



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1442

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Provides that the Director of Public Health, if a physician licensed to practice medicine in all its branches in Illinois, shall establish a standing order complete with the issuance of a prescription for a hormonal contraceptive in accordance with the requirements of the provisions. Provides that if the Director is not a physician licensed to practice medicine in all its branches in Illinois, the Medical Director of the Department of Public Health shall establish the standing order. Amends the Illinois Insurance Code. Requires a group or individual policy of accident and health insurance or managed care plan to provide coverage for patient care services provided by a pharmacist. Makes conforming changes in the State Employees Group Insurance Act of 1971, the Counties Code, the Illinois Municipal Code, and the School Code. Amends the Pharmacy Practice Act. Provides that the definition of "practice of pharmacy" includes the dispensing of hormonal contraceptives pursuant to the standing order under provisions of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Amends the Illinois Public Aid Code. Requires the medical assistance program to cover patient care services provided by a pharmacist for hormonal contraceptives assessment and consultation. Effective January 1, 2020.

LRB101 04917 SMS 49926 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 State Employees Group Insurance Act of 1971
5 is amended by changing Section 6.11 as follows:

6 (5 ILCS 375/6.11)

7 (Text of Section before amendment by P.A. 100-1170)

8 Sec. 6.11. Required health benefits; Illinois Insurance
9 Code requirements. The program of health benefits shall provide
10 the post-mastectomy care benefits required to be covered by a
11 policy of accident and health insurance under Section 356t of
12 the Illinois Insurance Code. The program of health benefits
13 shall provide the coverage required under Sections 356g,
14 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4,
15 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,
16 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~
17 356z.29, 356z.32, and 356z.33 of the Illinois Insurance Code.
18 The program of health benefits must comply with Sections
19 155.22a, 155.37, 355b, 356z.19, 370c, and 370c.1 of the
20 Illinois Insurance Code. The Department of Insurance shall
21 enforce the requirements of this Section.

22 Rulemaking authority to implement Public Act 95-1045, if
23 any, is conditioned on the rules being adopted in accordance

1 with all provisions of the Illinois Administrative Procedure
2 Act and all rules and procedures of the Joint Committee on
3 Administrative Rules; any purported rule not so adopted, for
4 whatever reason, is unauthorized.

5 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;
6 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.
7 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised
8 1-8-19.)

9 (Text of Section after amendment by P.A. 100-1170)

10 Sec. 6.11. Required health benefits; Illinois Insurance
11 Code requirements. The program of health benefits shall provide
12 the post-mastectomy care benefits required to be covered by a
13 policy of accident and health insurance under Section 356t of
14 the Illinois Insurance Code. The program of health benefits
15 shall provide the coverage required under Sections 356g,
16 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4,
17 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,
18 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, 356z.26, 356z.29,
19 ~~and~~ 356z.32, and 356z.33 of the Illinois Insurance Code. The
20 program of health benefits must comply with Sections 155.22a,
21 155.37, 355b, 356z.19, 370c, and 370c.1 of the Illinois
22 Insurance Code. The Department of Insurance shall enforce the
23 requirements of this Section with respect to Sections 370c and
24 370c.1 of the Illinois Insurance Code; all other requirements
25 of this Section shall be enforced by the Department of Central

1 Management Services.

2 Rulemaking authority to implement Public Act 95-1045, if
3 any, is conditioned on the rules being adopted in accordance
4 with all provisions of the Illinois Administrative Procedure
5 Act and all rules and procedures of the Joint Committee on
6 Administrative Rules; any purported rule not so adopted, for
7 whatever reason, is unauthorized.

8 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;
9 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.
10 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19;
11 100-1170, eff. 6-1-19.)

12 Section 10. The Department of Public Health Powers and
13 Duties Law of the Civil Administrative Code of Illinois is
14 amended by adding Section 2310-705 as follows:

15 (20 ILCS 2310/2310-705 new)

16 Sec. 2310-705. Contraceptive drugs and products; Director
17 standing order.

18 (a) As used in this Section:

19 "Hormonal contraceptive" means a prescribed
20 medically-acceptable oral drug, transdermal patch, or vaginal
21 ring that is approved by the United States Food and Drug
22 Administration to prevent pregnancy.

23 "Standing order" has the meaning given to that term in the
24 Pharmacy Practice Act.

