

1 AN ACT concerning regulation.

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

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

6 (305 ILCS 5/5-47 new)

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

9 (a) As used in this Section:

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

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

23 "Behavioral telehealth services" has the meaning given to

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

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

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

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

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

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

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

1 before the provision of a behavioral telehealth
2 service;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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