

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 1. Short title. This Act may be cited as the Prior  
5 Authorization Reform Act.

6 Section 5. Purpose. The General Assembly hereby finds and  
7 declares that:

8 (1) the health care professional-patient relationship  
9 is paramount and should not be subject to third-party  
10 intrusion;

11 (2) prior authorization programs shall be subject to  
12 member coverage agreements and medical policies but shall  
13 not hinder the independent medical judgment of a physician  
14 or health care provider; and

15 (3) prior authorization programs must be transparent  
16 to ensure a fair and consistent process for health care  
17 providers and patients.

18 Section 10. Applicability; scope. This Act applies to  
19 health insurance coverage as defined in the Illinois Health  
20 Insurance Portability and Accountability Act, and policies  
21 issued or delivered in this State to the Department of  
22 Healthcare and Family Services and providing coverage to

1 persons who are enrolled under Article V of the Illinois  
2 Public Aid Code or under the Children's Health Insurance  
3 Program Act, amended, delivered, issued, or renewed on or  
4 after the effective date of this Act, with the exception of  
5 employee or employer self-insured health benefit plans under  
6 the federal Employee Retirement Income Security Act of 1974,  
7 health care provided pursuant to the Workers' Compensation Act  
8 or the Workers' Occupational Diseases Act, and State,  
9 employee, unit of local government, or school district health  
10 plans. This Act does not diminish a health care plan's duties  
11 and responsibilities under other federal or State law or rules  
12 promulgated thereunder. This Act is not intended to alter or  
13 impede the provisions of any consent decree or judicial order  
14 to which the State or any of its agencies is a party.

15 Section 15. Definitions. As used in this Act:

16 "Adverse determination" has the meaning given to that term  
17 in Section 10 of the Health Carrier External Review Act.

18 "Appeal" means a formal request, either orally or in  
19 writing, to reconsider an adverse determination.

20 "Approval" means a determination by a health insurance  
21 issuer or its contracted utilization review organization that  
22 a health care service has been reviewed and, based on the  
23 information provided, satisfies the health insurance issuer's  
24 or its contracted utilization review organization's  
25 requirements for medical necessity and appropriateness.

1 "Clinical review criteria" has the meaning given to that  
2 term in Section 10 of the Health Carrier External Review Act.

3 "Department" means the Department of Insurance.

4 "Emergency medical condition" has the meaning given to  
5 that term in Section 10 of the Managed Care Reform and Patient  
6 Rights Act.

7 "Emergency services" has the meaning given to that term in  
8 federal health insurance reform requirements for the group and  
9 individual health insurance markets, 45 CFR 147.138.

10 "Enrollee" has the meaning given to that term in Section  
11 10 of the Managed Care Reform and Patient Rights Act.

12 "Health care professional" has the meaning given to that  
13 term in Section 10 of the Managed Care Reform and Patient  
14 Rights Act.

15 "Health care provider" has the meaning given to that term  
16 in Section 10 of the Managed Care Reform and Patient Rights  
17 Act, except that facilities licensed under the Nursing Home  
18 Care Act and long-term care facilities as defined in Section  
19 1-113 of the Nursing Home Care Act are excluded from this Act.

20 "Health care service" means any services or level of  
21 services included in the furnishing to an individual of  
22 medical care or the hospitalization incident to the furnishing  
23 of such care, as well as the furnishing to any person of any  
24 other services for the purpose of preventing, alleviating,  
25 curing, or healing human illness or injury, including  
26 behavioral health, mental health, home health, and

1 pharmaceutical services and products.

2 "Health insurance issuer" has the meaning given to that  
3 term in Section 5 of the Illinois Health Insurance Portability  
4 and Accountability Act.

