



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1618

Introduced 2/8/2023, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

215 ILCS 5/356z.61 new  
215 ILCS 5/513b7 new

Amends the Illinois Insurance Code. Provides that no later than July 1, 2024, each health plan and pharmacy benefit manager operating in this State shall, upon request of a covered individual, his or her health care provider, or an authorized third party on his or her behalf, furnish specified cost, benefit, and coverage data to the covered individual, his or her health care provider, or the third party of his or her choosing and shall ensure that the data is: (1) current no later than one business day after any change is made; (2) provided in real time; and (3) in a format that is easily accessible to the covered individual or, in the case of his or her health care provider, through an electronic health records system. Provides that the format of the request shall use specified industry content and transport standards. Provides that a facsimile is not an acceptable electronic format. Provides that upon request, specified data shall be provided for any drug covered under the covered individual's health plan. Makes other changes. Defines terms.

LRB103 29540 BMS 55935 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 Illinois Insurance Code is amended by  
5 adding Sections 356z.61 and 513b7 as follows:

6 (215 ILCS 5/356z.61 new)

7 Sec. 356z.61. Patient prescription pricing transparency.

8 (a) As used in this Section:

9 "Authorized third party" includes a third party legally  
10 authorized under State or federal law subject to a Health  
11 Insurance Portability and Accountability Act of 1996 business  
12 associate agreement.

13 "Cost-sharing information" means the amount a covered  
14 individual is required to pay to receive a drug that is covered  
15 under the covered individual's health plan.

16 "Coverage" means those health care services to which a  
17 covered individual is entitled under the terms of the health  
18 plan.

19 "Electronic health record" means a digital version of a  
20 patient's paper chart and medical history that makes  
21 information available instantly and securely to authorized  
22 users.

23 "Electronic prescribing system" means a system that

1 enables prescribers to enter prescription information into a  
2 computer prescription device and securely transmit the  
3 prescription to pharmacies using a special software program  
4 and connectivity to a transmission network.

5 "Prescriber" means a health care provider licensed to  
6 prescribe medication or medical devices in this State.

7 "Real-time benefit tool" means an electronic prescription  
8 decision support tool that (i) is capable of integrating with  
9 prescribers' electronic prescribing and, if feasible,  
10 electronic health record systems; and (ii) complies with the  
11 technical standards adopted by an American National Standards  
12 Institute accredited standards development organization.

13 (b) No later than July 1, 2024, each health plan operating  
14 in this State shall, upon request of a covered individual, his  
15 or her health care provider, or an authorized third party on  
16 his or her behalf, furnish the cost, benefit, and coverage  
17 data required under this Section to the covered individual,  
18 his or her health care provider, or the third party of his or  
19 her choosing and shall ensure that the data is:

20 (1) current no later than one business day after any  
21 change is made;

22 (2) provided in real time; and

23 (3) in a format that is easily accessible to the  
24 covered individual or, in the case of his or her health  
25 care provider, through an electronic health records  
26 system.

1       (c) The format of the request shall use established  
2 industry content and transport standards published by:

3           (1) a standards developing organization accredited by  
4 the American National Standards Institute, including the  
5 National Council for Prescription Drug Programs,  
6 Accredited Standards Committee X12, and Health Level 7;

7           (2) a relevant federal or state governing body,  
8 including the Centers for Medicare & Medicaid Services or  
9 the Office of the National Coordinator for Health  
10 Information Technology; or

11           (3) another format deemed acceptable to the Department  
12 that provides the data described in subsection (a) and  
13 with the same timeliness as required by this Section.

14       (d) A facsimile is not an acceptable electronic format  
15 under this Section.

16       (e) Upon request, the following data shall be provided for  
17 any drug covered under the covered individual's health plan:

18           (1) patient-specific eligibility information;

19           (2) patient-specific prescription cost and benefit  
20 data, such as applicable formulary, benefit, coverage and  
21 cost-sharing data for the prescribed drug, and clinically  
22 appropriate alternatives, when appropriate;

23           (3) patient-specific cost-sharing information that  
24 describes variance in cost sharing based on the pharmacy  
25 dispensing the prescribed drug or its alternatives, and in  
26 relation to the patient's benefit, such as spending

1 related to the out-of-pocket maximum;

2 (4) information regarding lower cost clinically  
3 appropriate treatment alternatives; and

4 (5) applicable utilization management requirements.

5 (f) Any health plan shall furnish the data as required  
6 whether the request is made using the drug's unique billing  
7 code, such as a National Drug Code or Healthcare Common  
8 Procedure Coding System code, or descriptive term. A health  
9 plan shall not deny or unreasonably delay a request as a method  
10 of blocking the required data from being shared based on how  
11 the drug was requested.

12 (g) A health plan shall not restrict, prohibit, or  
13 otherwise hinder the prescriber from communicating or sharing  
14 benefit and coverage information that reflects other choices,  
15 such as cash price, lower cost clinically appropriate  
16 alternatives, whether or not they are covered under the  
17 covered individual's plan and support programs, and the cost  
18 available at the patient's pharmacy of choice.

