



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0135

Introduced 1/14/2021, 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, 2022.

LRB102 02749 BMS 12752 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 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.8, 356z.9, 356z.10,
15 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,
16 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
17 356z.36, ~~and~~ 356z.41, and 356z.43 of the Illinois Insurance
18 Code. 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 Department of Public Health Powers and
15 Duties Law of the Civil Administrative Code of Illinois is
16 amended by adding Section 2310-705 as follows:

17 (20 ILCS 2310/2310-705 new)

18 Sec. 2310-705. Contraceptive drugs and products; Director
19 standing order.

20 (a) As used in this Section:

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

1 "Standing order" has the meaning given to that term in the
2 Pharmacy Practice Act.

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

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

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

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

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

1 (4) The pharmacist shall provide, during the patient
2 assessment and consultation, counseling and education
3 about all methods of contraception, including methods not
4 covered under the standing order, and their proper use and
5 effectiveness.

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

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

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

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

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

25 Section 15. The Counties Code is amended by changing

1 Section 5-1069.3 as follows:

2 (55 ILCS 5/5-1069.3)

3 Sec. 5-1069.3. Required health benefits. If a county,
4 including a home rule county, is a self-insurer for purposes
5 of providing health insurance coverage for its employees, the
6 coverage shall include coverage for the post-mastectomy care
7 benefits required to be covered by a policy of accident and
8 health insurance under Section 356t and the coverage required
9 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,
10 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,
11 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,
12 356z.30a, 356z.32, 356z.33, 356z.36, ~~and~~ 356z.41, and 356z.43
13 of the Illinois Insurance Code. The coverage shall comply with
14 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois
15 Insurance Code. The Department of Insurance shall enforce the
16 requirements of this Section. The requirement that health
17 benefits be covered as provided in this Section is an
18 exclusive power and function of the State and is a denial and
19 limitation under Article VII, Section 6, subsection (h) of the
20 Illinois Constitution. A home rule county to which this
21 Section applies must comply with every provision of this
22 Section.

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

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

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

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

11 (65 ILCS 5/10-4-2.3)

12 Sec. 10-4-2.3. Required health benefits. If a
13 municipality, including a home rule municipality, is a
14 self-insurer for purposes of providing health insurance
15 coverage for its employees, the coverage shall include
16 coverage for the post-mastectomy care benefits required to be
17 covered by a policy of accident and health insurance under
18 Section 356t and the coverage required under Sections 356g,
19 356g.5, 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9,
20 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,
21 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
22 356z.36, ~~and~~ 356z.41, and 356z.43 of the Illinois Insurance
23 Code. The coverage shall comply with Sections 155.22a, 355b,
24 356z.19, and 370c of the Illinois Insurance Code. The

1 Department of Insurance shall enforce the requirements of this
2 Section. The requirement that health benefits be covered as
3 provided in this is an exclusive power and function of the
4 State and is a denial and limitation under Article VII,
5 Section 6, subsection (h) of the Illinois Constitution. A home
6 rule municipality to which this Section applies must comply
7 with every provision of this Section.

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

14 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;
15 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.
16 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,
17 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;
18 101-625, eff. 1-1-21.)

19 Section 25. The School Code is amended by changing Section
20 10-22.3f as follows:

21 (105 ILCS 5/10-22.3f)

22 Sec. 10-22.3f. Required health benefits. Insurance
23 protection and benefits for employees shall provide the
24 post-mastectomy care benefits required to be covered by a

1 policy of accident and health insurance under Section 356t and
2 the coverage required under Sections 356g, 356g.5, 356g.5-1,
3 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,
4 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,
5 356z.30a, 356z.32, 356z.33, 356z.36, ~~and~~ 356z.41, and 356z.43
6 of the Illinois Insurance Code. Insurance policies shall
7 comply with Section 356z.19 of the Illinois Insurance Code.
8 The coverage shall comply with Sections 155.22a, 355b, and
9 370c of the Illinois Insurance Code. The Department of
10 Insurance shall enforce the requirements of this Section.

