



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5339

Introduced 01/26/06, by Rep. Keith P. Sommer

SYNOPSIS AS INTRODUCED:

215 ILCS 134/30

Amends the Managed Care Reform and Patient Rights Act. Prohibits health care plans from requiring enrollees to substitute their participating primary care physician during inpatient hospitalization, such as with a hospitalist physician licensed to practice medicine in all its branches (now, provides no example), without the agreement of the participating primary care physician. Effective immediately.

LRB094 16810 LJB 52086 b

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Managed Care Reform and Patient Rights Act
5 is amended by changing Section 30 as follows:

6 (215 ILCS 134/30)

7 Sec. 30. Prohibitions.

8 (a) No health care plan or its subcontractors may prohibit
9 or discourage health care providers by contract or policy from
10 discussing any health care services and health care providers,
11 utilization review and quality assurance policies, terms and
12 conditions of plans and plan policy with enrollees, prospective
13 enrollees, providers, or the public.

14 (b) No health care plan by contract, written policy, or
15 procedure may permit or allow an individual or entity to
16 dispense a different drug in place of the drug or brand of drug
17 ordered or prescribed without the express permission of the
18 person ordering or prescribing the drug, except as provided
19 under Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

20 (c) No health care plan or its subcontractors may by
21 contract, written policy, procedure, or otherwise mandate or
22 require an enrollee to substitute his or her participating
23 primary care physician under the plan during inpatient
24 hospitalization, such as with a hospitalist physician licensed
25 to practice medicine in all its branches, without the agreement
26 of that enrollee's participating primary care physician.
27 "Participating primary care physician" for health care plans
28 and subcontractors that do not require coordination of care by
29 a primary care physician means the participating physician
30 treating the patient. All health care plans shall inform
31 enrollees of any policies, recommendations, or guidelines
32 concerning the substitution of the enrollee's primary care

1 physician when hospitalization is necessary in the manner set
2 forth in subsections (d) and (e) of Section 15.

3 (d) Any violation of this Section shall be subject to the
4 penalties under this Act.

5 (Source: P.A. 91-617, eff. 1-1-00; 92-770, eff. 1-1-03.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.