5 "Medically necessary" means a health care professional  
6 exercising prudent clinical judgment would provide care to a  
7 patient for the purpose of preventing, diagnosing, or treating  
8 an illness, injury, disease, or its symptoms and that are: (i)  
9 in accordance with generally accepted standards of medical  
10 practice; (ii) clinically appropriate in terms of type,  
11 frequency, extent, site, and duration and are considered  
12 effective for the patient's illness, injury, or disease; and  
13 (iii) not primarily for the convenience of the patient,  
14 treating physician, other health care professional, caregiver,  
15 family member, or other interested party, but focused on what  
16 is best for the patient's health outcome.

17 "Physician" means a person licensed under the Medical  
18 Practice Act of 1987 or licensed under the laws of another  
19 state to practice medicine in all its branches.

20 "Prior authorization" means the process by which health  
21 insurance issuers or their contracted utilization review  
22 organizations determine the medical necessity and medical  
23 appropriateness of otherwise covered health care services  
24 before the rendering of such health care services. "Prior  
25 authorization" includes any health insurance issuer's or its  
26 contracted utilization review organization's requirement that

1 an enrollee, health care professional, or health care provider  
2 notify the health insurance issuer or its contracted  
3 utilization review organization before, at the time of, or  
4 concurrent to providing a health care service.

5 "Urgent health care service" means a health care service  
6 with respect to which the application of the time periods for  
7 making a non-expedited prior authorization that in the opinion  
8 of a health care professional with knowledge of the enrollee's  
9 medical condition:

10 (1) could seriously jeopardize the life or health of  
11 the enrollee or the ability of the enrollee to regain  
12 maximum function; or

13 (2) could subject the enrollee to severe pain that  
14 cannot be adequately managed without the care or treatment  
15 that is the subject of the utilization review.

16 "Urgent health care service" does not include emergency  
17 services.

18 "Utilization review organization" has the meaning given to  
19 that term in 50 Ill. Adm. Code 4520.30.

20 Section 20. Disclosure and review of prior authorization  
21 requirements.

22 (a) A health insurance issuer shall maintain a complete  
23 list of services for which prior authorization is required,  
24 including for all services where prior authorization is  
25 performed by an entity under contract with the health

1 insurance issuer.

2 (b) A health insurance issuer shall make any current prior  
3 authorization requirements and restrictions, including the  
4 written clinical review criteria, readily accessible and  
5 conspicuously posted on its website to enrollees, health care  
6 professionals, and health care providers. Content published by  
7 a third party and licensed for use by a health insurance issuer  
8 or its contracted utilization review organization may be made  
9 available through the health insurance issuer's or its  
10 contracted utilization review organization's secure,  
11 password-protected website so long as the access requirements  
12 of the website do not unreasonably restrict access.  
13 Requirements shall be described in detail, written in easily  
14 understandable language, and readily available to the health  
15 care professional and health care provider at the point of  
16 care. The website shall indicate for each service subject to  
17 prior authorization:

18 (1) when prior authorization became required for  
19 policies issued or delivered in Illinois, including the  
20 effective date or dates and the termination date or dates,  
21 if applicable, in Illinois;

22 (2) the date the Illinois-specific requirement was  
23 listed on the health insurance issuer's or its contracted  
24 utilization review organization's website;

25 (3) where applicable, the date that prior  
26 authorization was removed for Illinois; and

1           (4) where applicable, access to a standardized  
2           electronic prior authorization request transaction  
3           process.

4           (c) The clinical review criteria must:

5           (1) be based on nationally recognized, generally  
6           accepted standards except where State law provides its own  
7           standard;

8           (2) be developed in accordance with the current  
9           standards of a national medical accreditation entity;

10          (3) ensure quality of care and access to needed health  
11          care services;

12          (4) be evidence-based;

13          (5) be sufficiently flexible to allow deviations from  
14          norms when justified on a case-by-case basis; and

15          (6) be evaluated and updated, if necessary, at least  
16          annually.

17          (d) A health insurance issuer shall not deny a claim for  
18          failure to obtain prior authorization if the prior  
19          authorization requirement was not in effect on the date of  
20          service on the claim.

