



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5107

Introduced 1/29/2010, by Rep. Greg Harris

SYNOPSIS AS INTRODUCED:

215 ILCS 5/368d

Amends the Illinois Insurance Code. In the provision concerning recoupment, provides that no recoupment or offset may be requested or withheld from future payments 180 or more days after the original payment is made. Provides that no contract between an insurer and a health care professional or health care provider may provide for recoupments in violation of the provision concerning recoupment.

LRB096 18006 RPM 33378 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 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
17 addition, an insurer, health maintenance organization,
18 independent practice association, or physician hospital
19 organization shall provide with the remittance advice a
20 telephone number or mailing address to initiate an appeal of
21 the recoupment or offset.

22 (b) It is not a recoupment when a health care professional
23 or health care provider is paid an amount prospectively or

1 concurrently under a contract with an insurer, health
2 maintenance organization, independent practice association, or
3 physician hospital organization that requires a retrospective
4 reconciliation based upon specific conditions outlined in the
5 contract.

6 (c) No recoupment or offset may be requested or withheld
7 from future payments 180 or more days after the original
8 payment is made. No contract between an insurer and a health
9 care professional or health care provider may provide for
10 recoupments in violation of this Section.

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