



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3498

Introduced 2/22/2021, by Rep. Deb Conroy - Greg Harris -
Norine K. Hammond - Ryan Spain - Bob Morgan

SYNOPSIS AS INTRODUCED:

See Index

Amends the Telehealth Act. Provides that the Act applies to all health insurance coverage offered by health insurance issuers regulated by the Department of Insurance or the Department of Healthcare and Family Services and the medical assistance program authorized under the Illinois Public Aid Code. Provides that any policy, contract, or certificate of health insurance coverage that does not distinguish between in-network and out-of-network providers shall be subject to the Act as though all providers were in-network. Provides that health insurance issuers shall cover all telehealth services rendered by a health care professional to deliver any clinically appropriate, medically necessary covered services. Restricts health insurance issuers from engaging in specified activities. Provides that health care professionals and facilities shall determine the appropriateness of specific sites, technology platforms, and technology vendors for a telehealth service, as long as delivered services adhere to privacy laws. Changes the term "telehealth" to "telehealth services". Makes corresponding changes. Defines terms. Amends the Illinois Insurance Code. In provisions concerning coverage for telehealth services, makes changes to definitions. Provides that coverage and reimbursement for telehealth services delivered by health care professionals and facilities shall comply with the Telehealth Act. Makes other changes. Amends the Illinois Public Aid Code. Provides that the Department and managed care organizations shall comply with the Telehealth Act and removes provisions concerning behavioral health and medical services via telehealth. Makes other changes. Amends the Illinois Administrative Procedure Act to provide for emergency rulemaking. Effective immediately.

LRB102 17010 SPS 22432 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health care.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Administrative Procedure Act is
5 amended by adding Sections 5-45.8, 5-45.9, and 5-45.10 as
6 follows:

7 (5 ILCS 100/5-45.8 new)

8 Sec. 5-45.8. Emergency rulemaking; Illinois Insurance
9 Code. To provide for the expeditious and timely implementation
10 of changes made to the Illinois Insurance Code by this
11 amendatory Act of the 102nd General Assembly, emergency rules
12 implementing the changes made to the Illinois Insurance Code
13 by this amendatory Act of the 102nd General Assembly may be
14 adopted in accordance with Section 5-45 by the Department of
15 Insurance. The adoption of emergency rules authorized by
16 Section 5-45 and this Section is deemed to be necessary for the
17 public interest, safety, and welfare.

18 This Section is repealed on January 1, 2026.

19 (5 ILCS 100/5-45.9 new)

20 Sec. 5-45.9. Emergency rulemaking; Telehealth Act. To
21 provide for the expeditious and timely implementation of
22 changes made to the Telehealth Act by this amendatory Act of

1 the 102nd General Assembly, emergency rules implementing the
2 changes made to the Telehealth Act by this amendatory Act of
3 the 102nd General Assembly may be adopted in accordance with
4 Section 5-45 by the Department of Financial and Professional
5 Regulation. The adoption of emergency rules authorized by
6 Section 5-45 and this Section is deemed to be necessary for the
7 public interest, safety, and welfare.

8 This Section is repealed on January 1, 2026.

9 (5 ILCS 100/5-45.10 new)

10 Sec. 5-45.10. Emergency rulemaking; Illinois Public Aid
11 Code. To provide for the expeditious and timely implementation
12 of changes made to the Illinois Public Aid Code by this
13 amendatory Act of the 102nd General Assembly, emergency rules
14 implementing the changes made to the Illinois Public Aid Code
15 by this amendatory Act of the 102nd General Assembly may be
16 adopted in accordance with Section 5-45 by the Department of
17 Healthcare and Family Services. The adoption of emergency
18 rules authorized by Section 5-45 and this Section is deemed to
19 be necessary for the public interest, safety, and welfare.

20 This Section is repealed on January 1, 2026.

21 Section 10. The Illinois Insurance Code is amended by
22 changing Section 356z.22 as follows:

23 (215 ILCS 5/356z.22)

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

2 (a) For purposes of this Section:

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

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

8 ~~"Telehealth services" has the meaning ascribed to the term~~
9 ~~"telehealth service" in the Telehealth Act means the delivery~~
10 ~~of covered health care services by way of an interactive~~
11 ~~telecommunications system.~~

12 (b) Coverage and reimbursement for telehealth services
13 delivered by health care professionals and facilities shall
14 comply with the Telehealth Act. ~~If an individual or group~~
15 ~~policy of accident or health insurance provides coverage for~~
16 ~~telehealth services, then it must comply with the following:~~