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

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

22 Section 30. The Illinois Insurance Code is amended by
23 adding Section 356z.43 as follows:

24 (215 ILCS 5/356z.43 new)

1 Sec. 356z.43. Coverage for patient care services for
2 hormonal contraceptives provided by a pharmacist. A group or
3 individual policy of accident and health insurance or a
4 managed care plan that is amended, delivered, issued, or
5 renewed after the effective date of this amendatory Act of the
6 102nd General Assembly shall provide coverage for patient care
7 services provided by a pharmacist for hormonal contraceptives
8 assessment and consultation.

9 Section 35. The Pharmacy Practice Act is amended by
10 changing Section 3 as follows:

11 (225 ILCS 85/3)

12 (Section scheduled to be repealed on January 1, 2023)

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

15 (a) "Pharmacy" or "drugstore" means and includes every
16 store, shop, pharmacy department, or other place where
17 pharmacist care is provided by a pharmacist (1) where drugs,
18 medicines, or poisons are dispensed, sold or offered for sale
19 at retail, or displayed for sale at retail; or (2) where
20 prescriptions of physicians, dentists, advanced practice
21 registered nurses, physician assistants, veterinarians,
22 podiatric physicians, or optometrists, within the limits of
23 their licenses, are compounded, filled, or dispensed; or (3)
24 which has upon it or displayed within it, or affixed to or used

1 in connection with it, a sign bearing the word or words
2 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
3 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
4 "Drugs", "Dispensary", "Medicines", or any word or words of
5 similar or like import, either in the English language or any
6 other language; or (4) where the characteristic prescription
7 sign (Rx) or similar design is exhibited; or (5) any store, or
8 shop, or other place with respect to which any of the above
9 words, objects, signs or designs are used in any
10 advertisement.

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

1 or any articles specified in clause (1), (2) or (3); but does
2 not include devices or their components, parts or accessories.

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

6 (d) "Practice of pharmacy" means:

7 (1) the interpretation and the provision of assistance
8 in the monitoring, evaluation, and implementation of
9 prescription drug orders;

10 (2) the dispensing of prescription drug orders;

11 (3) participation in drug and device selection;

12 (4) drug administration limited to the administration
13 of oral, topical, injectable, and inhalation as follows:

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

16 (B) vaccination of patients 14 years of age and
17 older pursuant to a valid prescription or standing
18 order, by a physician licensed to practice medicine in
19 all its branches, upon completion of appropriate
20 training, including how to address contraindications
21 and adverse reactions set forth by rule, with
22 notification to the patient's physician and
23 appropriate record retention, or pursuant to hospital
24 pharmacy and therapeutics committee policies and
25 procedures;

26 (B-5) following the initial administration of

1 long-acting or extended-release ~~extended-release~~ form
2 opioid antagonists by a physician licensed to practice
3 medicine in all its branches, administration of
4 injections of long-acting or extended-release form
5 opioid antagonists for the treatment of substance use
6 disorder, pursuant to a valid prescription by a
7 physician licensed to practice medicine in all its
8 branches, upon completion of appropriate training,
9 including how to address contraindications and adverse
10 reactions, including, but not limited to, respiratory
11 depression and the performance of cardiopulmonary
12 resuscitation, set forth by rule, with notification to
13 the patient's physician and appropriate record
14 retention, or pursuant to hospital pharmacy and
15 therapeutics committee policies and procedures;

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

26 (D) administration of injections of long-term

1 antipsychotic medications pursuant to a valid
2 prescription by a physician licensed to practice
3 medicine in all its branches, upon completion of
4 appropriate training conducted by an Accreditation
5 Council of Pharmaceutical Education accredited
6 provider, including how to address contraindications
7 and adverse reactions set forth by rule, with
8 notification to the patient's physician and
9 appropriate record retention, or pursuant to hospital
10 pharmacy and therapeutics committee policies and
11 procedures.

