



Rep. Ryan Spain

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10200HB3759ham001

LRB102 10851 BMS 24202 a

1 AMENDMENT TO HOUSE BILL 3759

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3759 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Telehealth Parity Act.

6 Section 5. Applicability.

7 (a) This Act applies to policies issued by a health  
8 insurance issuer as defined in Section 10 of this Act, but does  
9 not apply to excepted benefits as defined in 45 CFR 146.145(b)  
10 and 45 CFR 148.220, but does apply to limited scope dental  
11 benefits, limited scope vision benefits, long-term care  
12 benefits, coverage only for accidents, and coverage only for  
13 specified disease or illness.

14 (b) Any policy, contract, or certificate of health  
15 insurance coverage that does not distinguish between  
16 in-network and out-of-network providers shall be subject to

1 this Act as though all providers were in-network.

2 Section 10. Definitions. As used in this Act:

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

6 "Health insurance issuer" means an insurance company,  
7 insurance service, or insurance organization, including health  
8 maintenance organization, that is licensed to engage in the  
9 business of insurance in a state and that is subject to  
10 Illinois law that regulates insurance (within the meaning of  
11 Section 514(b)(2) of the Employee Retirement Income Security  
12 Act of 1974).

13 "Telehealth services" means the provision of health care,  
14 psychiatry, mental health treatment, substance use disorder  
15 treatment, and related services to a patient, regardless of  
16 his or her location, through electronic or telephonic methods,  
17 such as telephone (landline or cellular), video technology  
18 commonly available on smart phones and other devices, and  
19 videoconferencing, as well as any method within the meaning of  
20 telehealth services under Section 356z.22 of the Illinois  
21 Insurance Code.

22 Section 15. Coverage for telehealth services.

23 (a) All health insurance issuers regulated by the  
24 Department of Insurance shall cover the costs of all

1 telehealth services rendered by in-network providers to  
2 deliver any clinically appropriate, medically necessary  
3 covered services and treatments to insureds, enrollees, and  
4 members under each policy, contract, or certificate of health  
5 insurance coverage.

6 (b) Health insurance issuers may establish reasonable  
7 requirements and parameters for telehealth services, including  
8 with respect to documentation and recordkeeping, to the extent  
9 consistent with this Act or any company bulletin issued by the  
10 Department of Insurance under Executive Order 2020-09. A  
11 health insurance issuer's requirements and parameters may not  
12 be more restrictive or less favorable toward providers,  
13 insureds, enrollees, or members than those contained in the  
14 emergency rulemaking undertaken by the Department of  
15 Healthcare and Family Services at 89 Ill. Adm. Code  
16 140.403(e). Health insurance issuers shall notify providers of  
17 any instructions necessary to facilitate billing for  
18 telehealth services.

19 Section 20. Prior authorization and utilization review  
20 requirements.

21 (a) In order to ensure that health care is quickly and  
22 efficiently provided to the public, health insurance issuers  
23 shall not impose upon telehealth services utilization review  
24 requirements that are unnecessary, duplicative, or unwarranted  
25 nor impose any treatment limitations that are more stringent

1 than the requirements applicable to the same health care  
2 service when rendered in-person.

3 (b) For telehealth services that relate to COVID-19  
4 delivered by in-network providers, health insurance issuers  
5 shall not impose any prior authorization requirements.

6 Section 25. Eligible services. Services eligible under  
7 this Act include services provided by any professional,  
8 practitioner, clinician, or other provider who is licensed,  
9 certified, registered, or otherwise authorized to practice in  
10 the State where the patient receives treatment, subject to the  
11 provisions of the Telehealth Act for any health care  
12 professional, as defined in the Telehealth Act, who delivers  
13 treatment through telehealth to a patient located in this  
14 State, and substance use disorder professionals and clinicians  
15 authorized by Illinois law to provide substance use disorder  
16 services.

17 Section 30. Permissible use of non-public facing audio or  
18 video communication technologies. Notwithstanding the  
19 requirements of the Mental Health and Developmental  
20 Disabilities Confidentiality Act, any provider or covered  
21 entity of any licensure or area of practice subject to this Act  
22 that uses audio or video communication technology to deliver  
23 services may use any non-public facing remote communication  
24 product in accordance with this Act to the extent permitted by

1 the U.S. Department of Health and Human Services under the  
2 federal Health Insurance Portability and Accountability Act of  
3 1996. Providers and covered entities shall, to the extent  
4 feasible, notify patients that third-party applications  
5 potentially introduce privacy risks. Providers shall enable  
6 all available encryption and privacy modes when using such  
7 applications. A public facing video communication application  
8 may not be used in the provision of telehealth services by  
9 covered health care providers or covered entities.

10 Section 35. Rulemaking authority. The Department of  
11 Insurance may adopt rules to implement the provisions of this  
12 Act.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."