



Rep. Ronald A. Wait

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09500HB5954ham001

LRB095 18393 RPM 49255 a

1 AMENDMENT TO HOUSE BILL 5954

2 AMENDMENT NO. _____. Amend House Bill 5954 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by
5 adding Section 355a.1 as follows:

6 (215 ILCS 5/355a.1 new)

7 Sec. 355a.1. High deductible health plans; mandates.

8 (a) For the purpose of this Section, the terms "high
9 deductible health plan" and "health savings account" shall have
10 the same meanings as defined by the federal Medicare
11 Prescription Drug, Improvement, and Modernization Act of 2003.
12 Components of high deductible health plans and health savings
13 accounts, including, but not limited to, deductible limits,
14 contribution limits, and out-of-pocket maximums shall be those
15 annually prescribed by the United States Department of the
16 Treasury.

1 (b) An individual that purchases a policy of accident and
2 health insurance that is a high deductible health plan with a
3 health savings account may waive coverage for any or all
4 insurance coverage mandates required by this Code.

5 The decision to waive any or all insurance coverage
6 mandates shall be made by the individual covered by the policy
7 of accident and health insurance.

8 In the case of a minor or other individual not able to make
9 an informed decision, the decision to waive coverage shall be
10 made by the parent or guardian of the individual.

11 (c) In order to aid individuals in making informed
12 decisions regarding insurance coverage and the waiving of
13 mandated coverage, the Division of Insurance of the Illinois
14 Department of Financial and Professional Regulation may
15 provide assistance to individuals purchasing coverage to
16 assist the purchaser in weighing the risks and benefits
17 associated with waiving mandated coverage. This assistance may
18 be provided through the Department's Consumer Assistance
19 Hotline, the use of an internet-based system, informational
20 brochures, or any other means deemed appropriate by the
21 Division.

22 (d) The Division of Insurance shall recognize a waiver
23 under this Section as a waiver of coverage required under this
24 Code.

25 (e) Notwithstanding any other rulemaking authority that
26 may exist, neither the Governor nor any agency or agency head

1 under the jurisdiction of the Governor has any authority to
2 make or promulgate rules to implement or enforce the provisions
3 of this amendatory Act of the 95th General Assembly. If,
4 however, the Governor believes that rules are necessary to
5 implement or enforce the provisions of this amendatory Act of
6 the 95th General Assembly, the Governor may suggest rules to
7 the General Assembly by filing them with the Clerk of the House
8 and the Secretary of the Senate and by requesting that the
9 General Assembly authorize such rulemaking by law, enact those
10 suggested rules into law, or take any other appropriate action
11 in the General Assembly's discretion. Nothing contained in this
12 amendatory Act of the 95th General Assembly shall be
13 interpreted to grant rulemaking authority under any other
14 Illinois statute where such authority is not otherwise
15 explicitly given. For the purposes of this amendatory Act of
16 the 95th General Assembly, "rules" is given the meaning
17 contained in Section 1-70 of the Illinois Administrative
18 Procedure Act, and "agency" and "agency head" are given the
19 meanings contained in Sections 1-20 and 1-25 of the Illinois
20 Administrative Procedure Act to the extent that such
21 definitions apply to agencies or agency heads under the
22 jurisdiction of the Governor."