09600HB5107ham001                          LRB096 18006 RPM 37703 a

1          AMENDMENT TO HOUSE BILL 5107

2          AMENDMENT NO. _____. Amend House Bill 5107 by replacing

3      everything after the enacting clause with the following:

4          "Section 5. The Illinois Insurance Code is amended by

5      changing Section 368d as follows:

6          (215 ILCS 5/368d)

7          Sec. 368d. Recoupments.

8          (a) A health care professional or health care provider

9      shall be provided a remittance advice, which must include an

10     explanation of a recoupment or offset taken by an insurer,

11     health maintenance organization, independent practice

12     association, or physician hospital organization, if any. The

13     recoupment explanation shall, at a minimum, include the name of

14     the patient; the date of service; the service code or if no

15     service code is available a service description; the recoupment

16     amount; and the reason for the recoupment or offset. In

1    addition,   an   insurer,   health   maintenance   organization,

2    independent   practice   association,   or   physician   hospital

3    organization   shall   provide   with   the   remittance   advice   a

4    telephone number or mailing address to initiate an appeal of

5    the recoupment or offset.

6        (b) It is not a recoupment when a health care professional

7    or health care provider is paid an amount prospectively or

8    concurrently   under   a   contract   with   an   insurer,   health

9    maintenance organization, independent practice association, or

10   physician hospital organization that requires a retrospective

11   reconciliation based upon specific conditions outlined in the

12   contract.

13       (c) No recoupment or offset may be requested or withheld

14   from future payments 366 or more days after the original

15   payment is made, except in cases where a court, government

16   administrative   agency,   or   other   tribunal   has   made   a   formal

17   adjudication of fraud. No contract between an insurer and a

18   health care professional or health care provider may provide

19   for recoupments in violation of this Section.

20   (Source: P.A. 93-261, eff. 1-1-04.)".