



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0192

Introduced 2/9/2021, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-30.15 new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that if the Governor declares a statewide disaster due to a public health emergency and issues an executive order regarding the same disaster that orders hospitals and health care facilities to cancel or suspend elective or nonemergent surgeries or procedures, then the Department of Healthcare and Family Services must conduct an audit on each managed care organization under contract with the Department to determine if the managed care organization has maintained a minimum medical loss ratio of 85% during the disaster period established by the gubernatorial disaster proclamation. Requires the audit to be conducted no later than 90 days after the expiration of the proclaimed disaster. Requires each managed care organization, upon request, to submit to the Department all relevant data and other information in a form and manner prescribed by the Department to assist the Department in carrying out its duties concerning the audit. Provides that the Department shall recoup any overpayment made to a managed care organization during the disaster period established by a gubernatorial disaster proclamation if, upon completion of an audit, the Department determines that the managed care organization failed to maintain the minimum medical loss ratio of 85% during the disaster period established by the gubernatorial disaster proclamation. Provides that nothing under the amendatory Act shall be construed to alter the terms of any contract between the Department and a managed care organization.

LRB102 16183 KTG 21562 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public health.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 5-30.15 as follows:

6 (305 ILCS 5/5-30.15 new)

7 Sec. 5-30.15. Medical loss ratios during public health
8 emergency; audits.

9 (a) As used in this Section:

10 "Health care facility" means:

11 (1) every facility licensed, certified, or approved by
12 any State agency and subject to: (i) 77 Ill. Adm. Code
13 1130.215(a) and (c)-(f); (ii) the Alternative Health Care
14 Delivery Act; (iii) the Emergency Medical Services (EMS)
15 Systems Act; or (iv) the Department of Veterans' Affairs
16 Act;

17 (2) every State-operated developmental center
18 certified by the federal Centers for Medicare and Medicaid
19 Services; and every licensed State-operated facility
20 created in accordance with the Mental Health and
21 Developmental Disabilities Administrative Act;

22 (3) every licensed community-integrated living
23 arrangement as defined in the Community-Integrated Living

1 Arrangements Licensure and Certification Act;

2 (4) every licensed community mental health facility as
3 described in the Community Services Act;

4 (5) every federally qualified health center as defined
5 in Section 1905(1)(2)(B) of the Social Security Act;

6 (6) every supportive living facility as described in
7 Section 5-5.01a; and

8 (7) every assisted living establishment and shared
9 housing establishment licensed under the Assisted Living
10 and Shared Housing Act.

11 "Managed care organization" has the meaning ascribed to
12 that term in Section 5-30.1.

13 "Hospital" means a hospital licensed under the Hospital
14 Licensing Act or any hospital organized under the University
15 of Illinois Hospital Act.

16 "Public health emergency" has the same meaning ascribed to
17 that term in the Illinois Emergency Management Agency Act.

18 (b) If the Governor declares a statewide disaster due to a
19 public health emergency in accordance with Section 7 of the
20 Illinois Emergency Management Agency Act and issues an
21 executive order regarding the same disaster that orders
22 hospitals and health care facilities to cancel or suspend
23 elective or nonemergent surgeries or procedures, then the
24 Department must conduct an audit on each managed care
25 organization to determine if the managed care organization has
26 maintained a minimum medical loss ratio of 85%, as required

1 under subsection (h) of Section 5-30, during the disaster
2 period established by the gubernatorial disaster proclamation.
3 The audit required under this Section must be conducted no
4 later than 90 days after the expiration of the proclaimed
5 disaster. To assist the Department in carrying out its duties
6 under this Section, each managed care organization, upon
7 request, shall submit to the Department all relevant data and
8 other information in a form and manner prescribed by the
9 Department. The Department shall recoup any overpayment made
10 to a managed care organization during the disaster period
11 established by a gubernatorial disaster proclamation if, upon
12 completion of an audit required under this Section, the
13 Department determines that the managed care organization
14 failed to maintain a minimum medical loss ratio of 85% during
15 the disaster period established by the gubernatorial disaster
16 proclamation. Nothing in this Section shall be construed to
17 alter the terms of any contract between the Department and a
18 managed care organization.