21          (e) A health insurance issuer or its contracted  
22          utilization review organization shall not deem as incidental  
23          or deny supplies or health care services that are routinely  
24          used as part of a health care service when:

25          (1) an associated health care service has received  
26          prior authorization; or

1           (2) prior authorization for the health care service is  
2           not required.

3           (f) If a health insurance issuer intends either to  
4           implement a new prior authorization requirement or restriction  
5           or amend an existing requirement or restriction, the health  
6           insurance issuer shall provide contracted health care  
7           professionals and contracted health care providers of  
8           enrollees written notice of the new or amended requirement or  
9           amendment no less than 60 days before the requirement or  
10          restriction is implemented. The written notice may be provided  
11          in an electronic format, including email or facsimile, if the  
12          health care professional or health care provider has agreed in  
13          advance to receive notices electronically. The health  
14          insurance issuer shall ensure that the new or amended  
15          requirement is not implemented unless the health insurance  
16          issuer's or its contracted utilization review organization's  
17          website has been updated to reflect the new or amended  
18          requirement or restriction.

19          (g) Entities using prior authorization shall make  
20          statistics available regarding prior authorization approvals  
21          and denials on their website in a readily accessible format.  
22          The statistics must be updated annually and include all of the  
23          following information:

24                 (1) a list of all health care services, including  
25                 medications, that are subject to prior authorization;

26                 (2) the total number of prior authorization requests



1 received;

2 (3) the number of prior authorization requests denied  
3 during the previous plan year by the health insurance  
4 issuer or its contracted utilization review organization  
5 with respect to each service described in paragraph (1)  
6 and the top 5 reasons for denial;

7 (4) the number of requests described in paragraph (3)  
8 that were appealed, the number of the appealed requests  
9 that upheld the adverse determination, and the number of  
10 appealed requests that reversed the adverse determination;

11 (5) the average time between submission and response;  
12 and

13 (6) any other information as the Director determines  
14 appropriate.

15 Section 25. Health insurance issuer's and its contracted  
16 utilization review organization's obligations with respect to  
17 prior authorizations in nonurgent circumstances.  
18 Notwithstanding any other provision of law, if a health  
19 insurance issuer requires prior authorization of a health care  
20 service, the health insurance issuer or its contracted  
21 utilization review organization must make an approval or  
22 adverse determination and notify the enrollee, the enrollee's  
23 health care professional, and the enrollee's health care  
24 provider of the approval or adverse determination as required  
25 by applicable law, but no later than 5 calendar days after

1 obtaining all necessary information to make the approval or  
2 adverse determination. As used in this Section, "necessary  
3 information" includes the results of any face-to-face clinical  
4 evaluation, second opinion, or other clinical information that  
5 is directly applicable to the requested service that may be  
6 required.

7 Section 30. Health insurance issuer's and its contracted  
8 utilization review organization's obligations with respect to  
9 prior authorizations concerning urgent health care services.

10 (a) Notwithstanding any other provision of law, a health  
11 insurance issuer or its contracted utilization review  
12 organization must render an approval or adverse determination  
13 concerning urgent care services and notify the enrollee, the  
14 enrollee's health care professional, and the enrollee's health  
15 care provider of that approval or adverse determination as  
16 required by law, but not later than 48 hours after receiving  
17 all information needed to complete the review of the requested  
18 health care services.

19 (b) To facilitate the rendering of a prior authorization  
20 determination in conformance with this Section, a health  
21 insurance issuer or its contracted utilization review  
22 organization must establish a mechanism to ensure health care  
23 professionals have access to appropriately trained and  
24 licensed clinical personnel who have access to physicians for  
25 consultation, designated by the plan to make such

1 determinations for prior authorization concerning urgent care  
2 services.

3 Section 35. Personnel qualified to make adverse  
4 determinations of a prior authorization request. A health  
5 insurance issuer or its contracted utilization review  
6 organization must ensure that all adverse determinations are  
7 made by a physician when the request is by a physician or a  
8 representative of a physician. The physician must:

9 (1) possess a current and valid nonrestricted license  
10 in any United States jurisdiction; and

11 (2) have experience treating and managing patients  
12 with the medical condition or disease for which the health  
13 care service is being requested.

