

AN ACT concerning regulation.

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

Section 5. The Illinois Public Aid Code is amended by adding Section 5-47 as follows:

(305 ILCS 5/5-47 new)

Sec. 5-47. Coverage for mental health and substance use disorder telehealth services.

(a) As used in this Section:

"Behavioral health care professional" has the meaning given to "health care professional" in Section 5 of the Telehealth Act, but only with respect to professionals licensed or certified by the Division of Mental Health or Division of Substance Use Prevention and Recovery of the Department of Human Services engaged in the delivery of mental health or substance use disorder treatment or services.

"Behavioral health facility" means a community mental health center, a behavioral health clinic, a substance use disorder treatment program, or a facility or provider licensed or certified by the Division of Mental Health or Division of Substance Use Prevention and Recovery of the Department of Human Services.

"Behavioral telehealth services" has the meaning given to

the term "telehealth services" in Section 5 of the Telehealth Act, but limited solely to mental health and substance use disorder treatment or services to a patient, regardless of patient location.

"Distant site" has the meaning given to that term in Section 5 of the Telehealth Act.

"Originating site" has the meaning given to that term in Section 5 of the Telehealth Act.

(b) The Department and any managed care plans under contract with the Department for the medical assistance program shall provide for coverage of mental health and substance use disorder treatment or services delivered as behavioral telehealth services as specified in this Section. The Department and any managed care plans under contract with the Department for the medical assistance program may also provide reimbursement to a behavioral health facility that serves as the originating site at the time a behavioral telehealth service is rendered.

(c) To ensure behavioral telehealth services are equitably provided, coverage required under this Section shall comply with all of the following:

(1) The Department and any managed care plans under contract with the Department for the medical assistance program shall not:

(A) require that in-person contact occur between a behavioral health care professional and a patient

before the provision of a behavioral telehealth service;

(B) require patients, behavioral health care professionals, or behavioral health facilities to prove or document a hardship or access barrier to an in-person consultation for coverage and reimbursement of behavioral telehealth services;

(C) require the use of behavioral telehealth services when the behavioral health care professional has determined that it is not appropriate;

(D) require the use of behavioral telehealth services when a patient chooses an in-person consultation;

(E) require a behavioral health care professional to be physically present in the same room as the patient at the originating site, unless deemed medically necessary by the behavioral health care professional providing the behavioral telehealth service;

(F) create geographic or facility restrictions or requirements for behavioral telehealth services;

(G) require behavioral health care professionals or behavioral health facilities to offer or provide behavioral telehealth services;

(H) require patients to use behavioral telehealth services or require patients to use a separate panel

of behavioral health care professionals or behavioral health facilities to receive behavioral telehealth services; or

(I) impose upon behavioral telehealth services utilization review requirements that are unnecessary, duplicative, or unwarranted or impose any treatment limitations, prior authorization, documentation, or recordkeeping requirements that are more stringent than the requirements applicable to the same behavioral health care service when rendered in-person, except that procedure code modifiers may be required to document behavioral telehealth.

(2) Any cost sharing applicable to services provided through behavioral telehealth shall not exceed the cost sharing required by the medical assistance program for the same services provided through in-person consultation.

(3) The Department and any managed care plans under contract with the Department for the medical assistance program shall notify behavioral health care professionals and behavioral health facilities of any instructions necessary to facilitate billing for behavioral telehealth services.

(d) For purposes of reimbursement, the Department and any managed care plans under contract with the Department for the medical assistance program shall reimburse a behavioral health care professional or behavioral health facility for behavioral

telehealth services on the same basis, in the same manner, and at the same reimbursement rate that would apply to the services if the services had been delivered via an in-person encounter by a behavioral health care professional or behavioral health facility. This subsection applies only to those services provided by behavioral telehealth that may otherwise be billed as an in-person service.

(e) Behavioral health care professionals and behavioral health facilities shall determine the appropriateness of specific sites, technology platforms, and technology vendors for a behavioral telehealth service, as long as delivered services adhere to all federal and State privacy, security, and confidentiality laws, rules, or regulations, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996, 42 CFR Part 2, and the Mental Health and Developmental Disabilities Confidentiality Act.

(f) Nothing in this Section shall be deemed as precluding the Department and any managed care plans under contract with the Department for the medical assistance program from providing benefits for other telehealth services.

(g) There shall be no restrictions on originating site requirements for behavioral telehealth coverage or reimbursement to the distant site under this Section other than requiring the behavioral telehealth services to be medically necessary and clinically appropriate.

(h) Nothing in this Section shall be deemed as precluding

the Department and any managed care plans under contract with the Department for the medical assistance program from establishing limits on the use of telehealth for a particular behavioral health service when the limits are consistent with generally accepted standards of mental, emotional, nervous, or substance use disorder or condition care.

(i) The Department may adopt rules to implement the provisions of this Section.