1 (b) If the Director of Public Health is a physician
2 licensed to practice medicine in all its branches in Illinois,
3 the Director shall establish a standing order complete with the
4 issuance of a prescription for a hormonal contraceptive in
5 accordance with this Section. If the Director is not a
6 physician licensed to practice medicine in all its branches in
7 Illinois, then the Medical Director of the Department of Public
8 Health shall establish a standing order in accordance with this
9 Section.

10 (c) The standing order, at a minimum, shall comply with the
11 following:

12 (1) A pharmacist may dispense a 12-month supply of
13 hormonal contraceptives to a patient.

14 (2) A pharmacist shall have the patient complete the
15 self-screening risk assessment tool. The self-screening
16 risk assessment tool is to be based on the most current
17 version of the United States Medical Eligibility Criteria
18 for Contraceptive Use published by the federal Centers for
19 Disease Control and Prevention.

20 (3) Based upon the results of the self-screening risk
21 assessment and the patient assessment, the pharmacist
22 shall use his or her professional and clinical judgment as
23 to when a patient should be referred to the patient's
24 physician or another health care provider.

25 (4) The pharmacist shall provide, during the patient
26 assessment and consultation, counseling and education

1 about all methods of contraception, including methods not
2 covered under the standing order, and their proper use and
3 effectiveness.

4 (5) The patient consultation shall take place in a
5 private manner consistent with rules adopted by the
6 Department of Financial and Professional Regulation.

7 (6) The Department shall adopt rules under this Section
8 that require a pharmacist to:

9 (A) complete an educational training program
10 accredited by the Accreditation Council for Pharmacy
11 Education and approved by the Department that is
12 related to the patient self-screening risk assessment,
13 patient assessment, contraceptive counseling and
14 education, and dispensation of hormonal
15 contraceptives; and

16 (B) dispense the hormonal contraceptive to the
17 patient as soon as practicable after meeting the
18 requirements of paragraph (2).

19 (7) All State and federal laws governing insurance
20 coverage of contraceptive drugs shall apply to hormonal
21 contraceptives dispensed by a pharmacist under this
22 Section.

23 Section 15. The Counties Code is amended by changing
24 Section 5-1069.3 as follows:

1 (55 ILCS 5/5-1069.3)

2 Sec. 5-1069.3. Required health benefits. If a county,
3 including a home rule county, is a self-insurer for purposes of
4 providing health insurance coverage for its employees, the
5 coverage shall include coverage for the post-mastectomy care
6 benefits required to be covered by a policy of accident and
7 health insurance under Section 356t and the coverage required
8 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,
9 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,
10 356z.14, 356z.15, 356z.22, 356z.25, ~~and 356z.26, and 356z.29,~~
11 356z.32, and 356z.33 of the Illinois Insurance Code. The
12 coverage shall comply with Sections 155.22a, 355b, 356z.19, and
13 370c of the Illinois Insurance Code. The Department of
14 Insurance shall enforce the requirements of this Section. The
15 requirement that health benefits be covered as provided in this
16 Section is an exclusive power and function of the State and is
17 a denial and limitation under Article VII, Section 6,
18 subsection (h) of the Illinois Constitution. A home rule county
19 to which this Section applies must comply with every provision
20 of this Section.

21 Rulemaking authority to implement Public Act 95-1045, if
22 any, is conditioned on the rules being adopted in accordance
23 with all provisions of the Illinois Administrative Procedure
24 Act and all rules and procedures of the Joint Committee on
25 Administrative Rules; any purported rule not so adopted, for
26 whatever reason, is unauthorized.

1 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;
2 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.
3 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised
4 10-3-18.)

5 Section 20. The Illinois Municipal Code is amended by
6 changing Section 10-4-2.3 as follows:

7 (65 ILCS 5/10-4-2.3)

8 Sec. 10-4-2.3. Required health benefits. If a
9 municipality, including a home rule municipality, is a
10 self-insurer for purposes of providing health insurance
11 coverage for its employees, the coverage shall include coverage
12 for the post-mastectomy care benefits required to be covered by
13 a policy of accident and health insurance under Section 356t
14 and the coverage required under Sections 356g, 356g.5,
15 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10,
16 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25,
17 ~~and 356z.26, and 356z.29,~~ 356z.32, and 356z.33 of the Illinois
18 Insurance Code. The coverage shall comply with Sections
19 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance
20 Code. The Department of Insurance shall enforce the
21 requirements of this Section. The requirement that health
22 benefits be covered as provided in this is an exclusive power
23 and function of the State and is a denial and limitation under
24 Article VII, Section 6, subsection (h) of the Illinois

1 Constitution. A home rule municipality to which this Section
2 applies must comply with every provision of this Section.

