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09400HB5349ham001

LRB094 19325 LJB 55709 a

1 AMENDMENT TO HOUSE BILL 5349

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5349 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.17 and by adding Section 4.27 as follows:

6 (5 ILCS 80/4.17)

7 Sec. 4.17. Acts repealed on January 1, 2007. The following  
8 are repealed on January 1, 2007:

9 The Boiler and Pressure Vessel Repairer Regulation  
10 Act.

11 The Structural Pest Control Act.

12 ~~Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC,~~  
13 ~~XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois~~  
14 ~~Insurance Code.~~

15 The Clinical Psychologist Licensing Act.

16 The Illinois Optometric Practice Act of 1987.

17 The Medical Practice Act of 1987.

18 The Environmental Health Practitioner Licensing Act.

19 (Source: P.A. 92-837, eff. 8-22-02.)

20 (5 ILCS 80/4.27 new)

21 Sec. 4.27. Act repealed on January 1, 2017. The following  
22 are repealed on January 1, 2017:

23 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC, XVII,

1 XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

2 Section 10. The Illinois Insurance Code is amended by  
3 adding Section 368f as follows:

4 (215 ILCS 5/368f new)

5 Sec. 368f. Military service member insurance  
6 reinstatement.

7 (a) No Illinois resident activated for military service and  
8 no spouse or dependent of the resident who becomes eligible for  
9 a federal government-sponsored health insurance program,  
10 including the TriCare program providing coverage for civilian  
11 dependents of military personnel, as a result of the activation  
12 shall be denied reinstatement into the same individual health  
13 insurance coverage with the health insurer that the resident  
14 lapsed as a result of activation or becoming covered by the  
15 federal government-sponsored health insurance program. The  
16 resident shall have the right to reinstatement in the same  
17 individual health insurance coverage without medical  
18 underwriting, subject to payment of the current premium charged  
19 to other persons of the same age and gender that are covered  
20 under the same individual health coverage. Except in the case  
21 of birth or adoption that occurs during the period of  
22 activation, reinstatement must be into the same coverage type  
23 as the resident held prior to lapsing the individual health  
24 insurance coverage and at the same or, at the option of the  
25 resident, higher deductible level. The reinstatement rights  
26 provided under this subsection (a) are not available to a  
27 resident or dependents if the activated person is discharged  
28 from the military under other than honorable conditions.

29 (b) The health insurer with which the reinstatement is  
30 being requested must receive a request for reinstatement no  
31 later than 63 days following the later of (i) deactivation or  
32 (ii) loss of coverage under the federal government-sponsored

1 health insurance program. The health insurer may request proof  
2 of loss of coverage and the timing of the loss of coverage of  
3 the government-sponsored coverage in order to determine  
4 eligibility for reinstatement into the individual coverage.  
5 The effective date of the reinstatement of individual health  
6 coverage shall be the first of the month following receipt of  
7 the notice requesting reinstatement.

8 (c) All insurers must provide written notice to the  
9 policyholder of individual health coverage of the rights  
10 described in subsection (a) of this Section. In lieu of the  
11 inclusion of the notice in the individual health insurance  
12 policy, an insurance company may satisfy the notification  
13 requirement by providing a single written notice:

14 (1) in conjunction with the enrollment process for a  
15 policyholder initially enrolling in the individual  
16 coverage on or after the effective date of this amendatory  
17 Act of the 94th General Assembly; or

18 (2) by mailing written notice to policyholders whose  
19 coverage was effective prior to the effective date of this  
20 amendatory Act of the 94th General Assembly no later than  
21 90 days following the effective date of this amendatory Act  
22 of the 94th General Assembly.

23 (d) The provisions of subsection (a) of this Section do not  
24 apply to any policy or certificate providing coverage for any  
25 specified disease, specified accident or accident-only  
26 coverage, credit, dental, disability income, hospital  
27 indemnity, long-term care, Medicare supplement, vision care,  
28 or short-term nonrenewable health policy or other  
29 limited-benefit supplemental insurance, or any coverage issued  
30 as a supplement to any liability insurance, workers'  
31 compensation or similar insurance, or any insurance under which  
32 benefits are payable with or without regard to fault, whether  
33 written on a group, blanket, or individual basis.

34 (e) Nothing in this Section shall require an insurer to

1 reinstate the resident if the insurer requires residency in an  
2 enrollment area and those residency requirements are not met  
3 after deactivation or loss of coverage under the  
4 government-sponsored health insurance program.

5 (f) All terms, conditions, and limitations of the  
6 individual coverage into which reinstatement is made apply  
7 equally to all insureds enrolled in the coverage.

8 (g) The Secretary may adopt rules as may be necessary to  
9 carry out the provisions of this Section.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.".