



Rep. Sara Feigenholtz

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10000SB3102ham001

LRB100 18714 KTG 43407 a

1 AMENDMENT TO SENATE BILL 3102

2 AMENDMENT NO. _____. Amend Senate Bill 3102 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 2VVV as follows:

6 (815 ILCS 505/2VVV)

7 Sec. 2VVV. Deceptive marketing, advertising, and sale of
8 mental health disorder and substance use disorder treatment.

9 (a) As used in this Section:

10 "Facility" has the meaning ascribed to that term in Section
11 1-10 of the Substance Use Disorder ~~Alcoholism and Other Drug~~
12 Abuse and Dependency Act when used in reference to a facility
13 that provides substance use disorder treatment. "Facility" has
14 the same meaning as "mental health facility" under Section
15 1-114 of the Mental Health and Developmental Disabilities Code
16 when used in reference to a facility that provides mental

1 health disorder treatment.

2 "Hospital affiliate" has the meaning ascribed to that term
3 in Section 10.8 of the Hospital Licensing Act.

4 "Mental health disorder" has the same meaning as "mental
5 illness" under Section 1-129 of the Mental Health and
6 Developmental Disabilities Code.

7 "Program" means a licensable or fundable activity or
8 service, or a coordinated range of such activities or services,
9 established or licensed by the Department of Human Services.
10 ~~has the meaning ascribed to that term in Section 1-10 of the~~
11 ~~Alcoholism and Other Drug Abuse and Dependency Act.~~

12 "Substance use disorder" has the same meaning as "substance
13 abuse" under Section 1-10 of the Substance Use Disorder
14 ~~Alcoholism and Other Drug Abuse and Dependency Act.~~

15 "Treatment" has the meaning ascribed to that term in
16 Section 1-10 of the Substance Use Disorder ~~Alcoholism and Other~~
17 ~~Drug Abuse and Dependency Act~~ when used in reference to
18 treatment for a substance use disorder. "Treatment" has the
19 meaning ascribed to that term in Section 1-128 of the Mental
20 Health and Developmental Disabilities Code when used in
21 reference to treatment for a mental health disorder.

22 (b) It is an unlawful practice for any person to engage in
23 misleading or false advertising or promotion that
24 misrepresents the need to seek mental health disorder or
25 substance use disorder treatment outside of the State of
26 Illinois.

1 (c) Any marketing, advertising, promotional, or sales
2 materials directed to Illinois residents concerning mental
3 health disorder or substance use disorder treatment must:

4 (1) prominently display or announce the full physical
5 address of the treatment program or facility;

6 (2) display whether the treatment program or facility
7 is licensed in the State of Illinois;

8 (3) display whether the treatment program or facility
9 has locations in Illinois;

10 (4) display whether the services provided by the
11 treatment program or facility are covered by an insurance
12 policy issued to an Illinois resident;

13 (5) display whether the treatment program or facility
14 is an in-network or out-of-network provider;

15 (6) include a link to the Internet website for the
16 Department of Human Services' Division of Mental Health and
17 Division of Substance Use Prevention and Recovery
18 ~~Alcoholism and Substance Abuse~~, or any successor State
19 agency that provides information regarding licensed
20 providers of services; and

21 (7) disclose that mental health disorder and substance
22 use disorder treatment may be available at a reduced cost
23 or for free for Illinois residents within the State of
24 Illinois.

25 (d) It is an unlawful practice for any person to enter into
26 an arrangement under which a patient seeking mental health

1 disorder or substance use disorder treatment is referred to a
2 mental health disorder or substance use disorder treatment
3 program or facility in exchange for a fee, a percentage of the
4 treatment program's or facility's revenues that are related to
5 the patient, or any other remuneration that takes into account
6 the volume or value of the referrals to the treatment program
7 or facility. Such practice shall also be considered a violation
8 of the prohibition against fee splitting in Section 22.2 of the
9 Medical Practice Act of 1987 and a violation of the Health Care
10 Worker Self-Referral Act. This Section does not apply to health
11 insurance companies, health maintenance organizations, managed
12 care plans, or organizations, including hospitals and hospital
13 affiliates licensed in Illinois.

14 (Source: P.A. 100-1058, eff. 1-1-19; revised 10-9-18.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."