SB1913 Engrossed

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 Public Aid Code is amended by 5 adding Section 5-47 as follows:

6 (305 ILCS 5/5-47 new)

Sec. 5-47. Coverage for mental health and substance use
 disorder telehealth services.

9 (a) As used in this Section:

10 <u>"Behavioral health care professional" has the meaning</u> 11 <u>given to "health care professional" in Section 5 of the</u> 12 <u>Telehealth Act, but only with respect to professionals</u> 13 <u>licensed or certified by the Division of Mental Health or</u> 14 <u>Division of Substance Use Prevention and Recovery of the</u> 15 <u>Department of Human Services engaged in the delivery of mental</u> 16 health or substance use disorder treatment or services.

17 <u>"Behavioral health facility" means a community mental</u> 18 <u>health center, a behavioral health clinic, a substance use</u> 19 <u>disorder treatment program, or a facility or provider licensed</u> 20 <u>or certified by the Division of Mental Health or Division of</u> 21 <u>Substance Use Prevention and Recovery of the Department of</u> 22 <u>Human Services.</u>

23 "Behavioral telehealth services" has the meaning given to

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- 24 program shall not:
- 25(A) require that in-person contact occur between a26behavioral health care professional and a patient

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before the provision of a behavioral telehealth 1 2 service; 3 (B) require patients, behavioral health care professionals, or behavioral health facilities to 4 5 prove or document a hardship or access barrier to an in-person consultation for coverage and reimbursement 6 7 of behavioral telehealth services; (C) require the use of behavioral telehealth 8 9 services when the behavioral health care professional 10 has determined that it is not appropriate; 11 (D) require the use of behavioral telehealth 12 services when a patient chooses an in-person 13 consultation; 14 (E) require a behavioral health care professional to be physically present in the same room as the 15 16 patient at the originating site, unless deemed medically necessary by the behavioral health care 17 professional providing the behavioral telehealth 18 19 service; 20 (F) create geographic or facility restrictions or 21 requirements for behavioral telehealth services; 22 (G) require behavioral health care professionals 23 or behavioral health facilities to offer or provide 24 behavioral telehealth services; 25 (H) require patients to use behavioral telehealth services or require patients to use a separate panel 26

of behavioral health care professionals or behavioral 1 health facilities to receive behavioral telehealth 2 3 services; or (I) impose upon behavioral telehealth services 4 5 utilization review requirements that are unnecessary, 6 duplicative, or unwarranted or impose any treatment limitations, prior authorization, documentation, or 7 recordkeeping requirements that are more stringent 8 9 than the requirements applicable to the same 10 behavioral health care service when rendered 11 in-person, except that procedure code modifiers may be 12 required to document behavioral telehealth. 13 (2) Any cost sharing applicable to services provided 14 through behavioral telehealth shall not exceed the cost 15 sharing required by the medical assistance program for the 16 same services provided through in-person consultation. 17 (3) The Department and any managed care plans under contract with the Department for the medical assistance 18 19 program shall notify behavioral health care professionals 20 and behavioral health facilities of any instructions 21 necessary to facilitate billing for behavioral telehealth 22 services. 23 (d) For purposes of reimbursement, the Department and any 24 managed care plans under contract with the Department for the 25 medical assistance program shall reimburse a behavioral health

26 care professional or behavioral health facility for behavioral SB1913 Engrossed - 5 - LRB103 29930 BMS 56345 b

1 <u>telehealth services on the same basis, in the same manner, and</u>
2 <u>at the same reimbursement rate that would apply to the</u>
3 <u>services if the services had been delivered via an in-person</u>
4 <u>encounter by a behavioral health care professional or</u>
5 <u>behavioral health facility. This subsection applies only to</u>
6 <u>those services provided by behavioral telehealth that may</u>
7 <u>otherwise be billed as an in-person service.</u>

(e) Behavioral health care professionals and behavioral 8 9 health facilities shall determine the appropriateness of 10 specific sites, technology platforms, and technology vendors 11 for a behavioral telehealth service, as long as delivered 12 services adhere to all federal and State privacy, security, and confidentiality laws, rules, or regulations, including, 13 14 but not limited to, the Health Insurance Portability and Accountability Act of 1996, 42 CFR Part 2, and the Mental 15 16 Health and Developmental Disabilities Confidentiality Act.

17 (f) Nothing in this Section shall be deemed as precluding 18 the Department and any managed care plans under contract with 19 the Department for the medical assistance program from 20 providing benefits for other telehealth services.

21 (g) There shall be no restrictions on originating site
22 requirements for behavioral telehealth coverage or
23 reimbursement to the distant site under this Section other
24 than requiring the behavioral telehealth services to be
25 medically necessary and clinically appropriate.

26 (h) Nothing in this Section shall be deemed as precluding

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1	the Department and any managed care plans under contract with
2	the Department for the medical assistance program from
3	establishing limits on the use of telehealth for a particular
4	behavioral health service when the limits are consistent with
5	generally accepted standards of mental, emotional, nervous, or
6	substance use disorder or condition care.
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7	<u>(i) The Department may adopt rules to implement the</u>

8 provisions of this Section.