

HB3960



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3960

Introduced 2/17/2023, by Rep. Lindsey LaPointe

SYNOPSIS AS INTRODUCED:

215 ILCS 5/352

from Ch. 73, par. 964

305 ILCS 5/5-16.8

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that the medical assistance program shall be subject to provisions of the Illinois Insurance Code concerning telehealth services. Makes a conforming change in the Illinois Insurance Code.

LRB103 31065 BMS 57688 b

A BILL FOR

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 Illinois Insurance Code is amended by
5 changing Section 352 as follows:

6 (215 ILCS 5/352) (from Ch. 73, par. 964)

7 Sec. 352. Scope of Article.

8 (a) Except as provided in subsections (b), (c), (d), and
9 (e), this Article shall apply to all companies transacting in
10 this State the kinds of business enumerated in clause (b) of
11 Class 1 and clause (a) of Class 2 of Section 4. Nothing in this
12 Article shall apply to, or in any way affect policies or
13 contracts described in clause (a) of Class 1 of Section 4;
14 however, this Article shall apply to policies and contracts
15 which contain benefits providing reimbursement for the
16 expenses of long term health care which are certified or
17 ordered by a physician including but not limited to
18 professional nursing care, custodial nursing care, and
19 non-nursing custodial care provided in a nursing home or at a
20 residence of the insured.

21 (b) (Blank).

22 (c) A policy issued and delivered in this State that
23 provides coverage under that policy for certificate holders

1 who are neither residents of nor employed in this State does
2 not need to provide to those nonresident certificate holders
3 who are not employed in this State the coverages or services
4 mandated by this Article.

5 (d) Stop-loss insurance is exempt from all Sections of
6 this Article, except this Section and Sections 353a, 354,
7 357.30, and 370. For purposes of this exemption, stop-loss
8 insurance is further defined as follows:

9 (1) The policy must be issued to and insure an
10 employer, trustee, or other sponsor of the plan, or the
11 plan itself, but not employees, members, or participants.

12 (2) Payments by the insurer must be made to the
13 employer, trustee, or other sponsors of the plan, or the
14 plan itself, but not to the employees, members,
15 participants, or health care providers.

16 (e) A policy issued or delivered in this State to the
17 Department of Healthcare and Family Services (formerly
18 Illinois Department of Public Aid) and providing coverage,
19 under clause (b) of Class 1 or clause (a) of Class 2 as
20 described in Section 4, to persons who are enrolled under
21 Article V of the Illinois Public Aid Code or under the
22 Children's Health Insurance Program Act is exempt from all
23 restrictions, limitations, standards, rules, or regulations
24 respecting benefits imposed by or under authority of this
25 Code, except those specified by subsection (1) of Section 143,
26 Section 356z.22, Section 370c, and Section 370c.1. Nothing in

1 this subsection, however, affects the total medical services
2 available to persons eligible for medical assistance under the
3 Illinois Public Aid Code.

4 (f) An in-office membership care agreement provided under
5 the In-Office Membership Care Act is not insurance for the
6 purposes of this Code.

7 (Source: P.A. 101-190, eff. 8-2-19.)

8 Section 10. The Illinois Public Aid Code is amended by
9 changing Section 5-16.8 as follows:

10 (305 ILCS 5/5-16.8)

11 Sec. 5-16.8. Required health benefits. The medical
12 assistance program shall (i) provide the post-mastectomy care
13 benefits required to be covered by a policy of accident and
14 health insurance under Section 356t and the coverage required
15 under Sections 356g.5, 356q, 356u, 356w, 356x, 356z.6,
16 356z.26, 356z.29, 356z.32, 356z.33, 356z.34, 356z.35, 356z.46,
17 356z.47, 356z.51, 356z.53, 356z.56, 356z.59, and 356z.60 of
18 the Illinois Insurance Code, (ii) be subject to the provisions
19 of Sections 356z.19, 356z.22, 356z.44, 356z.49, 364.01, 370c,
20 and 370c.1 of the Illinois Insurance Code, and (iii) be
21 subject to the provisions of subsection (d-5) of Section 10 of
22 the Network Adequacy and Transparency Act.

23 The Department, by rule, shall adopt a model similar to
24 the requirements of Section 356z.39 of the Illinois Insurance

1 Code.

2 On and after July 1, 2012, the Department shall reduce any
3 rate of reimbursement for services or other payments or alter
4 any methodologies authorized by this Code to reduce any rate
5 of reimbursement for services or other payments in accordance
6 with Section 5-5e.

7 To ensure full access to the benefits set forth in this
8 Section, on and after January 1, 2016, the Department shall
9 ensure that provider and hospital reimbursement for
10 post-mastectomy care benefits required under this Section are
11 no lower than the Medicare reimbursement rate.

12 (Source: P.A. 101-81, eff. 7-12-19; 101-218, eff. 1-1-20;
13 101-281, eff. 1-1-20; 101-371, eff. 1-1-20; 101-574, eff.
14 1-1-20; 101-649, eff. 7-7-20; 102-30, eff. 1-1-22; 102-144,
15 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;
16 102-530, eff. 1-1-22; 102-642, eff. 1-1-22; 102-804, eff.
17 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-1093,
18 eff. 1-1-23; 102-1117, eff. 1-13-23.)