17 ~~(1) An individual or group policy of accident or~~
18 ~~health insurance providing telehealth services may not:~~

19 ~~(A) require that in person contact occur between a~~
20 ~~health care provider and a patient;~~

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

24 ~~(C) require the use of telehealth when the health~~
25 ~~care provider has determined that it is not~~
26 ~~appropriate; or~~

1 ~~(D) require the use of telehealth when a patient~~
2 ~~chooses an in-person consultation.~~

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

9 ~~(b 5) If an individual or group policy of accident or~~
10 ~~health insurance provides coverage for telehealth services, it~~
11 ~~must provide coverage for licensed dietitian nutritionists and~~
12 ~~certified diabetes educators who counsel senior diabetes~~
13 ~~patients in the senior diabetes patients' homes to remove the~~
14 ~~hurdle of transportation for senior diabetes patients to~~
15 ~~receive treatment.~~

16 ~~(e) Nothing in this Section shall be deemed as precluding~~
17 ~~a health insurer from providing benefits for other services,~~
18 ~~including, but not limited to, remote monitoring services,~~
19 ~~other monitoring services, or oral communications otherwise~~
20 ~~covered under the policy.~~

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

22 Section 15. The Telehealth Act is amended by changing
23 Sections 5, 10, and 15 and by adding Sections 20, 25, 30, and
24 35 as follows:

1 (225 ILCS 150/5)

2 Sec. 5. Definitions. As used in this Act:

3 "Asynchronous store and forward system" means the
4 transmission of a patient's medical information through an
5 electronic communications system at an originating site to a
6 health care professional or facility at a distant site that
7 does not require real-time or synchronous interaction between
8 the health care professional and the patient.

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

11 "E-visits" means non-face-to-face communications through
12 an online patient portal with a health care professional.

13 "Facility" includes a facility that is owned or operated
14 by a hospital under the Hospital Licensing Act or University
15 of Illinois Hospital Act, a facility under the Nursing Home
16 Care Act, a rural health clinic, a federally qualified health
17 center, a local health department, a community mental health
18 center, a behavioral health clinic, an encounter rate clinic,
19 a skilled nursing facility, a substance use treatment program
20 licensed by the Department of Human Services' Division of
21 Substance Use Prevention and Recovery, a school-based health
22 center as defined in 77 Ill. Adm. Code 641.10, a physician's
23 office, a podiatrist's office, a supportive living program
24 providers a hospice provider, a facility under the ID/DD
25 Community Care Act, community-integrated living arrangements
26 as defined in the Community-Integrated Living Arrangements

1 Licensure and Certification Act, and a provider who receives
2 reimbursement for a patient's room and board.

3 "Health care professional" includes physicians, physician
4 assistants, optometrists, advanced practice registered nurses,
5 clinical psychologists licensed in Illinois, prescribing
6 psychologists licensed in Illinois, dentists, occupational
7 therapists, pharmacists, physical therapists, clinical social
8 workers, speech-language pathologists, audiologists, hearing
9 instrument dispensers, and mental health professionals and
10 clinicians authorized by Illinois law to provide mental health
11 services. For billing and reimbursement purposes, a "health
12 care professional" means any individual licensed, registered,
13 certified, or authorized to provide health care services in
14 Illinois, including health care professionals billed and
15 reimbursed through a facility bill or claim.

16 "Health insurance coverage" means benefits consisting of
17 medical care (provided directly, through insurance or
18 reimbursement, or otherwise and including items and services
19 paid for as medical care, including, without limitation,
20 behavioral health care) under any hospital or medical service
21 policy or certificate, hospital or medical service plan
22 contract, health maintenance organization contract offered by
23 a health insurance issuer, or under the medical assistance
24 program authorized under the Illinois Public Aid Code.

25 "Health insurance issuer" means any insurance company,
26 insurance service, or insurance organization, including,

1 without limitation, a health maintenance organization,
2 licensed to engage in the business of insurance in a state and
3 licensed in the State.

4 "Interactive telecommunications system" means an audio and
5 video system, an audio-only telephone system (landline or
6 cellular), or any other telecommunications system permitting
7 2-way, synchronous interactive communication between the
8 patient at an originating site and the health care
9 professional or facility at a distant site.

10 "Originating site" means the location at which the patient
11 is located at the time health care services are provided to the
12 patient via telehealth.