14 Notwithstanding the foregoing, a licensed health care  
15 professional who satisfies the requirements of this Section  
16 may make an adverse determination of a prior authorization  
17 request submitted by a health care professional licensed in  
18 the same profession.

19 Section 40. Requirements for adverse determination. If a  
20 health insurance issuer or its contracted utilization review  
21 organization makes an adverse determination, the health  
22 insurance issuer or its contracted utilization review  
23 organization shall include the following in the notification  
24 to the enrollee, the enrollee's health care professional, and

1 the enrollee's health care provider:

2 (1) the reasons for the adverse determination and  
3 related evidence-based criteria, including a description  
4 of any missing or insufficient documentation;

5 (2) the right to appeal the adverse determination;

6 (3) instructions on how to file the appeal; and

7 (4) additional documentation necessary to support the  
8 appeal.

9 Section 45. Requirements applicable to the personnel who  
10 can review appeals. A health insurance issuer or its  
11 contracted utilization review organization must ensure that  
12 all appeals are reviewed by a physician when the request is by  
13 a physician or a representative of a physician. The physician  
14 must:

15 (1) possess a current and valid nonrestricted license  
16 to practice medicine in any United States jurisdiction;

17 (2) be in the same or similar specialty as a physician  
18 who typically manages the medical condition or disease;

19 (3) be knowledgeable of, and have experience  
20 providing, the health care services under appeal;

21 (4) not have been directly involved in making the  
22 adverse determination; and

23 (5) consider all known clinical aspects of the health  
24 care service under review, including, but not limited to,  
25 a review of all pertinent medical records provided to the

1 health insurance issuer or its contracted utilization  
2 review organization by the enrollee's health care  
3 professional or health care provider and any medical  
4 literature provided to the health insurance issuer or its  
5 contracted utilization review organization by the health  
6 care professional or health care provider.

7 Notwithstanding the foregoing, a licensed health care  
8 professional who satisfies the requirements in this Section  
9 may review appeal requests submitted by a health care  
10 professional licensed in the same profession.

11 Section 50. Review of prior authorization requirements. A  
12 health insurance issuer shall periodically review its prior  
13 authorization requirements and consider removal of prior  
14 authorization requirements:

15 (1) where a medication or procedure prescribed is  
16 customary and properly indicated or is a treatment for the  
17 clinical indication as supported by peer-reviewed medical  
18 publications; or

19 (2) for patients currently managed with an established  
20 treatment regimen.

21 Section 55. Denial.

22 (a) The health insurance issuer or its contracted  
23 utilization review organization may not revoke or further  
24 limit, condition, or restrict a previously issued prior

1 authorization approval while it remains valid under this Act.

2 (b) Notwithstanding any other provision of law, if a claim  
3 is properly coded and submitted timely to a health insurance  
4 issuer, the health insurance issuer shall make payment  
5 according to the terms of coverage on claims for health care  
6 services for which prior authorization was required and  
7 approval received before the rendering of health care  
8 services, unless one of the following occurs:

9 (1) it is timely determined that the enrollee's health  
10 care professional or health care provider knowingly  
11 provided health care services that required prior  
12 authorization from the health insurance issuer or its  
13 contracted utilization review organization without first  
14 obtaining prior authorization for those health care  
15 services;

16 (2) it is timely determined that the health care  
17 services claimed were not performed;

18 (3) it is timely determined that the health care  
19 services rendered were contrary to the instructions of the  
20 health insurance issuer or its contracted utilization  
21 review organization or delegated reviewer if contact was  
22 made between those parties before the service being  
23 rendered;

24 (4) it is timely determined that the enrollee  
25 receiving such health care services was not an enrollee of  
26 the health care plan; or

1           (5) the approval was based upon a material  
2           misrepresentation by the enrollee, health care  
3           professional, or health care provider; as used in this  
4           paragraph (5), "material" means a fact or situation that  
5           is not merely technical in nature and results or could  
6           result in a substantial change in the situation.

