



Rep. Keith R. Wheeler

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LRB102 25494 BMS 36316 a

1 AMENDMENT TO HOUSE BILL 5254

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5254 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Employees Group Insurance Act of  
5 1971 is amended by changing Section 6.11 as follows:

6 (5 ILCS 375/6.11)

7 Sec. 6.11. Required health benefits; Illinois Insurance  
8 Code requirements. The program of health benefits shall  
9 provide the post-mastectomy care benefits required to be  
10 covered by a policy of accident and health insurance under  
11 Section 356t of the Illinois Insurance Code. The program of  
12 health benefits shall provide the coverage required under  
13 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,  
14 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,  
15 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,  
16 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,

1 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,  
2 and 356z.53 ~~and 356z.43~~ of the Illinois Insurance Code. The  
3 program of health benefits must comply with Sections 155.22a,  
4 155.37, 355b, 356z.19, 370c, and 370c.1 and Article XXXIIB of  
5 the Illinois Insurance Code. The Department of Insurance shall  
6 enforce the requirements of this Section with respect to  
7 Sections 370c and 370c.1 of the Illinois Insurance Code; all  
8 other requirements of this Section shall be enforced by the  
9 Department of Central Management Services.

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

16 (Source: P.A. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20;  
17 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff.  
18 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103,  
19 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;  
20 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised  
21 10-26-21.)

22 Section 10. The Counties Code is amended by changing  
23 Section 5-1069.3 as follows:

24 (55 ILCS 5/5-1069.3)

1           Sec. 5-1069.3. Required health benefits. If a county,  
2 including a home rule county, is a self-insurer for purposes  
3 of providing health insurance coverage for its employees, the  
4 coverage shall include coverage for the post-mastectomy care  
5 benefits required to be covered by a policy of accident and  
6 health insurance under Section 356t and the coverage required  
7 under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356w, 356x,  
8 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
9 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
10 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,  
11 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, and 356z.53 ~~and~~  
12 ~~356z.43~~ of the Illinois Insurance Code. The coverage shall  
13 comply with Sections 155.22a, 355b, 356z.19, and 370c of the  
14 Illinois Insurance Code. The Department of Insurance shall  
15 enforce the requirements of this Section. The requirement that  
16 health benefits be covered as provided in this Section is an  
17 exclusive power and function of the State and is a denial and  
18 limitation under Article VII, Section 6, subsection (h) of the  
19 Illinois Constitution. A home rule county to which this  
20 Section applies must comply with every provision of this  
21 Section.

22           Rulemaking authority to implement Public Act 95-1045, if  
23 any, is conditioned on the rules being adopted in accordance  
24 with all provisions of the Illinois Administrative Procedure  
25 Act and all rules and procedures of the Joint Committee on  
26 Administrative Rules; any purported rule not so adopted, for

1 whatever reason, is unauthorized.

2 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;  
3 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.  
4 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,  
5 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;  
6 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised  
7 10-26-21.)

8 Section 15. 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  
15 coverage for the post-mastectomy care benefits required to be  
16 covered by a policy of accident and health insurance under  
17 Section 356t and the coverage required under Sections 356g,  
18 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.6, 356z.8,  
19 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15,  
20 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32,  
21 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47,  
22 356z.48, 356z.51, and 356z.53 ~~and 356z.43~~ of the Illinois  
23 Insurance Code. The coverage shall comply with Sections  
24 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance

1 Code. The Department of Insurance shall enforce the  
2 requirements of this Section. The requirement that health  
3 benefits be covered as provided in this is an exclusive power  
4 and function of the State and is a denial and limitation under  
5 Article VII, Section 6, subsection (h) of the Illinois  
6 Constitution. A home rule municipality to which this Section  
7 applies must comply with every provision 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. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;  
15 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.  
16 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,  
17 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;  
18 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised  
19 10-26-21.)

20 Section 20. The School Code is amended by changing Section  
21 10-22.3f as follows:

22 (105 ILCS 5/10-22.3f)

23 Sec. 10-22.3f. Required health benefits. Insurance  
24 protection and benefits for employees shall provide the

1 post-mastectomy care benefits required to be covered by a  
2 policy of accident and health insurance under Section 356t and  
3 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
4 356q, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11,  
5 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,  
6 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40,  
7 356z.41, 356z.45, 356z.46, 356z.47, 356z.51, and 356z.53 and  
8 ~~356z.43~~ of the Illinois Insurance Code. Insurance policies  
9 shall comply with Section 356z.19 of the Illinois Insurance  
10 Code. The coverage shall comply with Sections 155.22a, 355b,  
11 and 370c of the Illinois Insurance Code. The Department of  
12 Insurance shall enforce the requirements of this Section.

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

19 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;  
20 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.  
21 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,  
22 eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22;  
23 102-665, eff. 10-8-21; revised 10-27-21.)

24 Section 25. The Illinois Insurance Code is amended by  
25 adding Section 356z.53 as follows:

1 (215 ILCS 5/356z.53 new)

2 Sec. 356z.53. Coverage for hormone therapy to treat  
3 menopause. A group or individual policy of accident and health  
4 insurance or a managed care plan that is amended, delivered,  
5 issued, or renewed on or after January 1, 2024 shall provide  
6 coverage for medically necessary hormone therapy treatment to  
7 treat menopause that has been induced by a hysterectomy.