3 Rulemaking authority to implement Public Act 95-1045, if
4 any, is conditioned on the rules being adopted in accordance
5 with all provisions of the Illinois Administrative Procedure
6 Act and all rules and procedures of the Joint Committee on
7 Administrative Rules; any purported rule not so adopted, for
8 whatever reason, is unauthorized.

9 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;
10 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.
11 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised
12 10-4-18.)

13 Section 25. The School Code is amended by changing Section
14 10-22.3f as follows:

15 (105 ILCS 5/10-22.3f)

16 Sec. 10-22.3f. Required health benefits. Insurance
17 protection and benefits for employees shall provide the
18 post-mastectomy care benefits required to be covered by a
19 policy of accident and health insurance under Section 356t and
20 the coverage required under Sections 356g, 356g.5, 356g.5-1,
21 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,
22 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~
23 356z.29, 356z.32, and 356z.33 of the Illinois Insurance Code.
24 Insurance policies shall comply with Section 356z.19 of the

1 Illinois Insurance Code. The coverage shall comply with
2 Sections 155.22a, 355b, and 370c of the Illinois Insurance
3 Code. The Department of Insurance shall enforce the
4 requirements of this Section.

5 Rulemaking authority to implement Public Act 95-1045, if
6 any, is conditioned on the rules being adopted in accordance
7 with all provisions of the Illinois Administrative Procedure
8 Act and all rules and procedures of the Joint Committee on
9 Administrative Rules; any purported rule not so adopted, for
10 whatever reason, is unauthorized.

11 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;
12 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.
13 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

14 Section 30. The Illinois Insurance Code is amended by
15 adding Section 356z.33 as follows:

16 (215 ILCS 5/356z.33 new)

17 Sec. 356z.33. Coverage for patient care services for
18 hormonal contraceptives provided by a pharmacist. A group or
19 individual policy of accident and health insurance or a managed
20 care plan that is amended, delivered, issued, or renewed after
21 the effective date of this amendatory Act of the 101st General
22 Assembly shall provide coverage for patient care services
23 provided by a pharmacist for hormonal contraceptives
24 assessment and consultation.

1 Section 35. The Pharmacy Practice Act is amended by
2 changing Section 3 as follows:

3 (225 ILCS 85/3)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 3. Definitions. For the purpose of this Act, except
6 where otherwise limited therein:

7 (a) "Pharmacy" or "drugstore" means and includes every
8 store, shop, pharmacy department, or other place where
9 pharmacist care is provided by a pharmacist (1) where drugs,
10 medicines, or poisons are dispensed, sold or offered for sale
11 at retail, or displayed for sale at retail; or (2) where
12 prescriptions of physicians, dentists, advanced practice
13 registered nurses, physician assistants, veterinarians,
14 podiatric physicians, or optometrists, within the limits of
15 their licenses, are compounded, filled, or dispensed; or (3)
16 which has upon it or displayed within it, or affixed to or used
17 in connection with it, a sign bearing the word or words
18 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
19 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
20 "Drugs", "Dispensary", "Medicines", or any word or words of
21 similar or like import, either in the English language or any
22 other language; or (4) where the characteristic prescription
23 sign (Rx) or similar design is exhibited; or (5) any store, or
24 shop, or other place with respect to which any of the above

1 words, objects, signs or designs are used in any advertisement.

2 (b) "Drugs" means and includes (1) articles recognized in
3 the official United States Pharmacopoeia/National Formulary
4 (USP/NF), or any supplement thereto and being intended for and
5 having for their main use the diagnosis, cure, mitigation,
6 treatment or prevention of disease in man or other animals, as
7 approved by the United States Food and Drug Administration, but
8 does not include devices or their components, parts, or
9 accessories; and (2) all other articles intended for and having
10 for their main use the diagnosis, cure, mitigation, treatment
11 or prevention of disease in man or other animals, as approved
12 by the United States Food and Drug Administration, but does not
13 include devices or their components, parts, or accessories; and
14 (3) articles (other than food) having for their main use and
15 intended to affect the structure or any function of the body of
16 man or other animals; and (4) articles having for their main
17 use and intended for use as a component or any articles
18 specified in clause (1), (2) or (3); but does not include
19 devices or their components, parts or accessories.

