



Sen. Laura Fine

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10300SB1913sam001

LRB103 29930 BMS 60196 a

1 AMENDMENT TO SENATE BILL 1913

2 AMENDMENT NO. _____. Amend Senate Bill 1913 by replacing
3 everything after the enacting clause with the following:

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)

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

9 (a) As used in this Section:

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

1 "Behavioral health facility" means a community mental
2 health center, a behavioral health clinic, a substance use
3 disorder treatment program, or a facility or provider licensed
4 or certified by the Division of Mental Health or Division of
5 Substance Use Prevention and Recovery of the Department of
6 Human Services.

7 "Behavioral telehealth services" has the meaning given to
8 the term "telehealth services" in Section 5 of the Telehealth
9 Act, but limited solely to mental health and substance use
10 disorder treatment or services to a patient, regardless of
11 patient location.

12 "Distant site" has the meaning given to that term in
13 Section 5 of the Telehealth Act.

14 "Originating site" has the meaning given to that term in
15 Section 5 of the Telehealth Act.

16 (b) The Department and any managed care plans under
17 contract with the Department for the medical assistance
18 program shall provide for coverage of mental health and
19 substance use disorder treatment or services delivered as
20 behavioral telehealth services as specified in this Section.
21 The Department and any managed care plans under contract with
22 the Department for the medical assistance program may also
23 provide reimbursement to a behavioral health facility that
24 serves as the originating site at the time a behavioral
25 telehealth service is rendered.

26 (c) To ensure behavioral telehealth services are equitably

1 provided, coverage required under this Section shall comply
2 with all of the following:

3 (1) The Department and any managed care plans under
4 contract with the Department for the medical assistance
5 program shall not:

6 (A) require that in-person contact occur between a
7 behavioral health care professional and a patient
8 before the provision of a behavioral telehealth
9 service;

10 (B) require patients, behavioral health care
11 professionals, or behavioral health facilities to
12 prove or document a hardship or access barrier to an
13 in-person consultation for coverage and reimbursement
14 of behavioral telehealth services;

15 (C) require the use of behavioral telehealth
16 services when the behavioral health care professional
17 has determined that it is not appropriate;

18 (D) require the use of behavioral telehealth
19 services when a patient chooses an in-person
20 consultation;

21 (E) require a behavioral health care professional
22 to be physically present in the same room as the
23 patient at the originating site, unless deemed
24 medically necessary by the behavioral health care
25 professional providing the behavioral telehealth
26 service;

1 (F) create geographic or facility restrictions or
2 requirements for behavioral telehealth services;

3 (G) require behavioral health care professionals
4 or behavioral health facilities to offer or provide
5 behavioral telehealth services;

6 (H) require patients to use behavioral telehealth
7 services or require patients to use a separate panel
8 of behavioral health care professionals or behavioral
9 health facilities to receive behavioral telehealth
10 services; or

11 (I) impose upon behavioral telehealth services
12 utilization review requirements that are unnecessary,
13 duplicative, or unwarranted or impose any treatment
14 limitations, prior authorization, documentation, or
15 recordkeeping requirements that are more stringent
16 than the requirements applicable to the same
17 behavioral health care service when rendered
18 in-person, except that procedure code modifiers may be
19 required to document behavioral telehealth.

20 (2) Any cost sharing applicable to services provided
21 through behavioral telehealth shall not exceed the cost
22 sharing required by the medical assistance program for the
23 same services provided through in-person consultation.

24 (3) The Department and any managed care plans under
25 contract with the Department for the medical assistance
26 program shall notify behavioral health care professionals

1 and behavioral health facilities of any instructions
2 necessary to facilitate billing for behavioral telehealth
3 services.

4 (d) For purposes of reimbursement, the Department and any
5 managed care plans under contract with the Department for the
6 medical assistance program shall reimburse a behavioral health
7 care professional or behavioral health facility for behavioral
8 telehealth services on the same basis, in the same manner, and
9 at the same reimbursement rate that would apply to the
10 services if the services had been delivered via an in-person
11 encounter by a behavioral health care professional or
12 behavioral health facility. This subsection applies only to
13 those services provided by behavioral telehealth that may
14 otherwise be billed as an in-person service.

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

24 (f) Nothing in this Section shall be deemed as precluding
25 the Department and any managed care plans under contract with
26 the Department for the medical assistance program from

1 providing benefits for other telehealth services.

2 (g) There shall be no restrictions on originating site
3 requirements for behavioral telehealth coverage or
4 reimbursement to the distant site under this Section other
5 than requiring the behavioral telehealth services to be
6 medically necessary and clinically appropriate.

7 (h) Nothing in this Section shall be deemed as precluding
8 the Department and any managed care plans under contract with
9 the Department for the medical assistance program from
10 establishing limits on the use of telehealth for a particular
11 behavioral health service when the limits are consistent with
12 generally accepted standards of mental, emotional, nervous, or
13 substance use disorder or condition care.

14 (i) The Department may adopt rules to implement the
15 provisions of this Section."