13 "Remote patient monitoring" means the use of digital
14 technologies to collect medical and other health data from a
15 patient at an originating site and electronically transmit
16 that data to a health care professional or facility at a
17 distant site.

18 "Telehealth services" means the evaluation, diagnosis, or
19 interpretation of electronically transmitted patient-specific
20 data between a remote location and a licensed health care
21 professional that generates interaction or treatment
22 recommendations. "Telehealth services" includes telemedicine
23 and the delivery of health care services, mental health
24 treatment, and substance use disorder treatment to a patient,
25 regardless of his or her location, provided by way of an
26 interactive telecommunications system, including telephone or

1 video technology, asynchronous store and forward system,
2 remote patient monitoring technologies, e-visits, and virtual
3 check-ins as defined in subsection (a) of Section 356z.22 of
4 the Illinois Insurance Code.

5 "Virtual check-in" means a brief communication using a
6 technology-based service by a health care professional.

7 "Virtual check-in" shall not originate from a related office
8 visit provided within the previous 7 days, nor lead to an
9 office visit or procedure within the next 24 hours or soonest
10 available appointment.

11 (Source: P.A. 100-317, eff. 1-1-18; 100-644, eff. 1-1-19;
12 100-930, eff. 1-1-19; 101-81, eff. 7-12-19; 101-84, eff.
13 7-19-19.)

14 (225 ILCS 150/10)

15 Sec. 10. Practice authority. A health care professional
16 treating a patient located in this State through telehealth
17 services must be licensed or authorized to practice in
18 Illinois.

19 (Source: P.A. 100-317, eff. 1-1-18.)

20 (225 ILCS 150/15)

21 Sec. 15. Use of telehealth services. A health care
22 professional may engage in the practice of telehealth services
23 in Illinois to the extent of his or her scope of practice as
24 established in his or her respective licensing Act consistent

1 with the standards of care for in-person services. This Act
2 shall not be construed to alter the scope of practice of any
3 health care professional or authorize the delivery of health
4 care services in a setting or in a manner not otherwise
5 authorized by the laws of this State.

6 (Source: P.A. 100-317, eff. 1-1-18.)

7 (225 ILCS 150/20 new)

8 Sec. 20. Applicability.

9 (a) This Act applies to all health insurance coverage
10 offered by health insurance issuers regulated by the
11 Department of Insurance or the Department of Healthcare and
12 Family Services and the medical assistance program authorized
13 under the Illinois Public Aid Code that is amended, delivered,
14 issued, or renewed on or after the effective date of this
15 amendatory Act of the 102nd General Assembly.

16 (b) Any policy, contract, or certificate of health
17 insurance coverage that does not distinguish between
18 in-network and out-of-network providers shall be subject to
19 this Act as though all providers were in-network.

20 (225 ILCS 150/25 new)

21 Sec. 25. Coverage for telehealth services.

22 (a) Health insurance issuers shall cover all telehealth
23 services rendered by a health care professional to deliver any
24 clinically appropriate, medically necessary covered services

1 and treatments to insureds, enrollees, and members under each
2 policy, contract, or certificate of health insurance coverage
3 in the same manner as any other benefits covered under the
4 policy. Reimbursement to a health care provider for telehealth
5 services provided through an interactive telecommunications
6 system shall be made on the same basis, in the same manner, and
7 at the same rate as would be applied for the same services if
8 they had been delivered in-person. Health insurance issuers
9 shall include reasonable compensation to a facility that
10 serves as the originating site at the time a telehealth
11 service is rendered.

12 (b) To ensure telehealth service access is equitable for
13 all patients in receipt of health care services under this Act
14 and healthcare professionals and facilities are able to
15 deliver services within the scope of their licensure or
16 certification, health insurance issuers shall not:

17 (1) create geographic or facility restrictions or
18 requirements for telehealth services; procedure code
19 modifiers may be required to document telehealth use;

20 (2) require patients, health care professionals, or
21 facilities to prove a hardship or access barrier prior to
22 the approval of telehealth services for coverage or
23 reimbursement;

24 (3) negotiate different contract rates for telehealth
25 services and in-person services;

26 (4) require health care professionals or facilities to

1 offer or provide telehealth services;

2 (5) require patients to use telehealth services or
3 require patients to use a separate panel of health care
4 professionals or facilities to receive telehealth service
5 coverage and reimbursement; and

6 (6) impose upon telehealth services utilization review
7 requirements that are unnecessary, duplicative, or
8 unwarranted, nor impose any treatment limitations, prior
9 authorization, documentation, or recordkeeping
10 requirements that are more stringent than the requirements
11 applicable to the same health care service when rendered
12 in-person.