7           (c) Nothing in this Section shall preclude a utilization  
8           review organization or a health insurance issuer from  
9           performing post-service reviews of health care claims for  
10          purposes of payment integrity or for the prevention of fraud,  
11          waste, or abuse.

12          Section 60. Length of prior authorization approval. A  
13          prior authorization approval shall be valid for the lesser of  
14          6 months after the date the health care professional or health  
15          care provider receives the prior authorization approval or the  
16          length of treatment as determined by the patient's health care  
17          professional or the renewal of the plan, and the approval  
18          period shall be effective regardless of any changes, including  
19          any changes in dosage for a prescription drug prescribed by  
20          the health care professional. All dosage increases must be  
21          based on established evidentiary standards and nothing in this  
22          Section shall prohibit a health insurance issuer from having  
23          safety edits in place. This Section shall not apply to the  
24          prescription of benzodiazepines or Schedule II narcotic drugs,  
25          such as opioids. Except to the extent required by medical

1 exceptions processes for prescription drugs set forth in  
2 Section 45.1 of the Managed Care Reform and Patient Rights  
3 Act, nothing in this Section shall require a policy to cover  
4 any care, treatment, or services for any health condition that  
5 the terms of coverage otherwise completely exclude from the  
6 policy's covered benefits without regard for whether the care,  
7 treatment, or services are medically necessary.

8 Section 65. Length of prior authorization approval for  
9 treatment for chronic or long-term conditions. If a health  
10 insurance issuer requires a prior authorization for a  
11 recurring health care service or maintenance medication for  
12 the treatment of a chronic or long-term condition, the  
13 approval shall remain valid for the lesser of 12 months from  
14 the date the health care professional or health care provider  
15 receives the prior authorization approval or the length of the  
16 treatment as determined by the patient's health care  
17 professional. This Section shall not apply to the prescription  
18 of benzodiazepines or Schedule II narcotic drugs, such as  
19 opioids. Except to the extent required by medical exceptions  
20 processes for prescription drugs set forth in Section 45.1 of  
21 the Managed Care Reform and Patient Rights Act, nothing in  
22 this Section shall require a policy to cover any care,  
23 treatment, or services for any health condition that the terms  
24 of coverage otherwise completely exclude from the policy's  
25 covered benefits without regard for whether the care,



1 treatment, or services are medically necessary.

2 Section 70. Continuity of care for enrollees.

3 (a) On receipt of information documenting a prior  
4 authorization approval from the enrollee or from the  
5 enrollee's health care professional or health care provider, a  
6 health insurance issuer shall honor a prior authorization  
7 granted to an enrollee from a previous health insurance issuer  
8 or its contracted utilization review organization for at least  
9 the initial 90 days of an enrollee's coverage under a new  
10 health plan, subject to the terms of the member's coverage  
11 agreement.

12 (b) During the time period described in subsection (a), a  
13 health insurance issuer or its contracted utilization review  
14 organization may perform its own review to grant a prior  
15 authorization approval subject to the terms of the member's  
16 coverage agreement.

17 (c) If there is a change in coverage of or approval  
18 criteria for a previously authorized health care service, the  
19 change in coverage or approval criteria does not affect an  
20 enrollee who received prior authorization approval before the  
21 effective date of the change for the remainder of the  
22 enrollee's plan year.

23 (d) Except to the extent required by medical exceptions  
24 processes for prescription drugs, nothing in this Section  
25 shall require a policy to cover any care, treatment, or

1 services for any health condition that the terms of coverage  
2 otherwise completely exclude from the policy's covered  
3 benefits without regard for whether the care, treatment, or  
4 services are medically necessary.

