



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2862

Introduced 2/16/2023, by Rep. Theresa Mah

#### SYNOPSIS AS INTRODUCED:

225 ILCS 2/14 new  
225 ILCS 150/5

Amends the Acupuncture Practice Act. Provides that a person who engages in the practice of telemedicine without a license issued under the Act shall be subject to the penalties provided in provisions concerning unlicensed practice. Provides that for purposes of the Act, telemedicine means the performance of acupuncture provided via technology or telecommunication methods. Provides that the standard of care shall be the same whether a patient is seen in person, through telehealth, or another method of electronically enabled health care. Provides that the Department of Financial and Professional Regulation shall, by rule, determine the appropriate acupuncture services allowed via telemedicine in consultation with the Board of Acupuncture. Provides that whenever the Department has reason to believe that a person has violated the provisions concerning telemedicine, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. Provides that an out-of-state person providing a service allowed under the provisions to a patient residing in the State through the practice of telemedicine submits himself or herself to the jurisdiction of the Department and the courts of the State. Amends the Telehealth Act. Changes the definition of "health care professional" to include acupuncturists. Effective immediately.

LRB103 03414 AMQ 48420 b

1 AN ACT concerning regulation.

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

4 Section 5. The Acupuncture Practice Act is amended by  
5 adding Section 14 as follows:

6 (225 ILCS 2/14 new)

7 Sec. 14. Telemedicine.

8 (a) The General Assembly finds and declares that because  
9 technological advances and changing practice patterns  
10 regarding the utilization of health care services are  
11 occurring with increasing frequency across state lines and  
12 across increasing geographical distances within the State,  
13 certain technological advances in the health care industry are  
14 in the public interest. The General Assembly further finds and  
15 declares that providing professional health care services is a  
16 privilege and is necessary for the protection of the public  
17 health, welfare, and safety, especially in times of a pandemic  
18 that can limit access to traditional means of accessing health  
19 care services.

20 (b) A person who engages in the practice of telemedicine  
21 without a license issued under this Act shall be subject to  
22 penalties provided in Section 105.

23 (c) For purposes of this Act, "telemedicine" means the

1 performance of acupuncture, as defined in Section 10, provided  
2 via technology or telecommunication methods, also known as  
3 telehealth. The standard of care shall be the same whether a  
4 patient is seen in person, through telehealth, or another  
5 method of electronically enabled health care. Further, the  
6 Department shall, by rule, determine the appropriate  
7 acupuncture services allowed via telemedicine in consultation  
8 with the Board.

9 (d) Whenever the Department has reason to believe that a  
10 person has violated this Section, the Department may issue a  
11 rule to show cause why an order to cease and desist should not  
12 be entered against that person. The rule shall clearly set  
13 forth the grounds relied upon by the Department. Failure to  
14 answer to the satisfaction of the Department shall cause an  
15 order to cease and desist to be issued immediately.

16 (e) An out-of-state person providing a service allowed  
17 under this Section to a patient residing in the State through  
18 the practice of telemedicine submits himself or herself to the  
19 jurisdiction of the Department and the courts of this State.

20 Section 10. The Telehealth Act is amended by changing  
21 Section 5 as follows:

22 (225 ILCS 150/5)

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

24 "Asynchronous store and forward system" means the

1 transmission of a patient's medical information through an  
2 electronic communications system at an originating site to a  
3 health care professional or facility at a distant site that  
4 does not require real-time or synchronous interaction between  
5 the health care professional and the patient.

6 "Distant site" means the location at which the health care  
7 professional rendering the telehealth service is located.

8 "Established patient" means a patient with a relationship  
9 with a health care professional in which there has been an  
10 exchange of an individual's protected health information for  
11 the purpose of providing patient care, treatment, or services.

12 "E-visit" means a patient-initiated non-face-to-face  
13 communication through an online patient portal between an  
14 established patient and a health care professional.

15 "Facility" includes a facility that is owned or operated  
16 by a hospital under the Hospital Licensing Act or University  
17 of Illinois Hospital Act, a facility under the Nursing Home  
18 Care Act, a rural health clinic, a federally qualified health  
19 center, a local health department, a community mental health  
20 center, a behavioral health clinic as defined in 89 Ill. Adm.  
21 Code 140.453, an encounter rate clinic, a skilled nursing  
22 facility, a substance use treatment program licensed by the  
23 Division of Substance Use Prevention and Recovery of the  
24 Department of Human Services, a school-based health center as  
25 defined in 77 Ill. Adm. Code 641.10, a physician's office, a  
26 podiatrist's office, a supportive living program provider, a

1 hospice provider, home health agency, or home nursing agency  
2 under the Home Health, Home Services, and Home Nursing Agency  
3 Licensing Act, a facility under the ID/DD Community Care Act,  
4 community-integrated living arrangements as defined in the  
5 Community-Integrated Living Arrangements Licensure and  
6 Certification Act, and a provider who receives reimbursement  
7 for a patient's room and board.

8 "Health care professional" includes, but is not limited  
9 to, physicians, physician assistants, optometrists, advanced  
10 practice registered nurses, clinical psychologists licensed in  
11 Illinois, prescribing psychologists licensed in Illinois,  
12 dentists, occupational therapists, pharmacists, physical  
13 therapists, acupuncturists, clinical social workers,  
14 speech-language pathologists, audiologists, hearing  
15 instrument dispensers, licensed certified substance use  
16 disorder treatment providers and clinicians, and mental health  
17 professionals and clinicians authorized by Illinois law to  
18 provide mental health services, and qualified providers listed  
19 under paragraph (8) of subsection (e) of Section 3 of the Early  
20 Intervention Services System Act, dietitian nutritionists  
21 licensed in Illinois, and health care professionals associated  
22 with a facility.

23 "Interactive telecommunications system" means an audio and  
24 video system, an audio-only telephone system (landline or  
25 cellular), or any other telecommunications system permitting  
26 2-way, synchronous interactive communication between a patient

1 at an originating site and a health care professional or  
2 facility at a distant site. "Interactive telecommunications  
3 system" does not include a facsimile machine, electronic mail  
4 messaging, or text messaging.

5 "Originating site" means the location at which the patient  
6 is located at the time telehealth services are provided to the  
7 patient via telehealth.

8 "Remote patient monitoring" means the use of connected  
9 digital technologies or mobile medical devices to collect  
10 medical and other health data from a patient at one location  
11 and electronically transmit that data to a health care  
12 professional or facility at a different location for  
13 collection and interpretation.

14 "Telehealth services" means the evaluation, diagnosis, or  
15 interpretation of electronically transmitted patient-specific  
16 data between a remote location and a licensed health care  
17 professional that generates interaction or treatment  
18 recommendations. "Telehealth services" includes telemedicine  
19 and the delivery of health care services, including mental  
20 health treatment and substance use disorder treatment and  
21 services to a patient, regardless of patient location,  
22 provided by way of an interactive telecommunications system,  
23 asynchronous store and forward system, remote patient  
24 monitoring technologies, e-visits, or virtual check-ins.

25 "Virtual check-in" means a brief patient-initiated  
26 communication using a technology-based service, excluding

1 facsimile, between an established patient and a health care  
2 professional. "Virtual check-in" does not include  
3 communications from a related office visit provided within the  
4 previous 7 days, nor communications that lead to an office  
5 visit or procedure within the next 24 hours or soonest  
6 available appointment.

7 (Source: P.A. 101-81, eff. 7-12-19; 101-84, eff. 7-19-19;  
8 102-104, eff. 7-22-21.)

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