8 Section 30. The Health Maintenance Organization Act is  
9 amended by changing Section 5-3 as follows:

10 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

11 Sec. 5-3. Insurance Code provisions.

12 (a) Health Maintenance Organizations shall be subject to  
13 the provisions of Sections 133, 134, 136, 137, 139, 140,  
14 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153,  
15 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2,  
16 355.3, 355b, 356g.5-1, 356m, 356q, 356v, 356w, 356x, 356y,  
17 356z.2, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9,  
18 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17,  
19 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29,  
20 356z.30, 356z.30a, 356z.32, 356z.33, 356z.35, 356z.36,  
21 356z.40, 356z.41, 356z.43, 356z.46, 356z.47, 356z.48, 356z.50,  
22 356z.51, 356z.53, 364, 364.01, 367.2, 367.2-5, 367i, 368a,  
23 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403,

1 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of  
2 subsection (2) of Section 367, and Articles IIA, VIII 1/2,  
3 XII, XII 1/2, XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the  
4 Illinois Insurance Code.

5 (b) For purposes of the Illinois Insurance Code, except  
6 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,  
7 Health Maintenance Organizations in the following categories  
8 are deemed to be "domestic companies":

9 (1) a corporation authorized under the Dental Service  
10 Plan Act or the Voluntary Health Services Plans Act;

11 (2) a corporation organized under the laws of this  
12 State; or

13 (3) a corporation organized under the laws of another  
14 state, 30% or more of the enrollees of which are residents  
15 of this State, except a corporation subject to  
16 substantially the same requirements in its state of  
17 organization as is a "domestic company" under Article VIII  
18 1/2 of the Illinois Insurance Code.

19 (c) In considering the merger, consolidation, or other  
20 acquisition of control of a Health Maintenance Organization  
21 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

22 (1) the Director shall give primary consideration to  
23 the continuation of benefits to enrollees and the  
24 financial conditions of the acquired Health Maintenance  
25 Organization after the merger, consolidation, or other  
26 acquisition of control takes effect;



1           (2) (i) the criteria specified in subsection (1) (b) of  
2           Section 131.8 of the Illinois Insurance Code shall not  
3           apply and (ii) the Director, in making his determination  
4           with respect to the merger, consolidation, or other  
5           acquisition of control, need not take into account the  
6           effect on competition of the merger, consolidation, or  
7           other acquisition of control;

8           (3) the Director shall have the power to require the  
9           following information:

10           (A) certification by an independent actuary of the  
11           adequacy of the reserves of the Health Maintenance  
12           Organization sought to be acquired;

13           (B) pro forma financial statements reflecting the  
14           combined balance sheets of the acquiring company and  
15           the Health Maintenance Organization sought to be  
16           acquired as of the end of the preceding year and as of  
17           a date 90 days prior to the acquisition, as well as pro  
18           forma financial statements reflecting projected  
19           combined operation for a period of 2 years;

20           (C) a pro forma business plan detailing an  
21           acquiring party's plans with respect to the operation  
22           of the Health Maintenance Organization sought to be  
23           acquired for a period of not less than 3 years; and

24           (D) such other information as the Director shall  
25           require.

26           (d) The provisions of Article VIII 1/2 of the Illinois

1 Insurance Code and this Section 5-3 shall apply to the sale by  
2 any health maintenance organization of greater than 10% of its  
3 enrollee population (including without limitation the health  
4 maintenance organization's right, title, and interest in and  
5 to its health care certificates).

6 (e) In considering any management contract or service  
7 agreement subject to Section 141.1 of the Illinois Insurance  
8 Code, the Director (i) shall, in addition to the criteria  
9 specified in Section 141.2 of the Illinois Insurance Code,  
10 take into account the effect of the management contract or  
11 service agreement on the continuation of benefits to enrollees  
12 and the financial condition of the health maintenance  
13 organization to be managed or serviced, and (ii) need not take  
14 into account the effect of the management contract or service  
15 agreement on competition.

16 (f) Except for small employer groups as defined in the  
17 Small Employer Rating, Renewability and Portability Health  
18 Insurance Act and except for medicare supplement policies as  
19 defined in Section 363 of the Illinois Insurance Code, a  
20 Health Maintenance Organization may by contract agree with a  
21 group or other enrollment unit to effect refunds or charge  
22 additional premiums under the following terms and conditions:

23 (i) the amount of, and other terms and conditions with  
24 respect to, the refund or additional premium are set forth  
25 in the group or enrollment unit contract agreed in advance  
26 of the period for which a refund is to be paid or

1 additional premium is to be charged (which period shall  
2 not be less than one year); and

3 (ii) the amount of the refund or additional premium  
4 shall not exceed 20% of the Health Maintenance  
5 Organization's profitable or unprofitable experience with  
6 respect to the group or other enrollment unit for the  
7 period (and, for purposes of a refund or additional  
8 premium, the profitable or unprofitable experience shall  
9 be calculated taking into account a pro rata share of the  
10 Health Maintenance Organization's administrative and  
11 marketing expenses, but shall not include any refund to be  
12 made or additional premium to be paid pursuant to this  
13 subsection (f)). The Health Maintenance Organization and  
14 the group or enrollment unit may agree that the profitable  
15 or unprofitable experience may be calculated taking into  
16 account the refund period and the immediately preceding 2  
17 plan years.