5 Section 75. Health care services deemed authorized if a  
6 health insurance issuer or its contracted utilization review  
7 organization fails to comply with the requirements of this  
8 Act. A failure by a health insurance issuer or its contracted  
9 utilization review organization to comply with the deadlines  
10 and other requirements specified in this Act shall result in  
11 any health care services subject to review to be automatically  
12 deemed authorized by the health insurance issuer or its  
13 contracted utilization review organization.

14 Section 80. Severability. If any provision of this Act or  
15 its application to any person or circumstance is held invalid,  
16 the invalidity does not affect other provisions or  
17 applications of this Act that can be given effect without the  
18 invalid provision or application, and to this end the  
19 provisions of this Act are declared to be severable.

20 Section 85. Administration and enforcement.

21 (a) The Department shall enforce the provisions of this  
22 Act pursuant to the enforcement powers granted to it by law. To  
23 enforce the provisions of this Act, the Director is hereby

1 granted specific authority to issue a cease and desist order  
2 or require a utilization review organization or health  
3 insurance issuer to submit a plan of correction for violations  
4 of this Act, or both, in accordance with the requirements and  
5 authority set forth in Section 85 of the Managed Care Reform  
6 and Patient Rights Act. Subject to the provisions of the  
7 Illinois Administrative Procedure Act, the Director may,  
8 pursuant to Section 403A of the Illinois Insurance Code,  
9 impose upon a utilization review organization or health  
10 insurance issuer an administrative fine not to exceed \$250,000  
11 for failure to submit a requested plan of correction, failure  
12 to comply with its plan of correction, or repeated violations  
13 of this Act.

14 (b) Any person who believes that his or her utilization  
15 review organization or health insurance issuer is in violation  
16 of the provisions of this Act may file a complaint with the  
17 Department. The Department shall review all complaints  
18 received and investigate all complaints that it deems to state  
19 a potential violation. The Department shall fairly,  
20 efficiently, and timely review and investigate complaints.  
21 Health insurance issuers and utilization review organizations  
22 found to be in violation of this Act shall be penalized in  
23 accordance with this Section.

24 (c) The Department of Healthcare and Family Services shall  
25 enforce the provisions of this Act as it applies to persons  
26 enrolled under Article V of the Illinois Public Aid Code or

1 under the Children's Health Insurance Program Act.

2 Section 900. The Illinois Insurance Code is amended by  
3 changing Sections 155.36 and 370g as follows:

4 (215 ILCS 5/155.36)

5 Sec. 155.36. Managed Care Reform and Patient Rights Act.  
6 Insurance companies that transact the kinds of insurance  
7 authorized under Class 1(b) or Class 2(a) of Section 4 of this  
8 Code shall comply with Sections 45, 45.1, 45.2, 65, 70, and 85,  
9 subsection (d) of Section 30, and the definition of the term  
10 "emergency medical condition" in Section 10 of the Managed  
11 Care Reform and Patient Rights Act.

12 (Source: P.A. 101-608, eff. 1-1-20.)

13 (215 ILCS 5/370g) (from Ch. 73, par. 982g)

14 Sec. 370g. Definitions. As used in this Article, the  
15 following definitions apply:

16 (a) "Health care services" means health care services or  
17 products rendered or sold by a provider within the scope of the  
18 provider's license or legal authorization. The term includes,  
19 but is not limited to, hospital, medical, surgical, dental,  
20 vision and pharmaceutical services or products.

21 (b) "Insurer" means an insurance company or a health  
22 service corporation authorized in this State to issue policies  
23 or subscriber contracts which reimburse for expenses of health

1 care services.

2 (c) "Insured" means an individual entitled to  
3 reimbursement for expenses of health care services under a  
4 policy or subscriber contract issued or administered by an  
5 insurer.

6 (d) "Provider" means an individual or entity duly licensed  
7 or legally authorized to provide health care services.

8 (e) "Noninstitutional provider" means any person licensed  
9 under the Medical Practice Act of 1987, as now or hereafter  
10 amended.

