



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1540

Introduced 2/8/2023, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2BBBB new

Creates the Vision Care Plan Regulation Act. Provides that no vision care organization may issue a contract that requires an eye care provider to provide services or materials to an enrollee at a fee set by the vision care plan unless the services or materials are covered under the vision care plan. Provides that an eye care provider who chooses not to accept amounts set by a vision care plan for noncovered services or noncovered materials shall post a specified notice. Requires fees for covered services and materials to be reasonable and clearly listed on a fee schedule provided to the eye care provider. Prohibits a vision care organization from misrepresenting the benefits of a vision care plan as a means of selling coverage or communicating the benefit coverage to enrollees. Provides that the Act applies to any subcontractors used by a vision care organization to supply materials or services to an eye care provider or an enrollee under a vision care plan. Prohibits a vision care organization from restricting an eye care provider's freedom to choose suppliers, materials, or labs or from requiring an eye care provider to purchase materials from a source owned by the entity that issued the vision care plan. Provides that an eye care provider recommending an out-of-network supplier of vision care materials to an enrollee shall provide written notice thereof. Provides that the terms, fees, discounts, or reimbursement rates in a vision care plan may not be changed unless mutually agreed to in writing by the eye care provider and the vision care organization. Sets forth prohibited contract terms that may not be required by a vision care organization as a condition of contracting with a medical plan. Provides that a person or entity adversely affected by a violation of the Act by the vision care organization may seek injunctive relief and shall recover attorney's fees and costs from the vision care organization upon prevailing. Amends the Consumer Fraud and Deceptive Business Practices Act to provide that any person who violates the Vision Care Plan Regulation Act commits an unlawful practice.

LRB103 25923 BMS 52274 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 1. Short title. This Act may be cited as the Vision
5 Care Plan Regulation Act.

6 Section 5. Definitions. As used in this Act:

7 "Covered materials" means materials for which
8 reimbursement from the vision care plan is provided to an eye
9 care provider by an enrollee's plan contract or for which a
10 reimbursement would be available but for the application of
11 the enrollee's contractual limitation of deductibles,
12 copayments, or coinsurance.

13 "Covered services" means services for which reimbursement
14 from the vision care plan is provided to an eye care provider
15 by an enrollee's plan contract or for which a reimbursement
16 would be available but for the application of the enrollee's
17 contractual plan limitation of deductibles, copayments, or
18 coinsurance regardless of how the benefits are listed in an
19 enrollee's benefit plan's definition of benefits.

20 "Enrollee" means any individual enrolled in a vision care
21 plan provided by a group, employer, or other entity that
22 purchases or supplies coverage for a vision care plan.

23 "Eye care provider" means a doctor of optometry licensed

1 pursuant to the Illinois Optometric Practice Act of 1987 or a
2 physician licensed to practice medicine in all of its branches
3 pursuant to the Medical Practice Act of 1987.

4 "Materials" means ophthalmic devices, including, but not
5 limited to:

6 (i) lenses, devices containing lenses, artificial
7 intraocular lenses, ophthalmic frames, and other lens
8 mounting apparatus, prisms, lens treatments, and coatings;

9 (ii) contact lenses and prosthetic devices that
10 correct, relieve, or treat defects or abnormal conditions
11 of the human eye or adnexa; and

12 (iii) any devices that deliver medication or other
13 therapeutic treatment to the human eye or adnexa.

14 "Services" means the professional work performed by an eye
15 care provider.

16 "Subcontractor" means any company, group, or third-party
17 entity, including agents, servants, partially-owned or
18 wholly-owned subsidiaries and controlled organizations, that
19 the vision care plan contracts with to supply services or
20 materials for an eye care provider or enrollee to fulfill the
21 benefit plan of a vision care plan.

22 "Vision care organization" means an entity formed under
23 the laws of this State or another state that issues a vision
24 care plan.

25 "Vision care plan" means a plan that creates, promotes,
26 sells, provides, advertises, or administers an integrated or

1 stand-alone plan that provides coverage for covered services
2 and covered materials.