13 (c) There shall be no restrictions on originating site
14 requirements for telehealth coverage or reimbursement to the
15 distant site under this Act.

16 (d) Services provided by telehealth pursuant to this
17 Section shall be consistent with all federal and State
18 privacy, security, and confidentiality laws.

19 (e) Nothing in this Section shall be deemed as precluding
20 a health insurer from providing benefits for other telehealth
21 services, including, but not limited to, other monitoring
22 services and oral communications otherwise covered under the
23 policy.

24 (225 ILCS 150/30 new)

25 Sec. 30. Permissible use of communication technologies and

1 locations. Health care professionals and facilities shall
2 determine the appropriateness of specific sites, technology
3 platforms, and technology vendors for a telehealth service, as
4 long as delivered services adhere to privacy laws, including,
5 but not limited to, the Health Insurance Portability and
6 Accountability Act of 1996 and the Mental Health and
7 Developmental Disabilities Confidentiality Act.

8 (225 ILCS 150/35 new)

9 Sec. 35. Rulemaking authority. The Department of Financial
10 and Professional Regulation, Department of Insurance, and
11 Department of Healthcare and Family Services may adopt rules,
12 including emergency rules in accordance with the Illinois
13 Administrative Procedure Act, to implement the provisions of
14 this Act.

15 Section 20. The Illinois Public Aid Code is amended by
16 changing Section 5-5.25 as follows:

17 (305 ILCS 5/5-5.25)

18 Sec. 5-5.25. Access to behavioral health and medical
19 services. The Department and managed care organizations shall
20 comply with the Telehealth Act.

21 ~~(a) The General Assembly finds that providing access to~~
22 ~~behavioral health and medical services in a timely manner will~~
23 ~~improve the quality of life for persons suffering from illness~~

1 ~~and will contain health care costs by avoiding the need for~~
2 ~~more costly inpatient hospitalization.~~

3 ~~(b) The Department of Healthcare and Family Services shall~~
4 ~~reimburse psychiatrists, federally qualified health centers as~~
5 ~~defined in Section 1905(1)(2)(B) of the federal Social~~
6 ~~Security Act, clinical psychologists, clinical social workers,~~
7 ~~advanced practice registered nurses certified in psychiatric~~
8 ~~and mental health nursing, and mental health professionals and~~
9 ~~elinicians authorized by Illinois law to provide behavioral~~
10 ~~health services to recipients via telehealth. The Department,~~
11 ~~by rule, shall establish: (i) criteria for such services to be~~
12 ~~reimbursed, including appropriate facilities and equipment to~~
13 ~~be used at both sites and requirements for a physician or other~~
14 ~~licensed health care professional to be present at the site~~
15 ~~where the patient is located; however, the Department shall~~
16 ~~not require that a physician or other licensed health care~~
17 ~~professional be physically present in the same room as the~~
18 ~~patient for the entire time during which the patient is~~
19 ~~receiving telehealth services; and (ii) a method to reimburse~~
20 ~~providers for mental health services provided by telehealth.~~

21 ~~(c) The Department shall reimburse any Medicaid certified~~
22 ~~eligible facility or provider organization that acts as the~~
23 ~~location of the patient at the time a telehealth service is~~
24 ~~rendered, including substance abuse centers licensed by the~~
25 ~~Department of Human Services' Division of Alcoholism and~~
26 ~~Substance Abuse.~~

1 ~~(d) On and after July 1, 2012, the Department shall reduce~~
2 ~~any rate of reimbursement for services or other payments or~~
3 ~~alter any methodologies authorized by this Code to reduce any~~
4 ~~rate of reimbursement for services or other payments in~~
5 ~~accordance with Section 5-5e.~~

6 (Source: P.A. 100-385, eff. 1-1-18; 100-790, eff. 8-10-18;
7 100-1019, eff. 1-1-19; 101-81, eff. 7-12-19.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 100/5-45.8 new

4 5 ILCS 100/5-45.9 new

5 5 ILCS 100/5-45.10 new

6 215 ILCS 5/356z.22

7 225 ILCS 150/5

8 225 ILCS 150/10

9 225 ILCS 150/15

10 225 ILCS 150/20 new

11 225 ILCS 150/25 new

12 225 ILCS 150/30 new

13 225 ILCS 150/35 new

14 305 ILCS 5/5-5.25