11 (f) "Beneficiary" means an individual entitled to  
12 reimbursement for expenses of or the discount of provider fees  
13 for health care services under a program where the beneficiary  
14 has an incentive to utilize the services of a provider which  
15 has entered into an agreement or arrangement with an  
16 administrator.

17 (g) "Administrator" means any person, partnership or  
18 corporation, other than an insurer or health maintenance  
19 organization holding a certificate of authority under the  
20 "Health Maintenance Organization Act", as now or hereafter  
21 amended, that arranges, contracts with, or administers  
22 contracts with a provider whereby beneficiaries are provided  
23 an incentive to use the services of such provider.

24 (h) "Emergency medical condition" has the meaning given to  
25 that term in Section 10 of the Managed Care Reform and Patient  
26 Rights Act. ~~means a medical condition manifesting itself by~~

1 ~~acute symptoms of sufficient severity (including severe pain)~~  
2 ~~such that a prudent layperson, who possesses an average~~  
3 ~~knowledge of health and medicine, could reasonably expect the~~  
4 ~~absence of immediate medical attention to result in:~~

5 ~~(1) placing the health of the individual (or, with~~  
6 ~~respect to a pregnant woman, the health of the woman or her~~  
7 ~~unborn child) in serious jeopardy;~~

8 ~~(2) serious impairment to bodily functions; or~~

9 ~~(3) serious dysfunction of any bodily organ or part.~~

10 (Source: P.A. 91-617, eff. 1-1-00.)

11 Section 905. The Managed Care Reform and Patient Rights  
12 Act is amended by changing Section 10 as follows:

13 (215 ILCS 134/10)

14 Sec. 10. Definitions.

15 "Adverse determination" means a determination by a health  
16 care plan under Section 45 or by a utilization review program  
17 under Section 85 that a health care service is not medically  
18 necessary.

19 "Clinical peer" means a health care professional who is in  
20 the same profession and the same or similar specialty as the  
21 health care provider who typically manages the medical  
22 condition, procedures, or treatment under review.

23 "Department" means the Department of Insurance.

24 "Emergency medical condition" means a medical condition

1 manifesting itself by acute symptoms of sufficient severity,  
2 regardless of the final diagnosis given, such that a prudent  
3 layperson, who possesses an average knowledge of health and  
4 medicine, could reasonably expect the absence of immediate  
5 medical attention to result in:

6 (1) placing the health of the individual (or, with  
7 respect to a pregnant woman, the health of the woman or her  
8 unborn child) in serious jeopardy;

9 (2) serious impairment to bodily functions;

10 (3) serious dysfunction of any bodily organ or part;

11 (4) inadequately controlled pain; or

12 (5) with respect to a pregnant woman who is having  
13 contractions:

14 (A) inadequate time to complete a safe transfer to  
15 another hospital before delivery; or

16 (B) a transfer to another hospital may pose a  
17 threat to the health or safety of the woman or unborn  
18 child.

19 "Emergency medical screening examination" means a medical  
20 screening examination and evaluation by a physician licensed  
21 to practice medicine in all its branches, or to the extent  
22 permitted by applicable laws, by other appropriately licensed  
23 personnel under the supervision of or in collaboration with a  
24 physician licensed to practice medicine in all its branches to  
25 determine whether the need for emergency services exists.

26 "Emergency services" means, with respect to an enrollee of

1 a health care plan, transportation services, including but not  
2 limited to ambulance services, and covered inpatient and  
3 outpatient hospital services furnished by a provider qualified  
4 to furnish those services that are needed to evaluate or  
5 stabilize an emergency medical condition. "Emergency services"  
6 does not refer to post-stabilization medical services.

7 "Enrollee" means any person and his or her dependents  
8 enrolled in or covered by a health care plan.

