

1 AN ACT concerning business.

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

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 2VVV as follows:

6 (815 ILCS 505/2VVV)

7 Sec. 2VVV. Deceptive marketing, advertising, and sale of
8 mental health disorder and substance use disorder treatment.

9 (a) As used in this Section:

10 "Facility" has the meaning ascribed to that term in
11 Section 1-10 of the Substance Use Disorder Act when used in
12 reference to a facility that provides substance use disorder
13 treatment. "Facility" has the same meaning as "mental health
14 facility" under Section 1-114 of the Mental Health and
15 Developmental Disabilities Code when used in reference to a
16 facility that provides mental health disorder treatment.

17 "Hospital affiliate" has the meaning ascribed to that term
18 in Section 10.8 of the Hospital Licensing Act.

19 "Mental health disorder" has the same meaning as "mental
20 illness" under Section 1-129 of the Mental Health and
21 Developmental Disabilities Code.

22 "Program" means a licensable or fundable activity or
23 service, or a coordinated range of such activities or

1 services, established or licensed by the Department of Human
2 Services.

3 "Substance use disorder" has the same meaning as
4 "substance abuse" under Section 1-10 of the Substance Use
5 Disorder Act.

6 "Treatment" has the meaning ascribed to that term in
7 Section 1-10 of the Substance Use Disorder Act when used in
8 reference to treatment for a substance use disorder.
9 "Treatment" has the meaning ascribed to that term in Section
10 1-128 of the Mental Health and Developmental Disabilities Code
11 when used in reference to treatment for a mental health
12 disorder.

13 (b) It is an unlawful practice for any person to engage in
14 misleading or false advertising or promotion that
15 misrepresents the need to seek mental health disorder or
16 substance use disorder treatment outside of the State of
17 Illinois.

18 (c) Any marketing, advertising, promotional, or sales
19 materials directed to Illinois residents concerning mental
20 health disorder or substance use disorder treatment must:

21 (1) prominently display or announce the full physical
22 address of the treatment program or facility;

23 (2) display whether the treatment program or facility
24 is licensed in the State of Illinois;

25 (3) display whether the treatment program or facility
26 has locations in Illinois;

1 (4) display whether the services provided by the
2 treatment program or facility are covered by an insurance
3 policy issued to an Illinois resident;

4 (5) display whether the treatment program or facility
5 is an in-network or out-of-network provider;

6 (6) include a link to the Internet website for the
7 Department of Human Services' Division of Mental Health
8 and Division of Substance Use Prevention and Recovery, or
9 any successor State agency that provides information
10 regarding licensed providers of services; and

11 (7) disclose that mental health disorder and substance
12 use disorder treatment may be available at a reduced cost
13 or for free for Illinois residents within the State of
14 Illinois.

15 (d) It is an unlawful practice for any person to solicit,
16 offer, or enter into an arrangement under which a patient
17 seeking mental health disorder or substance use disorder
18 treatment is referred to a mental health disorder or substance
19 use disorder treatment program or facility in exchange for a
20 fee, a percentage of the treatment program's or facility's
21 revenues that are related to the patient, or any other
22 remuneration that takes into account the volume or value of
23 the referrals to the treatment program or facility. Such
24 practice shall also be considered a violation of the
25 prohibition against fee splitting in Section 22.2 of the
26 Medical Practice Act of 1987 and a violation of the Health Care

1 Worker Self-Referral Act. It is not a violation of this
2 Section for programs or facilities to enter into personal
3 services agreements or management services agreements with
4 third parties that do not take into account the volume or value
5 of referrals. It is not a violation of this Section for
6 programs or facilities to provide discounts for treatment
7 services to clients as long as the discount is based on
8 financial necessity in accordance with the program's or
9 facility's charity care plan, regardless of referral source or
10 reason. Compensation paid by programs or facilities to their
11 employees and independent contractors related to identifying,
12 locating, and securing referrals to that program or facility
13 is not a violation of this Section if the amount of
14 compensation provided to the employee or independent
15 contractor does not vary based upon the volume or value of such
16 referrals. This Section does not apply to health insurance
17 companies, health maintenance organizations, managed care
18 plans, or organizations, including hospitals and hospital
19 affiliates licensed in Illinois.

20 (Source: P.A. 100-1058, eff. 1-1-19; 100-1188, eff. 4-5-19;
21 101-81, eff. 7-12-19.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.