 ILCS 85/3)

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

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

13 (a) "Pharmacy" or "drugstore" means and includes every  
14 store, shop, pharmacy department, or other place where  
15 pharmacist care is provided by a pharmacist (1) where drugs,  
16 medicines, or poisons are dispensed, sold or offered for sale  
17 at retail, or displayed for sale at retail; or (2) where  
18 prescriptions of physicians, dentists, advanced practice  
19 registered nurses, physician assistants, veterinarians,  
20 podiatric physicians, or optometrists, within the limits of  
21 their licenses, are compounded, filled, or dispensed; or (3)  
22 which has upon it or displayed within it, or affixed to or used  
23 in connection with it, a sign bearing the word or words  
24 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",

1 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",  
2 "Drugs", "Dispensary", "Medicines", or any word or words of  
3 similar or like import, either in the English language or any  
4 other language; or (4) where the characteristic prescription  
5 sign (Rx) or similar design is exhibited; or (5) any store, or  
6 shop, or other place with respect to which any of the above  
7 words, objects, signs or designs are used in any advertisement.

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

26 (c) "Medicines" means and includes all drugs intended for

1 human or veterinary use approved by the United States Food and  
2 Drug Administration.

3 (d) "Practice of pharmacy" means:

4 (1) the interpretation and the provision of assistance  
5 in the monitoring, evaluation, and implementation of  
6 prescription drug orders;

7 (2) the dispensing of prescription drug orders;

8 (3) participation in drug and device selection;

9 (4) drug administration limited to the administration  
10 of oral, topical, injectable, and inhalation as follows:

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

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

23 (C) administration of injections of  
24 alpha-hydroxyprogesterone caproate, pursuant to a  
25 valid prescription, by a physician licensed to  
26 practice medicine in all its branches, upon completion

1 of appropriate training, including how to address  
2 contraindications and adverse reactions set forth by  
3 rule, with notification to the patient's physician and  
4 appropriate record retention, or pursuant to hospital  
5 pharmacy and therapeutics committee policies and  
6 procedures;

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

19 (6) drug regimen review;

20 (7) drug or drug-related research;

21 (8) the provision of patient counseling;

22 (9) the practice of telepharmacy;

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

25 (11) medication therapy management; and

26 (12) the responsibility for compounding and labeling

1 of drugs and devices (except labeling by a manufacturer,  
2 repackager, or distributor of non-prescription drugs and  
3 commercially packaged legend drugs and devices), proper  
4 and safe storage of drugs and devices, and maintenance of  
5 required records; and -

6 (13) the assessment and consultation of patients and  
7 dispensing of hormonal contraceptives pursuant to the  
8 standing order under Section 2310-705 of the Department of  
9 Public Health Powers and Duties Law of the Civil  
10 Administrative Code of Illinois.

11 A pharmacist who performs any of the acts defined as the  
12 practice of pharmacy in this State must be actively licensed as  
13 a pharmacist under this Act.

14 (e) "Prescription" means and includes any written, oral,  
15 facsimile, or electronically transmitted order for drugs or  
16 medical devices, issued by a physician licensed to practice  
17 medicine in all its branches, dentist, veterinarian, podiatric  
18 physician, or optometrist, within the limits of his or her  
19 license, by a physician assistant in accordance with subsection  
20 (f) of Section 4, or by an advanced practice registered nurse  
21 in accordance with subsection (g) of Section 4, containing the  
22 following: (1) name of the patient; (2) date when prescription  
23 was issued; (3) name and strength of drug or description of the  
24 medical device prescribed; and (4) quantity; (5) directions for  
25 use; (6) prescriber's name, address, and signature; and (7) DEA  
26 registration number where required, for controlled substances.

1 The prescription may, but is not required to, list the illness,  
2 disease, or condition for which the drug or device is being  
3 prescribed. DEA registration numbers shall not be required on  
4 inpatient drug orders. A prescription for medication other than  
5 controlled substances shall be valid for up to 15 months from  
6 the date issued for the purpose of refills, unless the  
7 prescription states otherwise.

8 (f) "Person" means and includes a natural person,  
9 partnership, association, corporation, government entity, or  
10 any other legal entity.

11 (g) "Department" means the Department of Financial and  
12 Professional Regulation.

13 (h) "Board of Pharmacy" or "Board" means the State Board of  
14 Pharmacy of the Department of Financial and Professional  
15 Regulation.

