



Rep. Thaddeus Jones

Filed: 4/15/2021

10200HB0317ham001

LRB102 09996 BMS 24699 a

1 AMENDMENT TO HOUSE BILL 317

2 AMENDMENT NO. _____. Amend House Bill 317 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by
5 changing Section 352 as follows:

6 (215 ILCS 5/352) (from Ch. 73, par. 964)

7 Sec. 352. Scope of Article.

8 (a) Except as provided in subsections (b), (c), (d), and
9 (e), this Article shall apply to all companies transacting in
10 this State the kinds of business enumerated in clause (b) of
11 Class 1 and clause (a) of Class 2 of Section 4. Nothing in this
12 Article shall apply to, or in any way affect policies or
13 contracts described in clause (a) of Class 1 of Section 4;
14 however, this Article shall apply to policies and contracts
15 which contain benefits providing reimbursement for the
16 expenses of long term health care which are certified or

1 ordered by a physician including but not limited to
2 professional nursing care, custodial nursing care, and
3 non-nursing custodial care provided in a nursing home or at a
4 residence of the insured.

5 (a-5) An air ambulance service or other entity that
6 directly or indirectly, whether through an affiliated entity,
7 agreement with a third-party entity, or otherwise, is engaging
8 in the business of insurance as an insurer if the service or
9 other entity, for the purpose of covering the copayments,
10 deductibles, or cost-sharing amounts of a patient or
11 post-service payments of costs to third parties, solicits air
12 ambulance membership subscriptions, accepts membership
13 applications, or charges membership fees. An air ambulance
14 membership that covers the copayments, deductibles, or other
15 cost-sharing amounts of a patient or provides for post-service
16 payments of costs to third parties shall be considered
17 insurance and an insurance product and may be considered
18 secondary insurance coverage or a supplement to any insurance
19 coverage and shall be regulated accordingly by the Department
20 of Insurance.

21 (b) (Blank).

22 (c) A policy issued and delivered in this State that
23 provides coverage under that policy for certificate holders
24 who are neither residents of nor employed in this State does
25 not need to provide to those nonresident certificate holders
26 who are not employed in this State the coverages or services

1 mandated by this Article.

2 (d) Stop-loss insurance is exempt from all Sections of
3 this Article, except this Section and Sections 353a, 354,
4 357.30, and 370. For purposes of this exemption, stop-loss
5 insurance is further defined as follows:

6 (1) The policy must be issued to and insure an
7 employer, trustee, or other sponsor of the plan, or the
8 plan itself, but not employees, members, or participants.

9 (2) Payments by the insurer must be made to the
10 employer, trustee, or other sponsors of the plan, or the
11 plan itself, but not to the employees, members,
12 participants, or health care providers.

13 (e) A policy issued or delivered in this State to the
14 Department of Healthcare and Family Services (formerly
15 Illinois Department of Public Aid) and providing coverage,
16 under clause (b) of Class 1 or clause (a) of Class 2 as
17 described in Section 4, to persons who are enrolled under
18 Article V of the Illinois Public Aid Code or under the
19 Children's Health Insurance Program Act is exempt from all
20 restrictions, limitations, standards, rules, or regulations
21 respecting benefits imposed by or under authority of this
22 Code, except those specified by subsection (1) of Section 143,
23 Section 370c, and Section 370c.1. Nothing in this subsection,
24 however, affects the total medical services available to
25 persons eligible for medical assistance under the Illinois
26 Public Aid Code.

1 (f) An in-office membership care agreement provided under
2 the In-Office Membership Care Act is not insurance for the
3 purposes of this Code.

4 (Source: P.A. 101-190, eff. 8-2-19.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".