12 (5) vaccination of patients ages 10 through 13 limited
13 to the Influenza (inactivated influenza vaccine and live
14 attenuated influenza intranasal vaccine) and Tdap (defined
15 as tetanus, diphtheria, acellular pertussis) vaccines,
16 pursuant to a valid prescription or standing order, by a
17 physician licensed to practice medicine in all its
18 branches, upon completion of appropriate training,
19 including how to address contraindications and adverse
20 reactions set forth by rule, with notification to the
21 patient's physician and appropriate record retention, or
22 pursuant to hospital pharmacy and therapeutics committee
23 policies and procedures;

24 (6) drug regimen review;

25 (7) drug or drug-related research;

26 (8) the provision of patient counseling;

- 1 (9) the practice of telepharmacy;
- 2 (10) the provision of those acts or services necessary
3 to provide pharmacist care;
- 4 (11) medication therapy management; ~~and~~
- 5 (12) the responsibility for compounding and labeling
6 of drugs and devices (except labeling by a manufacturer,
7 repackager, or distributor of non-prescription drugs and
8 commercially packaged legend drugs and devices), proper
9 and safe storage of drugs and devices, and maintenance of
10 required records; and -
- 11 (13) the assessment and consultation of patients and
12 dispensing of hormonal contraceptives pursuant to the
13 standing order under Section 2310-705 of the Department of
14 Public Health Powers and Duties Law of the Civil
15 Administrative Code of Illinois.

16 A pharmacist who performs any of the acts defined as the
17 practice of pharmacy in this State must be actively licensed
18 as a pharmacist under this Act.

19 (e) "Prescription" means and includes any written, oral,
20 facsimile, or electronically transmitted order for drugs or
21 medical devices, issued by a physician licensed to practice
22 medicine in all its branches, dentist, veterinarian, podiatric
23 physician, or optometrist, within the limits of his or her
24 license, by a physician assistant in accordance with
25 subsection (f) of Section 4, or by an advanced practice
26 registered nurse in accordance with subsection (g) of Section

1 4, containing the following: (1) name of the patient; (2) date
2 when prescription was issued; (3) name and strength of drug or
3 description of the medical device prescribed; and (4)
4 quantity; (5) directions for use; (6) prescriber's name,
5 address, and signature; and (7) DEA registration number where
6 required, for controlled substances. The prescription may, but
7 is not required to, list the illness, disease, or condition
8 for which the drug or device is being prescribed. DEA
9 registration numbers shall not be required on inpatient drug
10 orders. A prescription for medication other than controlled
11 substances shall be valid for up to 15 months from the date
12 issued for the purpose of refills, unless the prescription
13 states otherwise.

14 (f) "Person" means and includes a natural person,
15 partnership, association, corporation, government entity, or
16 any other legal entity.

17 (g) "Department" means the Department of Financial and
18 Professional Regulation.

19 (h) "Board of Pharmacy" or "Board" means the State Board
20 of Pharmacy of the Department of Financial and Professional
21 Regulation.

22 (i) "Secretary" means the Secretary of Financial and
23 Professional Regulation.

24 (j) "Drug product selection" means the interchange for a
25 prescribed pharmaceutical product in accordance with Section
26 25 of this Act and Section 3.14 of the Illinois Food, Drug and

1 Cosmetic Act.

2 (k) "Inpatient drug order" means an order issued by an
3 authorized prescriber for a resident or patient of a facility
4 licensed under the Nursing Home Care Act, the ID/DD Community
5 Care Act, the MC/DD Act, the Specialized Mental Health
6 Rehabilitation Act of 2013, the Hospital Licensing Act, or the
7 University of Illinois Hospital Act, or a facility which is
8 operated by the Department of Human Services (as successor to
9 the Department of Mental Health and Developmental
10 Disabilities) or the Department of Corrections.

11 (k-5) "Pharmacist" means an individual health care
12 professional and provider currently licensed by this State to
13 engage in the practice of pharmacy.

14 (l) "Pharmacist in charge" means the licensed pharmacist
15 whose name appears on a pharmacy license and who is
16 responsible for all aspects of the operation related to the
17 practice of pharmacy.

18 (m) "Dispense" or "dispensing" means the interpretation,
19 evaluation, and implementation of a prescription drug order,
20 including the preparation and delivery of a drug or device to a
21 patient or patient's agent in a suitable container
22 appropriately labeled for subsequent administration to or use
23 by a patient in accordance with applicable State and federal
24 laws and regulations. "Dispense" or "dispensing" does not mean
25 the physical delivery to a patient or a patient's
26 representative in a home or institution by a designee of a

1 pharmacist or by common carrier. "Dispense" or "dispensing"
2 also does not mean the physical delivery of a drug or medical
3 device to a patient or patient's representative by a
4 pharmacist's designee within a pharmacy or drugstore while the
5 pharmacist is on duty and the pharmacy is open.