16 (i) "Secretary" means the Secretary of Financial and  
17 Professional Regulation.

18 (j) "Drug product selection" means the interchange for a  
19 prescribed pharmaceutical product in accordance with Section  
20 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
21 Cosmetic Act.

22 (k) "Inpatient drug order" means an order issued by an  
23 authorized prescriber for a resident or patient of a facility  
24 licensed under the Nursing Home Care Act, the ID/DD Community  
25 Care Act, the MC/DD Act, the Specialized Mental Health  
26 Rehabilitation Act of 2013, the Hospital Licensing Act, or the



1 University of Illinois Hospital Act, or a facility which is  
2 operated by the Department of Human Services (as successor to  
3 the Department of Mental Health and Developmental  
4 Disabilities) or the Department of Corrections.

5 (k-5) "Pharmacist" means an individual health care  
6 professional and provider currently licensed by this State to  
7 engage in the practice of pharmacy.

8 (l) "Pharmacist in charge" means the licensed pharmacist  
9 whose name appears on a pharmacy license and who is responsible  
10 for all aspects of the operation related to the practice of  
11 pharmacy.

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

26 (n) "Nonresident pharmacy" means a pharmacy that is located

1 in a state, commonwealth, or territory of the United States,  
2 other than Illinois, that delivers, dispenses, or distributes,  
3 through the United States Postal Service, commercially  
4 acceptable parcel delivery service, or other common carrier, to  
5 Illinois residents, any substance which requires a  
6 prescription.

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

23 (p) (Blank).

24 (q) (Blank).

25 (r) "Patient counseling" means the communication between a  
26 pharmacist or a student pharmacist under the supervision of a

1 pharmacist and a patient or the patient's representative about  
2 the patient's medication or device for the purpose of  
3 optimizing proper use of prescription medications or devices.  
4 "Patient counseling" may include without limitation (1)  
5 obtaining a medication history; (2) acquiring a patient's  
6 allergies and health conditions; (3) facilitation of the  
7 patient's understanding of the intended use of the medication;  
8 (4) proper directions for use; (5) significant potential  
9 adverse events; (6) potential food-drug interactions; and (7)  
10 the need to be compliant with the medication therapy. A  
11 pharmacy technician may only participate in the following  
12 aspects of patient counseling under the supervision of a  
13 pharmacist: (1) obtaining medication history; (2) providing  
14 the offer for counseling by a pharmacist or student pharmacist;  
15 and (3) acquiring a patient's allergies and health conditions.

16 (s) "Patient profiles" or "patient drug therapy record"  
17 means the obtaining, recording, and maintenance of patient  
18 prescription information, including prescriptions for  
19 controlled substances, and personal information.

20 (t) (Blank).

21 (u) "Medical device" or "device" means an instrument,  
22 apparatus, implement, machine, contrivance, implant, in vitro  
23 reagent, or other similar or related article, including any  
24 component part or accessory, required under federal law to bear  
25 the label "Caution: Federal law requires dispensing by or on  
26 the order of a physician". A seller of goods and services who,

1 only for the purpose of retail sales, compounds, sells, rents,  
2 or leases medical devices shall not, by reasons thereof, be  
3 required to be a licensed pharmacy.

4 (v) "Unique identifier" means an electronic signature,  
5 handwritten signature or initials, thumb print, or other  
6 acceptable biometric or electronic identification process as  
7 approved by the Department.

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

10 (x) "Automated pharmacy system" means a mechanical system  
11 located within the confines of the pharmacy or remote location  
12 that performs operations or activities, other than compounding  
13 or administration, relative to storage, packaging, dispensing,  
14 or distribution of medication, and which collects, controls,  
15 and maintains all transaction information.

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

1 and optimum therapeutic outcomes; and (12) abuse and misuse.

2 (z) "Electronically transmitted prescription" means a  
3 prescription that is created, recorded, or stored by electronic  
4 means; issued and validated with an electronic signature; and  
5 transmitted by electronic means directly from the prescriber to  
6 a pharmacy. An electronic prescription is not an image of a  
7 physical prescription that is transferred by electronic means  
8 from computer to computer, facsimile to facsimile, or facsimile  
9 to computer.

