



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0127

Introduced 1/10/2013, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Provides that a public school district maintaining grades kindergarten through 8 may (instead of the school board of any school district may, in its discretion) provide medical or hospital service or both through accident and health insurance or through non-profit hospital service corporations or medical service plan corporations or both for pupils of the district in grades kindergarten through 8 (instead of for all pupils of the district) injured while participating in an athletic activity. Provides that a public school district maintaining grades 9 through 12 shall provide catastrophic accident insurance coverage, with specified benefit limits, for eligible students in grades 9 through 12 who sustain an accidental injury while participating in school-sponsored or school-supervised interscholastic athletic events sanctioned by the Illinois High School Association ("IHSA") that results in medical expenses in excess of \$50,000. Sets forth similar provisions for non-public schools for school-sponsored or school-supervised interscholastic athletic tournaments sanctioned by the IHSA. Provides that the IHSA has the exclusive authority to promulgate a plan of coverage necessary to ensure compliance with these provisions. Requires the IHSA to provide a group policy. Allows public school districts and non-public schools to purchase the coverage necessary by participating in the group policy, obtain the coverage necessary from other coverage providers, or, in the case of the Chicago school district, provide the catastrophic accident insurance coverage through a program of self-insurance. Sets forth provisions concerning the charges for procedures, treatments, services, or prescription pharmaceuticals covered. Effective July 1, 2013.

LRB098 03856 NHT 33873 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education, which may be referred to as
2 Rocky Clark's Law.

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

5 Section 5. The School Code is amended by changing Section
6 22-15 as follows:

7 (105 ILCS 5/22-15) (from Ch. 122, par. 22-15)
8 Sec. 22-15. Insurance on athletes.

9 (a) In this Section, "IHSA" means the Illinois High School
10 Association.

11 (b) A public school district maintaining grades 9 through
12 12 shall provide catastrophic accident insurance coverage,
13 with aggregate benefit limits of \$7.5 million or 15 years,
14 whichever occurs first, for eligible students in grades 9
15 through 12 who sustain an accidental injury while participating
16 in school-sponsored or school-supervised interscholastic
17 athletic events sanctioned by the IHSA (including direct and
18 uninterrupted travel to and from the athletic event as well as
19 during a temporary stay at the location of an athletic event
20 held away from the student's school) that results in medical
21 expenses in excess of \$50,000. These benefit limits are subject
22 to subsection (d) of this Section and are to be in excess of
23 any and all other insurance, coverage or benefit, in whatever

1 form or designation.

2 Non-public schools maintaining grades 9 through 12 shall
3 provide catastrophic accident insurance coverage, with
4 aggregate benefit limits of \$7.5 million or 15 years, whichever
5 occurs first, for eligible students in grades 9 through 12 who
6 sustain an accidental injury while participating in
7 school-sponsored or school-supervised interscholastic athletic
8 tournaments sanctioned by the IHSA (including direct and
9 uninterrupted travel to and from the athletic tournament as
10 well as during a temporary stay at the location of an athletic
11 tournament held away from the student's school) that results in
12 medical expenses in excess of \$50,000. These benefit limits are
13 subject to subsection (d) of this Section and are to be in
14 excess of any and all other insurance, coverage or benefit, in
15 whatever form or designation.

16 (c) The IHSA has the exclusive authority to promulgate a
17 plan of coverage necessary to ensure compliance with this
18 Section. The IHSA shall provide a group policy providing the
19 coverage necessary to comply with this Section. Public school
20 districts and non-public schools may purchase the coverage
21 necessary to comply with this Section by participating in the
22 group policy.

23 Alternatively, public school districts or non-public
24 schools that do not participate in the group policy may obtain
25 the coverage necessary to comply with this Section from other
26 coverage providers, but must submit to the IHSA, 60 days before

1 the coverage inception, a certificate of insurance from the
2 coverage provider stating that the insurance provided by the
3 coverage provider is in compliance with the plan of coverage
4 approved by the IHSA. A public school district that manages
5 schools located within a city of over 500,000 inhabitants may
6 provide the catastrophic accident insurance coverage required
7 by this Section through a program of self-insurance, and the
8 public school district must submit to the IHSA, 60 days before
9 coverage inception, proof that the program is in compliance
10 with the plan of coverage.

11 (d) The charges for procedures, treatments, services, or
12 prescription pharmaceuticals covered under this Section must
13 not exceed the charges permissible under the workers'
14 compensation fee schedule under Section 8.2 of Workers'
15 Compensation Act. With regard to charges for procedures,
16 treatments, services, or prescription pharmaceuticals covered
17 under this Section for which no fee is set by the workers'
18 compensation fee schedule under Section 8.2 of Workers'
19 Compensation Act, the coverage provider may negotiate charges
20 for the procedures, treatments, services, or prescription
21 pharmaceuticals at a discount.

22 (e) A public school district maintaining grades
23 kindergarten through 8 may ~~The school board of any school~~
24 ~~district may, in its discretion,~~ provide medical or hospital
25 service, or both, through accident and health insurance on a
26 group or individual basis, or through non-profit hospital

1 service corporations or medical service plan corporations or
2 both, for pupils of the district in grades kindergarten through
3 8 injured while participating in any athletic activity under
4 the jurisdiction of or sponsored or controlled by the district
5 or the authorities of any school thereof. The cost of such
6 insurance or of subscriptions to such non-profit corporations,
7 when paid from the funds of the district, shall, to the extent
8 such moneys are sufficient, be paid from moneys derived from
9 athletic activities. To the extent that moneys derived from
10 athletic activities are insufficient, such cost may be paid
11 from the educational fund of the district. Such insurance may
12 be purchased from or such subscriptions may be taken in only
13 such companies or corporations as are authorized to do business
14 in Illinois.

15 (Source: P.A. 77-1554.)

16 Section 99. Effective date. This Act takes effect July 1,
17 2013.

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Statutes amended in order of appearance

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105 ILCS 5/22-15

from Ch. 122, par. 22-15