20 (c) "Medicines" means and includes all drugs intended for
21 human or veterinary use approved by the United States Food and
22 Drug Administration.

23 (d) "Practice of pharmacy" means:

24 (1) the interpretation and the provision of assistance
25 in the monitoring, evaluation, and implementation of
26 prescription drug orders;

- 1 (2) the dispensing of prescription drug orders;
2 (3) participation in drug and device selection;
3 (4) drug administration limited to the administration
4 of oral, topical, injectable, and inhalation as follows:

5 (A) in the context of patient education on the
6 proper use or delivery of medications;

7 (B) vaccination of patients 14 years of age and
8 older pursuant to a valid prescription or standing
9 order, by a physician licensed to practice medicine in
10 all its branches, upon completion of appropriate
11 training, including how to address contraindications
12 and adverse reactions set forth by rule, with
13 notification to the patient's physician and
14 appropriate record retention, or pursuant to hospital
15 pharmacy and therapeutics committee policies and
16 procedures; and

17 (C) administration of injections of
18 alpha-hydroxyprogesterone caproate, pursuant to a
19 valid prescription, by a physician licensed to
20 practice medicine in all its branches, upon completion
21 of appropriate training, including how to address
22 contraindications and adverse reactions set forth by
23 rule, with notification to the patient's physician and
24 appropriate record retention, or pursuant to hospital
25 pharmacy and therapeutics committee policies and
26 procedures;

1 (5) vaccination of patients ages 10 through 13 limited
2 to the Influenza (inactivated influenza vaccine and live
3 attenuated influenza intranasal vaccine) and Tdap (defined
4 as tetanus, diphtheria, acellular pertussis) vaccines,
5 pursuant to a valid prescription or standing order, by a
6 physician licensed to practice medicine in all its
7 branches, upon completion of appropriate training,
8 including how to address contraindications and adverse
9 reactions set forth by rule, with notification to the
10 patient's physician and appropriate record retention, or
11 pursuant to hospital pharmacy and therapeutics committee
12 policies and procedures;

13 (6) drug regimen review;

14 (7) drug or drug-related research;

15 (8) the provision of patient counseling;

16 (9) the practice of telepharmacy;

17 (10) the provision of those acts or services necessary
18 to provide pharmacist care;

19 (11) medication therapy management; and

20 (12) the responsibility for compounding and labeling
21 of drugs and devices (except labeling by a manufacturer,
22 repackager, or distributor of non-prescription drugs and
23 commercially packaged legend drugs and devices), proper
24 and safe storage of drugs and devices, and maintenance of
25 required records; and -

26 (13) the assessment and consultation of patients and

1 dispensing of hormonal contraceptives pursuant to the
2 standing order under Section 2310-705 of the Department of
3 Public Health Powers and Duties Law of the Civil
4 Administrative Code of Illinois.

5 A pharmacist who performs any of the acts defined as the
6 practice of pharmacy in this State must be actively licensed as
7 a pharmacist under this Act.

8 (e) "Prescription" means and includes any written, oral,
9 facsimile, or electronically transmitted order for drugs or
10 medical devices, issued by a physician licensed to practice
11 medicine in all its branches, dentist, veterinarian, podiatric
12 physician, or optometrist, within the limits of his or her
13 license, by a physician assistant in accordance with subsection
14 (f) of Section 4, or by an advanced practice registered nurse
15 in accordance with subsection (g) of Section 4, containing the
16 following: (1) name of the patient; (2) date when prescription
17 was issued; (3) name and strength of drug or description of the
18 medical device prescribed; and (4) quantity; (5) directions for
19 use; (6) prescriber's name, address, and signature; and (7) DEA
20 registration number where required, for controlled substances.
21 The prescription may, but is not required to, list the illness,
22 disease, or condition for which the drug or device is being
23 prescribed. DEA registration numbers shall not be required on
24 inpatient drug orders. A prescription for medication other than
25 controlled substances shall be valid for up to 15 months from
26 the date issued for the purpose of refills, unless the

1 prescription states otherwise.