18 The Health Maintenance Organization shall include a  
19 statement in the evidence of coverage issued to each enrollee  
20 describing the possibility of a refund or additional premium,  
21 and upon request of any group or enrollment unit, provide to  
22 the group or enrollment unit a description of the method used  
23 to calculate (1) the Health Maintenance Organization's  
24 profitable experience with respect to the group or enrollment  
25 unit and the resulting refund to the group or enrollment unit  
26 or (2) the Health Maintenance Organization's unprofitable

1 experience with respect to the group or enrollment unit and  
2 the resulting additional premium to be paid by the group or  
3 enrollment unit.

4 In no event shall the Illinois Health Maintenance  
5 Organization Guaranty Association be liable to pay any  
6 contractual obligation of an insolvent organization to pay any  
7 refund authorized under this Section.

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

14 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;  
15 101-281, eff. 1-1-20; 101-371, eff. 1-1-20; 101-393, eff.  
16 1-1-20; 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625,  
17 eff. 1-1-21; 102-30, eff. 1-1-22; 102-34, eff. 6-25-21;  
18 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.  
19 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665,  
20 eff. 10-8-21; revised 10-27-21.)

21 Section 35. The Voluntary Health Services Plans Act is  
22 amended by changing Section 10 as follows:

23 (215 ILCS 165/10) (from Ch. 32, par. 604)

24 Sec. 10. Application of Insurance Code provisions. Health

1 services plan corporations and all persons interested therein  
2 or dealing therewith shall be subject to the provisions of  
3 Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140,  
4 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b,  
5 356g, 356g.5, 356g.5-1, 356q, 356r, 356t, 356u, 356v, 356w,  
6 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.4a, 356z.5, 356z.6,  
7 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14,  
8 356z.15, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26,  
9 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33, 356z.40,  
10 356z.41, 356z.46, 356z.47, 356z.51, 356z.53 ~~356z.43~~, 364.01,  
11 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412,  
12 and paragraphs (7) and (15) of Section 367 of the Illinois  
13 Insurance Code.

14 Rulemaking authority to implement Public Act 95-1045, if  
15 any, is conditioned on the rules being adopted in accordance  
16 with all provisions of the Illinois Administrative Procedure  
17 Act and all rules and procedures of the Joint Committee on  
18 Administrative Rules; any purported rule not so adopted, for  
19 whatever reason, is unauthorized.

20 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;  
21 101-281, eff. 1-1-20; 101-393, eff. 1-1-20; 101-625, eff.  
22 1-1-21; 102-30, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306,  
23 eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21;  
24 revised 10-27-21.)

25 Section 40. The Illinois Public Aid Code is amended by

1 changing Section 5-16.8 as follows:

2 (305 ILCS 5/5-16.8)

3 Sec. 5-16.8. Required health benefits. The medical  
4 assistance program shall (i) provide the post-mastectomy care  
5 benefits required to be covered by a policy of accident and  
6 health insurance under Section 356t and the coverage required  
7 under Sections 356g.5, 356q, 356u, 356w, 356x, 356z.6,  
8 356z.26, 356z.29, 356z.32, 356z.33, 356z.34, 356z.35, 356z.46,  
9 356z.47, 356z.51, and 356z.53 ~~and 356z.43~~ of the Illinois  
10 Insurance Code, (ii) be subject to the provisions of Sections  
11 356z.19, ~~356z.43,~~ 356z.44, 356z.49, 364.01, 370c, and 370c.1  
12 of the Illinois Insurance Code, and (iii) be subject to the  
13 provisions of subsection (d-5) of Section 10 of the Network  
14 Adequacy and Transparency Act.

15 The Department, by rule, shall adopt a model similar to  
16 the requirements of Section 356z.39 of the Illinois Insurance  
17 Code.

18 On and after July 1, 2012, the Department shall reduce any  
19 rate of reimbursement for services or other payments or alter  
20 any methodologies authorized by this Code to reduce any rate  
21 of reimbursement for services or other payments in accordance  
22 with Section 5-5e.

23 To ensure full access to the benefits set forth in this  
24 Section, on and after January 1, 2016, the Department shall  
25 ensure that provider and hospital reimbursement for

1 post-mastectomy care benefits required under this Section are  
2 no lower than the Medicare reimbursement rate.

3 (Source: P.A. 101-81, eff. 7-12-19; 101-218, eff. 1-1-20;  
4 101-281, eff. 1-1-20; 101-371, eff. 1-1-20; 101-574, eff.  
5 1-1-20; 101-649, eff. 7-7-20; 102-30, eff. 1-1-22; 102-144,  
6 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;  
7 102-530, eff. 1-1-22; 102-642, eff. 1-1-22; revised  
8 10-27-21.)".