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

22 (1) known allergies;

23 (2) drug or potential therapy contraindications;

24 (3) reasonable dose, duration of use, and route of  
25 administration, taking into consideration factors such as  
26 age, gender, and contraindications;

- 1 (4) reasonable directions for use;
- 2 (5) potential or actual adverse drug reactions;
- 3 (6) drug-drug interactions;
- 4 (7) drug-food interactions;
- 5 (8) drug-disease contraindications;
- 6 (9) identification of therapeutic duplication;
- 7 (10) patient laboratory values when authorized and
- 8 available;
- 9 (11) proper utilization (including over or under
- 10 utilization) and optimum therapeutic outcomes; and
- 11 (12) drug abuse and misuse.

12 "Medication therapy management services" includes the  
13 following:

- 14 (1) documenting the services delivered and
- 15 communicating the information provided to patients'
- 16 prescribers within an appropriate time frame, not to exceed
- 17 48 hours;
- 18 (2) providing patient counseling designed to enhance a
- 19 patient's understanding and the appropriate use of his or
- 20 her medications; and
- 21 (3) providing information, support services, and
- 22 resources designed to enhance a patient's adherence with
- 23 his or her prescribed therapeutic regimens.

24 "Medication therapy management services" may also include  
25 patient care functions authorized by a physician licensed to  
26 practice medicine in all its branches for his or her identified

1 patient or groups of patients under specified conditions or  
2 limitations in a standing order from the physician.

3 "Medication therapy management services" in a licensed  
4 hospital may also include the following:

5 (1) reviewing assessments of the patient's health  
6 status; and

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

10 (bb) "Pharmacist care" means the provision by a pharmacist  
11 of medication therapy management services, with or without the  
12 dispensing of drugs or devices, intended to achieve outcomes  
13 that improve patient health, quality of life, and comfort and  
14 enhance patient safety.

15 (cc) "Protected health information" means individually  
16 identifiable health information that, except as otherwise  
17 provided, is:

18 (1) transmitted by electronic media;

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

22 (3) transmitted or maintained in any other form or  
23 medium.

24 "Protected health information" does not include  
25 individually identifiable health information found in:

26 (1) education records covered by the federal Family

1 Educational Right and Privacy Act; or

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

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

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

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

13 (gg) "Email address of record" means the designated email  
14 address recorded by the Department in the applicant's  
15 application file or the licensee's license file, as maintained  
16 by the Department's licensure maintenance unit.

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

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

22 (305 ILCS 5/5-5.12c new)

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



1       (a) Subject to approval by the federal Centers for Medicare  
2       and Medicaid Services, the medical assistance program,  
3       including both the fee-for-service and managed care medical  
4       assistance programs established under this Article, shall  
5       cover patient care services provided by a pharmacist for  
6       hormonal contraceptives assessment and consultation for  
7       patients who are age 17 or older.

8       (b) The Department shall establish a fee schedule for  
9       patient care services provided by a pharmacist for hormonal  
10       contraceptives assessment and consultation.

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

15       (d) A pharmacist must be enrolled in the medical assistance  
16       program as an ordering and referring provider prior to  
17       providing hormonal contraceptives assessment and consultation  
18       that is submitted by a pharmacy or pharmacist provider for  
19       reimbursement pursuant to this Section.

20       (e) The Director shall seek any necessary federal waivers  
21       or approvals to implement this Section. This Section shall not  
22       be implemented until the receipt of all necessary federal  
23       waivers or approvals or until January 1, 2022, whichever comes  
24       first. If federal approval is not obtained by January 1, 2022,  
25       the provisions of this Section shall be implemented using State  
26       funds.

1       (f) This Section does not restrict or prohibit any services  
2       currently provided by pharmacists as authorized by law,  
3       including, but not limited to, pharmacist services provided  
4       under this Code or authorized under the Illinois Title XIX  
5       State Plan.

6       (g) The Department shall adopt administrative rules for  
7       this Section as soon as practicable but no later than May 1,  
8       2020.

9       Section 95. No acceleration or delay. Where this Act makes  
10      changes in a statute that is represented in this Act by text  
11      that is not yet or no longer in effect (for example, a Section  
12      represented by multiple versions), the use of that text does  
13      not accelerate or delay the taking effect of (i) the changes  
14      made by this Act or (ii) provisions derived from any other  
15      Public Act.

16      Section 99. Effective date. This Act takes effect January  
17      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