



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0061

Introduced 1/14/2021, by Rep. Terra Costa Howard

#### SYNOPSIS AS INTRODUCED:

5 ILCS 375/6.11  
55 ILCS 5/5-1069.3  
65 ILCS 5/10-4-2.3  
105 ILCS 5/10-22.3f  
215 ILCS 5/356z.5  
215 ILCS 130/4003  
305 ILCS 5/5-16.8

from Ch. 73, par. 1504-3

Amends the Illinois Insurance Code. In provisions providing that a group or individual policy of accident and health insurance or managed care plan that provides coverage for prescription drugs shall not deny or limit coverage for prescription inhalants to enable persons to breathe when suffering from asthma or other life-threatening bronchial ailments based upon any restriction on the number of days before an inhaler refill may be obtained, requires coverage for prescription inhalants. Amends the State Employees Group Insurance Act of 1971, the Counties Code, the Illinois Municipal Code, the School Code, the Limited Health Service Organization Act, and the Illinois Public Aid Code to provide that health benefits under those Acts are subject to the provisions of the Illinois Insurance Code regarding prescription inhalants. Effective January 1, 2022.

LRB102 02747 BMS 12750 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Sec. 6.11. Required health benefits; Illinois Insurance  
8 Code requirements. The program of health benefits shall  
9 provide the post-mastectomy care benefits required to be  
10 covered by a policy of accident and health insurance under  
11 Section 356t of the Illinois Insurance Code. The program of  
12 health benefits shall provide the coverage required under  
13 Sections 356g, 356g.5, 356g.5-1, 356m, 356u, 356w, 356x,  
14 356z.2, 356z.4, 356z.4a, 356z.6, 356z.5, 356z.8, 356z.9,  
15 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17,  
16 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32,  
17 356z.33, 356z.36, and 356z.41 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 and Article  
20 XXXIIB of the Illinois Insurance Code. The Department of  
21 Insurance shall enforce the requirements of this Section with  
22 respect to Sections 370c and 370c.1 of the Illinois Insurance  
23 Code; all other requirements of this Section shall be enforced

1 by the Department of Central 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. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
9 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
10 1-1-19; 100-1102, eff. 1-1-19; 100-1170, eff. 6-1-19; 101-13,  
11 eff. 6-12-19; 101-281, eff. 1-1-20; 101-393, eff. 1-1-20;  
12 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.  
13 1-1-21.)

14 Section 10. The Counties Code is amended by changing  
15 Section 5-1069.3 as follows:

16 (55 ILCS 5/5-1069.3)

17 Sec. 5-1069.3. Required health benefits. If a county,  
18 including a home rule county, is a self-insurer for purposes  
19 of providing health insurance coverage for its employees, the  
20 coverage shall include coverage for the post-mastectomy care  
21 benefits required to be covered by a policy of accident and  
22 health insurance under Section 356t and the coverage required  
23 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,  
24 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12,

1 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
2 356z.30a, 356z.32, 356z.33, 356z.36, and 356z.41 of the  
3 Illinois Insurance Code. The coverage shall comply with  
4 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois  
5 Insurance Code. The Department of Insurance shall enforce the  
6 requirements of this Section. The requirement that health  
7 benefits be covered as provided in this Section is an  
8 exclusive power and function of the State and is a denial and  
9 limitation under Article VII, Section 6, subsection (h) of the  
10 Illinois Constitution. A home rule county to which this  
11 Section applies must comply with every provision of this  
12 Section.

13 Rulemaking authority to implement Public Act 95-1045, if  
14 any, is conditioned on the rules being adopted in accordance  
15 with all provisions of the Illinois Administrative Procedure  
16 Act and all rules and procedures of the Joint Committee on  
17 Administrative Rules; any purported rule not so adopted, for  
18 whatever reason, is unauthorized.

19 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
20 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
21 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
22 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
23 101-625, eff. 1-1-21.)

24 Section 15. The Illinois Municipal Code is amended by  
25 changing Section 10-4-2.3 as follows:

1 (65 ILCS 5/10-4-2.3)

2 Sec. 10-4-2.3. Required health benefits. If a  
3 municipality, including a home rule municipality, is a  
4 self-insurer for purposes of providing health insurance  
5 coverage for its employees, the coverage shall include  
6 coverage for the post-mastectomy care benefits required to be  
7 covered by a policy of accident and health insurance under  
8 Section 356t and the coverage required under Sections 356g,  
9 356g.5, 356g.5-1, 356u, 356w, 356x, 356z.5, 356z.6, 356z.8,  
10 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15,  
11 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32,  
12 356z.33, 356z.36, and 356z.41 of the Illinois Insurance Code.  
13 The coverage shall comply with Sections 155.22a, 355b,  
14 356z.19, and 370c of the Illinois Insurance Code. The  
15 Department of Insurance shall enforce the requirements of this  
16 Section. The requirement that health benefits be covered as  
17 provided in this is an exclusive power and function of the  
18 State and is a denial and limitation under Article VII,  
19 Section 6, subsection (h) of the Illinois Constitution. A home  
20 rule municipality to which this Section applies must comply  
21 with every provision of this Section.