2 (f) "Person" means and includes a natural person,
3 partnership, association, corporation, government entity, or
4 any other legal entity.

5 (g) "Department" means the Department of Financial and
6 Professional Regulation.

7 (h) "Board of Pharmacy" or "Board" means the State Board of
8 Pharmacy of the Department of Financial and Professional
9 Regulation.

10 (i) "Secretary" means the Secretary of Financial and
11 Professional Regulation.

12 (j) "Drug product selection" means the interchange for a
13 prescribed pharmaceutical product in accordance with Section
14 25 of this Act and Section 3.14 of the Illinois Food, Drug and
15 Cosmetic Act.

16 (k) "Inpatient drug order" means an order issued by an
17 authorized prescriber for a resident or patient of a facility
18 licensed under the Nursing Home Care Act, the ID/DD Community
19 Care Act, the MC/DD Act, the Specialized Mental Health
20 Rehabilitation Act of 2013, the Hospital Licensing Act, or the
21 University of Illinois Hospital Act, or a facility which is
22 operated by the Department of Human Services (as successor to
23 the Department of Mental Health and Developmental
24 Disabilities) or the Department of Corrections.

25 (k-5) "Pharmacist" means an individual health care
26 professional and provider currently licensed by this State to

1 engage in the practice of pharmacy.

2 (l) "Pharmacist in charge" means the licensed pharmacist
3 whose name appears on a pharmacy license and who is responsible
4 for all aspects of the operation related to the practice of
5 pharmacy.

6 (m) "Dispense" or "dispensing" means the interpretation,
7 evaluation, and implementation of a prescription drug order,
8 including the preparation and delivery of a drug or device to a
9 patient or patient's agent in a suitable container
10 appropriately labeled for subsequent administration to or use
11 by a patient in accordance with applicable State and federal
12 laws and regulations. "Dispense" or "dispensing" does not mean
13 the physical delivery to a patient or a patient's
14 representative in a home or institution by a designee of a
15 pharmacist or by common carrier. "Dispense" or "dispensing"
16 also does not mean the physical delivery of a drug or medical
17 device to a patient or patient's representative by a
18 pharmacist's designee within a pharmacy or drugstore while the
19 pharmacist is on duty and the pharmacy is open.

20 (n) "Nonresident pharmacy" means a pharmacy that is located
21 in a state, commonwealth, or territory of the United States,
22 other than Illinois, that delivers, dispenses, or distributes,
23 through the United States Postal Service, commercially
24 acceptable parcel delivery service, or other common carrier, to
25 Illinois residents, any substance which requires a
26 prescription.

1 (o) "Compounding" means the preparation and mixing of
2 components, excluding flavorings, (1) as the result of a
3 prescriber's prescription drug order or initiative based on the
4 prescriber-patient-pharmacist relationship in the course of
5 professional practice or (2) for the purpose of, or incident
6 to, research, teaching, or chemical analysis and not for sale
7 or dispensing. "Compounding" includes the preparation of drugs
8 or devices in anticipation of receiving prescription drug
9 orders based on routine, regularly observed dispensing
10 patterns. Commercially available products may be compounded
11 for dispensing to individual patients only if all of the
12 following conditions are met: (i) the commercial product is not
13 reasonably available from normal distribution channels in a
14 timely manner to meet the patient's needs and (ii) the
15 prescribing practitioner has requested that the drug be
16 compounded.

17 (p) (Blank).

18 (q) (Blank).

19 (r) "Patient counseling" means the communication between a
20 pharmacist or a student pharmacist under the supervision of a
21 pharmacist and a patient or the patient's representative about
22 the patient's medication or device for the purpose of
23 optimizing proper use of prescription medications or devices.
24 "Patient counseling" may include without limitation (1)
25 obtaining a medication history; (2) acquiring a patient's
26 allergies and health conditions; (3) facilitation of the

1 patient's understanding of the intended use of the medication;
2 (4) proper directions for use; (5) significant potential
3 adverse events; (6) potential food-drug interactions; and (7)
4 the need to be compliant with the medication therapy. A
5 pharmacy technician may only participate in the following
6 aspects of patient counseling under the supervision of a
7 pharmacist: (1) obtaining medication history; (2) providing
8 the offer for counseling by a pharmacist or student pharmacist;
9 and (3) acquiring a patient's allergies and health conditions.

