



Rep. Deb Conroy

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1 AMENDMENT TO SENATE BILL 671

2 AMENDMENT NO. _____. Amend Senate Bill 671 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Telehealth During the COVID-19 Pandemic Act.

6 Section 5. Applicability.

7 (a) This Act applies to policies issued by a health
8 insurance issuer as defined in Section 10 of this Act, but does
9 not apply to excepted benefits as defined in 45 CFR 146.145(b)
10 and 45 CFR 148.220, but does apply to limited scope dental
11 benefits, limited scope vision benefits, long-term care
12 benefits, coverage only for accidents, and coverage only for
13 specified disease or illness.

14 (b) Any policy, contract, or certificate of health
15 insurance coverage that does not distinguish between
16 in-network and out-of-network providers shall be subject to

1 this Act as though all providers were in-network.

2 Section 10. Definitions. As used in this Act:

3 "Health insurance coverage" has the meaning given to that
4 term in Section 5 of the Illinois Health Insurance Portability
5 and Accountability Act.

6 "Health insurance issuer" means an insurance company,
7 insurance service, or insurance organization, including health
8 maintenance organization, that is licensed to engage in the
9 business of insurance in a state and that is subject to
10 Illinois law that regulates insurance (within the meaning of
11 Section 514(b)(2) of the Employee Retirement Income Security
12 Act of 1974).

13 "Telehealth services" means the provision of health care,
14 psychiatry, mental health treatment, substance use disorder
15 treatment, and related services to a patient, regardless of his
16 or her location, through electronic or telephonic methods, such
17 as telephone (landline or cellular), video technology commonly
18 available on smart phones and other devices, and
19 videoconferencing, as well as any method within the meaning of
20 telehealth services under Section 356z.22 of the Illinois
21 Insurance Code.

22 Section 15. Coverage for telehealth services during the
23 COVID-19 pandemic.

24 (a) In order to protect the public's health, to permit

1 expedited treatment of health conditions during the COVID-19
2 pandemic, and to mitigate its impact upon the residents of the
3 State of Illinois, all health insurance issuers regulated by
4 the Department of Insurance shall cover the costs of all
5 telehealth services rendered by in-network providers to
6 deliver any clinically appropriate, medically necessary
7 covered services and treatments to insureds, enrollees, and
8 members under each policy, contract, or certificate of health
9 insurance coverage.

10 (b) Health insurance issuers may establish reasonable
11 requirements and parameters for telehealth services, including
12 with respect to documentation and recordkeeping, to the extent
13 consistent with this Act or any company bulletin issued by the
14 Department of Insurance under Executive Order 2020-09. A health
15 insurance issuer's requirements and parameters may not be more
16 restrictive or less favorable toward providers, insureds,
17 enrollees, or members than those contained in the emergency
18 rulemaking undertaken by the Department of Healthcare and
19 Family Services at 89 Ill. Adm. Code 140.403(e). Health
20 insurance issuers shall notify providers of any instructions
21 necessary to facilitate billing for telehealth services.

22 Section 20. Prior authorization and utilization review
23 requirements.

24 (a) In order to ensure that health care is quickly and
25 efficiently provided to the public, health insurance issuers

1 shall not impose upon telehealth services utilization review
2 requirements that are unnecessary, duplicative, or unwarranted
3 nor impose any treatment limitations that are more stringent
4 than the requirements applicable to the same health care
5 service when rendered in-person.

6 (b) For telehealth services that relate to COVID-19
7 delivered by in-network providers, health insurance issuers
8 shall not impose any prior authorization requirements.

9 Section 25. Cost-sharing prohibited. Health insurance
10 issuers shall not impose any cost-sharing (copayments,
11 deductibles, or coinsurance) for telehealth services provided
12 by in-network providers. However, in accordance with the
13 standards and definitions in 26 U.S.C. 223, if an enrollee in a
14 high-deductible health plan has not met the applicable
15 deductible under the terms of his or her coverage, the
16 requirements of this Section do not require an issuer to pay
17 for a charge for telehealth services unless the associated
18 health care service for that particular charge is deemed
19 preventive care by the United States Department of the
20 Treasury. The federal Internal Revenue Service has recognized
21 that services for testing, treatment, and any potential
22 vaccination for COVID-19 fall within the scope of preventive
23 care.

24 Section 30. Eligible services. Services eligible under

1 this Act include services provided by any professional,
2 practitioner, clinician, or other provider who is licensed,
3 certified, registered, or otherwise authorized to practice in
4 the State where the patient receives treatment, subject to the
5 provisions of the Telehealth Act for any health care
6 professional, as defined in the Telehealth Act, who delivers
7 treatment through telehealth to a patient located in this
8 State, and substance use disorder professionals and clinicians
9 authorized by Illinois law to provide substance use disorder
10 services.

11 Section 35. Permissible use of non-public facing audio or
12 video communication technologies. Notwithstanding the
13 requirements of the Mental Health and Developmental
14 Disabilities Confidentiality Act, any provider or covered
15 entity of any licensure or area of practice subject to this Act
16 that uses audio or video communication technology to deliver
17 services may use any non-public facing remote communication
18 product in accordance with this Act to the extent permitted by
19 the U.S. Department of Health and Human Services under the
20 federal Health Insurance Portability and Accountability Act of
21 1996. Providers and covered entities shall, to the extent
22 feasible, notify patients that third-party applications
23 potentially introduce privacy risks. Providers shall enable
24 all available encryption and privacy modes when using such
25 applications. A public facing video communication application

1 may not be used in the provision of telehealth services by
2 covered health care providers or covered entities.

3 Section 40. Rulemaking authority. The Department of
4 Insurance may adopt rules, including emergency rulemaking in
5 accordance with the Illinois Administrative Procedure Act, to
6 implement the provisions of this Act.

7 Section 90. Repeal. This Act is repealed on December 31,
8 2020.

9 Section 95. The Illinois Administrative Procedure Act is
10 amended by adding Section 5-45.1 as follows:

11 (5 ILCS 100/5-45.1 new)

12 Sec. 5-45.1. Emergency rulemaking. To provide for the
13 expeditious and timely implementation of the Telehealth During
14 the COVID-19 Pandemic Act, emergency rules may be adopted in
15 accordance with Section 5-45 by the respective Department of
16 Insurance. The adoption of emergency rules authorized by
17 Section 5-45 and this Section is deemed to be necessary for the
18 public interest, safety, and welfare.

19 This Section is repealed on January 1, 2026.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."