22 Rulemaking authority to implement Public Act 95-1045, if  
23 any, is conditioned on the rules being adopted in accordance  
24 with all provisions of the Illinois Administrative Procedure  
25 Act and all rules and procedures of the Joint Committee on

1 Administrative Rules; any purported rule not so adopted, for  
2 whatever reason, is unauthorized.

3 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
4 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
5 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
6 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
7 101-625, eff. 1-1-21.)

8 Section 20. The School Code is amended by changing Section  
9 10-22.3f as follows:

10 (105 ILCS 5/10-22.3f)

11 Sec. 10-22.3f. Required health benefits. Insurance  
12 protection and benefits for employees shall provide the  
13 post-mastectomy care benefits required to be covered by a  
14 policy of accident and health insurance under Section 356t and  
15 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
16 356u, 356w, 356x, 356z.5, 356z.6, 356z.8, 356z.9, 356z.11,  
17 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,  
18 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, and 356z.41 of  
19 the Illinois Insurance Code. Insurance policies shall comply  
20 with Section 356z.19 of the Illinois Insurance Code. The  
21 coverage shall comply with Sections 155.22a, 355b, and 370c of  
22 the Illinois Insurance Code. The Department of Insurance shall  
23 enforce the requirements of this Section.

24 Rulemaking authority to implement Public Act 95-1045, if

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

6 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
7 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
8 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
9 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
10 101-625, eff. 1-1-21.)

11 Section 25. The Illinois Insurance Code is amended by  
12 changing Section 356z.5 as follows:

13 (215 ILCS 5/356z.5)

14 Sec. 356z.5. Prescription inhalants. A group or individual  
15 policy of accident and health insurance or managed care plan  
16 amended, delivered, issued, or renewed on or after the  
17 effective date of this amendatory Act of the 102nd General  
18 Assembly ~~this amendatory Act of the 93rd General Assembly~~ that  
19 provides coverage for prescription drugs must provide coverage  
20 for prescription inhalants and shall ~~may~~ not deny or limit  
21 coverage for prescription inhalants to enable persons to  
22 breathe when suffering from asthma or other life-threatening  
23 bronchial ailments based upon any restriction on the number of  
24 days before an inhaler refill may be obtained if, contrary to

1 those restrictions, the inhalants have been ordered or  
2 prescribed by the treating physician and are medically  
3 appropriate.

4 (Source: P.A. 95-331, eff. 8-21-07.)

5 Section 30. The Limited Health Service Organization Act is  
6 amended by changing Section 4003 as follows:

7 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

8 Sec. 4003. Illinois Insurance Code provisions. Limited  
9 health service organizations shall be subject to the  
10 provisions of Sections 133, 134, 136, 137, 139, 140, 141.1,  
11 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154,  
12 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 355.2, 355.3,  
13 355b, 356v, 356z.5, 356z.10, 356z.21, 356z.22, 356z.25,  
14 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.41, 368a,  
15 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and  
16 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2,  
17 XXV, and XXVI of the Illinois Insurance Code. For purposes of  
18 the Illinois Insurance Code, except for Sections 444 and 444.1  
19 and Articles XIII and XIII 1/2, limited health service  
20 organizations in the following categories are deemed to be  
21 domestic companies:

22 (1) a corporation under the laws of this State; or

23 (2) a corporation organized under the laws of another  
24 state, 30% or more of the enrollees of which are residents



1 of this State, except a corporation subject to  
2 substantially the same requirements in its state of  
3 organization as is a domestic company under Article VIII  
4 1/2 of the Illinois Insurance Code.

5 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
6 100-201, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1057, eff.  
7 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
8 eff. 1-1-20; 101-393, eff. 1-1-20; 101-625, eff. 1-1-21.)

9 Section 35. The Illinois Public Aid Code is amended by  
10 changing Section 5-16.8 as follows:

11 (305 ILCS 5/5-16.8)

12 Sec. 5-16.8. Required health benefits. The medical  
13 assistance program shall (i) provide the post-mastectomy care  
14 benefits required to be covered by a policy of accident and  
15 health insurance under Section 356t and the coverage required  
16 under Sections 356g.5, 356u, 356w, 356x, 356z.5, 356z.6,  
17 356z.26, 356z.29, 356z.32, 356z.33, 356z.34, and 356z.35 of  
18 the Illinois Insurance Code and (ii) be subject to the  
19 provisions of Sections 356z.19, 364.01, 370c, and 370c.1 of  
20 the Illinois Insurance Code.

21 The Department, by rule, shall adopt a model similar to  
22 the requirements of Section 356z.39 of the Illinois Insurance  
23 Code.

24 On and after July 1, 2012, the Department shall reduce any

1 rate of reimbursement for services or other payments or alter  
2 any methodologies authorized by this Code to reduce any rate  
3 of reimbursement for services or other payments in accordance  
4 with Section 5-5e.

5 To ensure full access to the benefits set forth in this  
6 Section, on and after January 1, 2016, the Department shall  
7 ensure that provider and hospital reimbursement for  
8 post-mastectomy care benefits required under this Section are  
9 no lower than the Medicare reimbursement rate.

10 (Source: P.A. 100-138, eff. 8-18-17; 100-863, eff. 8-14-18;  
11 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff.  
12 7-12-19; 101-218, eff. 1-1-20; 101-281, eff. 1-1-20; 101-371,  
13 eff. 1-1-20; 101-574, eff. 1-1-20; 101-649, eff. 7-7-20.)

14 Section 99. Effective date. This Act takes effect January  
15 1, 2022.