10 (s) "Patient profiles" or "patient drug therapy record"
11 means the obtaining, recording, and maintenance of patient
12 prescription information, including prescriptions for
13 controlled substances, and personal information.

14 (t) (Blank).

15 (u) "Medical device" or "device" means an instrument,
16 apparatus, implement, machine, contrivance, implant, in vitro
17 reagent, or other similar or related article, including any
18 component part or accessory, required under federal law to bear
19 the label "Caution: Federal law requires dispensing by or on
20 the order of a physician". A seller of goods and services who,
21 only for the purpose of retail sales, compounds, sells, rents,
22 or leases medical devices shall not, by reasons thereof, be
23 required to be a licensed pharmacy.

24 (v) "Unique identifier" means an electronic signature,
25 handwritten signature or initials, thumb print, or other
26 acceptable biometric or electronic identification process as

1 approved by the Department.

2 (w) "Current usual and customary retail price" means the
3 price that a pharmacy charges to a non-third-party payor.

4 (x) "Automated pharmacy system" means a mechanical system
5 located within the confines of the pharmacy or remote location
6 that performs operations or activities, other than compounding
7 or administration, relative to storage, packaging, dispensing,
8 or distribution of medication, and which collects, controls,
9 and maintains all transaction information.

10 (y) "Drug regimen review" means and includes the evaluation
11 of prescription drug orders and patient records for (1) known
12 allergies; (2) drug or potential therapy contraindications;
13 (3) reasonable dose, duration of use, and route of
14 administration, taking into consideration factors such as age,
15 gender, and contraindications; (4) reasonable directions for
16 use; (5) potential or actual adverse drug reactions; (6)
17 drug-drug interactions; (7) drug-food interactions; (8)
18 drug-disease contraindications; (9) therapeutic duplication;
19 (10) patient laboratory values when authorized and available;
20 (11) proper utilization (including over or under utilization)
21 and optimum therapeutic outcomes; and (12) abuse and misuse.

22 (z) "Electronically transmitted prescription" means a
23 prescription that is created, recorded, or stored by electronic
24 means; issued and validated with an electronic signature; and
25 transmitted by electronic means directly from the prescriber to
26 a pharmacy. An electronic prescription is not an image of a

1 physical prescription that is transferred by electronic means
2 from computer to computer, facsimile to facsimile, or facsimile
3 to computer.

4 (aa) "Medication therapy management services" means a
5 distinct service or group of services offered by licensed
6 pharmacists, physicians licensed to practice medicine in all
7 its branches, advanced practice registered nurses authorized
8 in a written agreement with a physician licensed to practice
9 medicine in all its branches, or physician assistants
10 authorized in guidelines by a supervising physician that
11 optimize therapeutic outcomes for individual patients through
12 improved medication use. In a retail or other non-hospital
13 pharmacy, medication therapy management services shall consist
14 of the evaluation of prescription drug orders and patient
15 medication records to resolve conflicts with the following:

- 16 (1) known allergies;
- 17 (2) drug or potential therapy contraindications;
- 18 (3) reasonable dose, duration of use, and route of
19 administration, taking into consideration factors such as
20 age, gender, and contraindications;
- 21 (4) reasonable directions for use;
- 22 (5) potential or actual adverse drug reactions;
- 23 (6) drug-drug interactions;
- 24 (7) drug-food interactions;
- 25 (8) drug-disease contraindications;
- 26 (9) identification of therapeutic duplication;

1 (10) patient laboratory values when authorized and
2 available;

3 (11) proper utilization (including over or under
4 utilization) and optimum therapeutic outcomes; and

5 (12) drug abuse and misuse.

6 "Medication therapy management services" includes the
7 following:

8 (1) documenting the services delivered and
9 communicating the information provided to patients'
10 prescribers within an appropriate time frame, not to exceed
11 48 hours;

12 (2) providing patient counseling designed to enhance a
13 patient's understanding and the appropriate use of his or
14 her medications; and

15 (3) providing information, support services, and
16 resources designed to enhance a patient's adherence with
17 his or her prescribed therapeutic regimens.

18 "Medication therapy management services" may also include
19 patient care functions authorized by a physician licensed to
20 practice medicine in all its branches for his or her identified
21 patient or groups of patients under specified conditions or
22 limitations in a standing order from the physician.