9 "Health care plan" means a plan, including, but not  
10 limited to, a health maintenance organization, a managed care  
11 community network as defined in the Illinois Public Aid Code,  
12 or an accountable care entity as defined in the Illinois  
13 Public Aid Code that receives capitated payments to cover  
14 medical services from the Department of Healthcare and Family  
15 Services, that establishes, operates, or maintains a network  
16 of health care providers that has entered into an agreement  
17 with the plan to provide health care services to enrollees to  
18 whom the plan has the ultimate obligation to arrange for the  
19 provision of or payment for services through organizational  
20 arrangements for ongoing quality assurance, utilization review  
21 programs, or dispute resolution. Nothing in this definition  
22 shall be construed to mean that an independent practice  
23 association or a physician hospital organization that  
24 subcontracts with a health care plan is, for purposes of that  
25 subcontract, a health care plan.

26 For purposes of this definition, "health care plan" shall



1 not include the following:

2 (1) indemnity health insurance policies including  
3 those using a contracted provider network;

4 (2) health care plans that offer only dental or only  
5 vision coverage;

6 (3) preferred provider administrators, as defined in  
7 Section 370g(g) of the Illinois Insurance Code;

8 (4) employee or employer self-insured health benefit  
9 plans under the federal Employee Retirement Income  
10 Security Act of 1974;

11 (5) health care provided pursuant to the Workers'  
12 Compensation Act or the Workers' Occupational Diseases  
13 Act; and

14 (6) not-for-profit voluntary health services plans  
15 with health maintenance organization authority in  
16 existence as of January 1, 1999 that are affiliated with a  
17 union and that only extend coverage to union members and  
18 their dependents.

19 "Health care professional" means a physician, a registered  
20 professional nurse, or other individual appropriately licensed  
21 or registered to provide health care services.

22 "Health care provider" means any physician, hospital  
23 facility, facility licensed under the Nursing Home Care Act,  
24 long-term care facility as defined in Section 1-113 of the  
25 Nursing Home Care Act, or other person that is licensed or  
26 otherwise authorized to deliver health care services. Nothing

1 in this Act shall be construed to define Independent Practice  
2 Associations or Physician-Hospital Organizations as health  
3 care providers.

4 "Health care services" means any services included in the  
5 furnishing to any individual of medical care, or the  
6 hospitalization incident to the furnishing of such care, as  
7 well as the furnishing to any person of any and all other  
8 services for the purpose of preventing, alleviating, curing,  
9 or healing human illness or injury including behavioral  
10 health, mental health, home health, and pharmaceutical  
11 services and products.

12 "Medical director" means a physician licensed in any state  
13 to practice medicine in all its branches appointed by a health  
14 care plan.

15 "Person" means a corporation, association, partnership,  
16 limited liability company, sole proprietorship, or any other  
17 legal entity.

18 "Physician" means a person licensed under the Medical  
19 Practice Act of 1987.

20 "Post-stabilization medical services" means health care  
21 services provided to an enrollee that are furnished in a  
22 licensed hospital by a provider that is qualified to furnish  
23 such services, and determined to be medically necessary and  
24 directly related to the emergency medical condition following  
25 stabilization.

26 "Stabilization" means, with respect to an emergency

1 medical condition, to provide such medical treatment of the  
2 condition as may be necessary to assure, within reasonable  
3 medical probability, that no material deterioration of the  
4 condition is likely to result.

5 "Utilization review" means the evaluation of the medical  
6 necessity, appropriateness, and efficiency of the use of  
7 health care services, procedures, and facilities.

8 "Utilization review program" means a program established  
9 by a person to perform utilization review.

10 (Source: P.A. 101-452, eff. 1-1-20.)

11 Section 910. The Illinois Public Aid Code is amended by  
12 adding Section 5-5.12d as follows:

13 (305 ILCS 5/5-5.12d new)

14 Sec. 5-5.12d. Managed care organization prior  
15 authorization of health care services.

16 (a) As used in this Section, "health care service" has the  
17 meaning given to that term in the Prior Authorization Reform  
18 Act.

19 (b) Notwithstanding any other provision of law to the  
20 contrary, all managed care organizations shall comply with the  
21 requirements of the Prior Authorization Reform Act.

22 Section 999. Effective date. This Act takes effect January  
23 1, 2022.