3 Section 10. Noncovered services.

4 (a) No vision care organization that issues, delivers,
5 amends, or renews a vision care plan on or after the effective
6 date of this Act shall issue a contract that requires an eye
7 care provider to provide services or materials to an enrollee
8 at a fee set by the vision care plan unless the services or
9 materials are covered services or covered materials under the
10 vision care plan. De minimis reimbursements shall not qualify
11 a service or material as a covered service or a covered
12 material under this Act.

13 (b) An eye care provider who chooses not to accept as
14 payment an amount set by a vision care plan for services or
15 materials that are not covered services or covered materials
16 shall post, in a conspicuous place, a notice stating the
17 following: "IMPORTANT: This eye care provider does not accept
18 the fee schedule set by your insurer for vision care services
19 and vision care materials that are not covered benefits under
20 your plan and instead charges his or her normal fee for those
21 services and materials. This eye care provider will provide
22 you with an estimated cost for each noncovered service or
23 noncovered material upon your request."

24 Section 15. Fees for covered services and covered

1 materials. Fees paid under a vision care plan for covered
2 services and covered materials, regardless of the supplier or
3 optical lab used to obtain materials, shall be reasonable and
4 shall be clearly listed on a fee schedule that has been
5 provided to the eye care provider before entering into a
6 contract with the vision care organization.

7 Section 20. Misrepresentation. A vision care organization
8 may not misrepresent the benefits of a vision care plan to
9 groups, employers, or enrollees as a means of selling coverage
10 or communicating the benefit coverage to enrollees.

11 Section 25. Subcontractors. The provisions of this Act
12 apply to any subcontractors used by a vision care organization
13 to supply materials or services to an eye care provider or an
14 enrollee under a vision care plan.

15 Section 30. Suppliers; optical labs.

16 (a) A vision care organization may not restrict, limit, or
17 disincentivize, either directly or indirectly, an eye care
18 provider's freedom to choose suppliers of services or
19 materials or the use of an optical lab.

20 (b) A vision care organization may not require an eye care
21 provider or patient to order or purchase covered materials,
22 including, but not limited to, ophthalmic lenses, from any
23 source owned by, controlled by, or in a common ownership

1 scheme with the entity that issued the vision care plan.

2 (c) An eye care provider recommending an out-of-network
3 source or supplier of vision care materials to an enrollee
4 shall provide written notice to the enrollee that the source
5 or supplier is out-of-network.

6 Section 35. Modification of plan. The terms, fees,
7 discounts, or reimbursement rates in a vision care plan may
8 not be changed unless mutually agreed to in writing by the eye
9 care provider and the vision care organization that issued the
10 vision care plan.

11 Section 40. Prohibitions; medical plan preconditions. No
12 vision care organization that issues, delivers, amends, or
13 renews a vision care plan on or after the effective date of
14 this Act shall issue a vision care plan contract that
15 requires:

16 (1) an eye care provider to contract with a plan that
17 offers supplemental or specialty health care services as a
18 condition of contracting with a plan that offers basic
19 health services; or

20 (2) an eye care provider to contract with a vision
21 care plan as a condition to participation in a medical
22 plan.

23 Section 45. Injunctive relief. A person or entity

1 adversely affected by a violation of this Act by the vision
2 care organization that issued a vision care plan may bring an
3 action in a court of competent jurisdiction for injunctive
4 relief and, upon prevailing, in addition to any injunctive
5 relief that may be granted, shall recover attorney's fees and
6 costs from the vision care organization.

7 Section 900. The Consumer Fraud and Deceptive Business
8 Practices Act is amended by adding Section 2BBBB as follows:

9 (815 ILCS 505/2BBBB new)

10 Sec. 2BBBB. Violations of the Vision Care Plan Regulation
11 Act. Any person who violates the Vision Care Plan Regulation
12 Act commits an unlawful practice within the meaning of this
13 Act.