23 "Medication therapy management services" in a licensed
24 hospital may also include the following:

25 (1) reviewing assessments of the patient's health
26 status; and

1 (2) following protocols of a hospital pharmacy and
2 therapeutics committee with respect to the fulfillment of
3 medication orders.

4 (bb) "Pharmacist care" means the provision by a pharmacist
5 of medication therapy management services, with or without the
6 dispensing of drugs or devices, intended to achieve outcomes
7 that improve patient health, quality of life, and comfort and
8 enhance patient safety.

9 (cc) "Protected health information" means individually
10 identifiable health information that, except as otherwise
11 provided, is:

12 (1) transmitted by electronic media;

13 (2) maintained in any medium set forth in the
14 definition of "electronic media" in the federal Health
15 Insurance Portability and Accountability Act; or

16 (3) transmitted or maintained in any other form or
17 medium.

18 "Protected health information" does not include
19 individually identifiable health information found in:

20 (1) education records covered by the federal Family
21 Educational Right and Privacy Act; or

22 (2) employment records held by a licensee in its role
23 as an employer.

24 (dd) "Standing order" means a specific order for a patient
25 or group of patients issued by a physician licensed to practice
26 medicine in all its branches in Illinois.

1 (ee) "Address of record" means the designated address
2 recorded by the Department in the applicant's application file
3 or licensee's license file maintained by the Department's
4 licensure maintenance unit.

5 (ff) "Home pharmacy" means the location of a pharmacy's
6 primary operations.

7 (gg) "Email address of record" means the designated email
8 address recorded by the Department in the applicant's
9 application file or the licensee's license file, as maintained
10 by the Department's licensure maintenance unit.

11 (Source: P.A. 99-180, eff. 7-29-15; 100-208, eff. 1-1-18;
12 100-497, eff. 9-8-17; 100-513, eff. 1-1-18; 100-804, eff.
13 1-1-19; 100-863, eff. 8-14-18.)

14 Section 40. The Illinois Public Aid Code is amended by
15 adding Section 5-5.12c as follows:

16 (305 ILCS 5/5-5.12c new)

17 Sec. 5-5.12c. Coverage for patient care services for
18 hormonal contraceptives provided by a pharmacist.

19 (a) Subject to approval by the federal Centers for Medicare
20 and Medicaid Services, the medical assistance program,
21 including both the fee-for-service and managed care medical
22 assistance programs established under this Article, shall
23 cover patient care services provided by a pharmacist for
24 hormonal contraceptives assessment and consultation.

1 (b) The Department shall establish a fee schedule for
2 patient care services provided by a pharmacist for hormonal
3 contraceptives assessment and consultation.

4 (c) The rate of reimbursement for patient care services
5 provided by a pharmacist for hormonal contraceptives
6 assessment and consultation shall be at 85% of the fee schedule
7 for physician services by the medical assistance program.

8 (d) A pharmacist must be enrolled in the medical assistance
9 program as an ordering and referring provider prior to
10 providing hormonal contraceptives assessment and consultation
11 that is submitted by a pharmacy or pharmacist provider for
12 reimbursement pursuant to this Section.

13 (e) The Director shall seek any necessary federal waivers
14 or approvals to implement this Section. This Section shall not
15 be implemented until the receipt of all necessary federal
16 wavers or approvals or until January 1, 2022, whichever comes
17 first. If federal approval is not obtained by January 1, 2022,
18 the provisions of this Section shall be implemented using State
19 funds.

20 (f) This Section does not restrict or prohibit any services
21 currently provided by pharmacists as authorized by law,
22 including, but not limited to, pharmacist services provided
23 under this Code or authorized under the Illinois Title XIX
24 State Plan.

25 (g) The Department shall adopt administrative rules for
26 this Section as soon as practicable but no later than May 1,

1 2020.

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.

9 Section 99. Effective date. This Act takes effect January
10 1, 2020.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 375/6.11

4 20 ILCS 2310/2310-705 new

5 55 ILCS 5/5-1069.3

6 65 ILCS 5/10-4-2.3

7 105 ILCS 5/10-22.3f

8 215 ILCS 5/356z.33 new

9 225 ILCS 85/3

10 305 ILCS 5/5-5.12c new