19 (h) A health plan shall not, except as may be required by  
20 law, interfere with, prevent, or materially discourage access,  
21 exchange, or use of the data as required, which may include  
22 charging fees or not responding to a request for such data in a  
23 reasonable time frame; nor penalize a health care provider or  
24 professional for disclosing such information to a covered  
25 individual or legally prescribing, administering, or ordering  
26 a clinically appropriate or lower cost alternative.

1       (i) Nothing in this Section shall be construed to limit  
2 access to the most up-to-date patient-specific eligibility or  
3 patient-specific prescription cost and benefit data by the  
4 health plan.

5       (j) Nothing in this Section shall interfere with patient  
6 choice and a health care professional's ability to convey the  
7 full range of prescription drug cost options to a patient.  
8 Health plans shall not restrict a health care professional  
9 from communicating prescription cost options to the patient.

10       (k) No real-time benefit tool shall require a patient to  
11 use specific plan-preferred drugs or pharmacies.

12       (215 ILCS 5/513b7 new)

13       Sec. 513b7. Patient prescription pricing transparency.

14       (a) No later than July 1, 2024, each pharmacy benefit  
15 manager operating in this State shall, upon request of a  
16 covered individual, his or her health care provider, or an  
17 authorized third party on his or her behalf, furnish the cost,  
18 benefit, and coverage data required under this Section to the  
19 covered individual, his or her health care provider, or the  
20 third party of his or her choosing and shall ensure that the  
21 data is:

22               (1) current no later than one business day after any  
23 change is made;

24               (2) provided in real time; and

25               (3) in a format that is easily accessible to the

1 covered individual or, in the case of his or her health  
2 care provider, through an electronic health records  
3 system.

4 (b) The format of the request shall use established  
5 industry content and transport standards published by:

6 (1) a standards developing organization accredited by  
7 the American National Standards Institute, including the  
8 National Council for Prescription Drug Programs,  
9 Accredited Standards Committee X12, and Health Level 7;

10 (2) a relevant federal or state governing body,  
11 including the Centers for Medicare & Medicaid Services or  
12 the Office of the National Coordinator for Health  
13 Information Technology; or

14 (3) another format deemed acceptable to the Department  
15 that provides the data described in subsection (a) and  
16 with the same timeliness as required by this Section.

17 (c) A facsimile is not an acceptable electronic format  
18 under this Section.

19 (d) Upon request, the following data shall be provided for  
20 any drug covered under the covered individual's health plan:

21 (1) patient-specific eligibility information;

22 (2) patient-specific prescription cost and benefit  
23 data, such as applicable formulary, benefit, coverage and  
24 cost-sharing data for the prescribed drug, and clinically  
25 appropriate alternatives, when appropriate;

26 (3) patient-specific cost-sharing information that

1 describes variance in cost sharing based on the pharmacy  
2 dispensing the prescribed drug or its alternatives, and in  
3 relation to the patient's benefit, such as spending  
4 related to the out-of-pocket maximum;

5 (4) information regarding lower cost clinically  
6 appropriate treatment alternatives; and

7 (5) applicable utilization management requirements.

8 (e) A pharmacy benefit manager shall furnish the data as  
9 required whether the request is made using the drug's unique  
10 billing code, such as a National Drug Code or Healthcare  
11 Common Procedure Coding System code, or descriptive term. A  
12 pharmacy benefit manager shall not deny or unreasonably delay  
13 a request as a method of blocking the required data from being  
14 shared based on how the drug was requested.

15 (f) A pharmacy benefit manager shall not restrict,  
16 prohibit, or otherwise hinder the prescriber from  
17 communicating or sharing benefit and coverage information that  
18 reflects other choices, such as cash price, lower cost  
19 clinically appropriate alternatives, whether or not they are  
20 covered under the covered individual's plan, patient  
21 assistance programs, and support programs, and the cost  
22 available at the patient's pharmacy of choice.

23 (g) A pharmacy benefit manager shall not, except as may be  
24 required by law, interfere with, prevent, or materially  
25 discourage access, exchange, or use of the data as required,  
26 which may include charging fees or not responding to a request



1 for such data in a reasonable time frame; nor penalize a health  
2 care provider or professional for disclosing such information  
3 to a covered individual or legally prescribing, administering,  
4 or ordering a clinically appropriate or lower cost  
5 alternative.

6 (h) Nothing in this Section shall be construed to limit  
7 access to the most up-to-date patient-specific eligibility or  
8 patient-specific prescription cost and benefit data by the  
9 pharmacy benefit manager.

10 (i) Nothing in this Section shall interfere with patient  
11 choice and a health care professional's ability to convey the  
12 full range of prescription drug cost options to a patient. A  
13 pharmacy benefit manager shall not restrict a health care  
14 professional from communicating prescription cost options to  
15 the patient.

16 (j) No real-time benefit tool shall require a patient to  
17 use specific plan-preferred drugs or pharmacies.