

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 Telehealth Act is amended by changing
5 Section 5 as follows:

6 (225 ILCS 150/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Asynchronous store and forward system" means the
9 transmission of a patient's medical information through an
10 electronic communications system at an originating site to a
11 health care professional or facility at a distant site that
12 does not require real-time or synchronous interaction between
13 the health care professional and the patient.

14 "Distant site" means the location at which the health care
15 professional rendering the telehealth service is located.

16 "Established patient" means a patient with a relationship
17 with a health care professional in which there has been an
18 exchange of an individual's protected health information for
19 the purpose of providing patient care, treatment, or services.

20 "E-visit" means a patient-initiated non-face-to-face
21 communication through an online patient portal between an
22 established patient and a health care professional.

23 "Facility" includes a facility that is owned or operated

1 by a hospital under the Hospital Licensing Act or University
2 of Illinois Hospital Act, a facility under the Nursing Home
3 Care Act, a rural health clinic, a federally qualified health
4 center, a local health department, a community mental health
5 center, a behavioral health clinic as defined in 89 Ill. Adm.
6 Code 140.453, an encounter rate clinic, a skilled nursing
7 facility, a substance use treatment program licensed by the
8 Division of Substance Use Prevention and Recovery of the
9 Department of Human Services, a school-based health center as
10 defined in 77 Ill. Adm. Code 641.10, a physician's office, a
11 podiatrist's office, a supportive living program provider, a
12 hospice provider, home health agency, or home nursing agency
13 under the Home Health, Home Services, and Home Nursing Agency
14 Licensing Act, a facility under the ID/DD Community Care Act,
15 community-integrated living arrangements as defined in the
16 Community-Integrated Living Arrangements Licensure and
17 Certification Act, and a provider who receives reimbursement
18 for a patient's room and board.

19 "Health care professional" includes, but is not limited
20 to, physicians, physician assistants, optometrists, advanced
21 practice registered nurses, clinical psychologists licensed in
22 Illinois, prescribing psychologists licensed in Illinois,
23 dentists, occupational therapists, pharmacists, physical
24 therapists, acupuncturists, clinical social workers,
25 speech-language pathologists, audiologists, hearing
26 instrument dispensers, licensed certified substance use

1 disorder treatment providers and clinicians, and mental health
2 professionals and clinicians authorized by Illinois law to
3 provide mental health services, and qualified providers listed
4 under paragraph (8) of subsection (e) of Section 3 of the Early
5 Intervention Services System Act, dietitian nutritionists
6 licensed in Illinois, and health care professionals associated
7 with a facility.

8 "Interactive telecommunications system" means an audio and
9 video system, an audio-only telephone system (landline or
10 cellular), or any other telecommunications system permitting
11 2-way, synchronous interactive communication between a patient
12 at an originating site and a health care professional or
13 facility at a distant site. "Interactive telecommunications
14 system" does not include a facsimile machine, electronic mail
15 messaging, or text messaging.

16 "Originating site" means the location at which the patient
17 is located at the time telehealth services are provided to the
18 patient via telehealth.

19 "Remote patient monitoring" means the use of connected
20 digital technologies or mobile medical devices to collect
21 medical and other health data from a patient at one location
22 and electronically transmit that data to a health care
23 professional or facility at a different location for
24 collection and interpretation.

25 "Telehealth services" means the evaluation, diagnosis, or
26 interpretation of electronically transmitted patient-specific

1 data between a remote location and a licensed health care
2 professional that generates interaction or treatment
3 recommendations. "Telehealth services" includes telemedicine
4 and the delivery of health care services, including mental
5 health treatment and substance use disorder treatment and
6 services to a patient, regardless of patient location,
7 provided by way of an interactive telecommunications system,
8 asynchronous store and forward system, remote patient
9 monitoring technologies, e-visits, or virtual check-ins.

10 "Virtual check-in" means a brief patient-initiated
11 communication using a technology-based service, excluding
12 facsimile, between an established patient and a health care
13 professional. "Virtual check-in" does not include
14 communications from a related office visit provided within the
15 previous 7 days, nor communications that lead to an office
16 visit or procedure within the next 24 hours or soonest
17 available appointment.

18 (Source: P.A. 101-81, eff. 7-12-19; 101-84, eff. 7-19-19;
19 102-104, eff. 7-22-21.)

20 Section 10. The Acupuncture Practice Act is amended by
21 adding Section 14 as follows:

22 (225 ILCS 2/14 new)

23 Sec. 14. Telemedicine.

24 (a) The General Assembly finds that, because technological

1 advances and changing practice patterns regarding the use of
2 health care services are occurring with increasing frequency
3 across state lines and across increasing geographical
4 distances within this State, certain technological advances in
5 the health care industry are in the public interest. Providing
6 professional health care services is a privilege and is
7 necessary for the protection of the public health, welfare,
8 and safety, especially when a pandemic can limit access to
9 traditional means of accessing health care services.

10 (b) For purposes of this Act, "telemedicine" means the
11 performance of acupuncture limited to modalities and
12 consultations that do not involve the insertion of needles and
13 that are provided via technology or telecommunication methods.

14 (c) The standard of care for a patient under this Act shall
15 be the same whether a patient is seen in person, through
16 telemedicine, or through another method of
17 electronically-enabled health care. The Department shall, by
18 rule, determine the appropriate acupuncture services allowed
19 via telemedicine in consultation with the Board.

20 (d) A person who engages in the practice of telemedicine
21 without a license issued under this Act shall be subject to the
22 penalties provided in Section 105.

23 (e) If the Department has reason to believe that a person
24 has violated this Section, the Department may issue a rule to
25 show cause stating the reasons why an order to cease and desist
26 should not be entered against the person. The rule shall

1 clearly set forth the grounds relied upon by the Department
2 and shall provide the person with a period of 7 days after the
3 date of the rule to file an answer to the satisfaction of the
4 Department. Failure to answer to the satisfaction of the
5 Department shall cause an order to cease and desist to be
6 issued immediately.

7 (f) A person residing out of state that provides services
8 through telemedicine to a patient residing in this State
9 submits himself or herself to the jurisdiction of the
10 Department and the courts of this State.