6 (n) "Nonresident pharmacy" means a pharmacy that is
7 located in a state, commonwealth, or territory of the United
8 States, other than Illinois, that delivers, dispenses, or
9 distributes, through the United States Postal Service,
10 commercially acceptable parcel delivery service, or other
11 common carrier, to Illinois residents, any substance which
12 requires a prescription.

13 (o) "Compounding" means the preparation and mixing of
14 components, excluding flavorings, (1) as the result of a
15 prescriber's prescription drug order or initiative based on
16 the prescriber-patient-pharmacist relationship in the course
17 of professional practice or (2) for the purpose of, or
18 incident to, research, teaching, or chemical analysis and not
19 for sale or dispensing. "Compounding" includes the preparation
20 of drugs or devices in anticipation of receiving prescription
21 drug orders based on routine, regularly observed dispensing
22 patterns. Commercially available products may be compounded
23 for dispensing to individual patients only if all of the
24 following conditions are met: (i) the commercial product is
25 not reasonably available from normal distribution channels in
26 a timely manner to meet the patient's needs and (ii) the

1 prescribing practitioner has requested that the drug be
2 compounded.

3 (p) (Blank).

4 (q) (Blank).

5 (r) "Patient counseling" means the communication between a
6 pharmacist or a student pharmacist under the supervision of a
7 pharmacist and a patient or the patient's representative about
8 the patient's medication or device for the purpose of
9 optimizing proper use of prescription medications or devices.
10 "Patient counseling" may include without limitation (1)
11 obtaining a medication history; (2) acquiring a patient's
12 allergies and health conditions; (3) facilitation of the
13 patient's understanding of the intended use of the medication;
14 (4) proper directions for use; (5) significant potential
15 adverse events; (6) potential food-drug interactions; and (7)
16 the need to be compliant with the medication therapy. A
17 pharmacy technician may only participate in the following
18 aspects of patient counseling under the supervision of a
19 pharmacist: (1) obtaining medication history; (2) providing
20 the offer for counseling by a pharmacist or student
21 pharmacist; and (3) acquiring a patient's allergies and health
22 conditions.

23 (s) "Patient profiles" or "patient drug therapy record"
24 means the obtaining, recording, and maintenance of patient
25 prescription information, including prescriptions for
26 controlled substances, and personal information.

1 (t) (Blank).

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

11 (v) "Unique identifier" means an electronic signature,
12 handwritten signature or initials, thumb print, or other
13 acceptable biometric or electronic identification process as
14 approved by the Department.

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

17 (x) "Automated pharmacy system" means a mechanical system
18 located within the confines of the pharmacy or remote location
19 that performs operations or activities, other than compounding
20 or administration, relative to storage, packaging, dispensing,
21 or distribution of medication, and which collects, controls,
22 and maintains all transaction information.

23 (y) "Drug regimen review" means and includes the
24 evaluation of prescription drug orders and patient records for
25 (1) known allergies; (2) drug or potential therapy
26 contraindications; (3) reasonable dose, duration of use, and

1 route of administration, taking into consideration factors
2 such as age, gender, and contraindications; (4) reasonable
3 directions for use; (5) potential or actual adverse drug
4 reactions; (6) drug-drug interactions; (7) drug-food
5 interactions; (8) drug-disease contraindications; (9)
6 therapeutic duplication; (10) patient laboratory values when
7 authorized and available; (11) proper utilization (including
8 over or under utilization) and optimum therapeutic outcomes;
9 and (12) abuse and misuse.

10 (z) "Electronically transmitted prescription" means a
11 prescription that is created, recorded, or stored by
12 electronic means; issued and validated with an electronic
13 signature; and transmitted by electronic means directly from
14 the prescriber to a pharmacy. An electronic prescription is
15 not an image of a physical prescription that is transferred by
16 electronic means from computer to computer, facsimile to
17 facsimile, or facsimile to computer.

18 (aa) "Medication therapy management services" means a
19 distinct service or group of services offered by licensed
20 pharmacists, physicians licensed to practice medicine in all
21 its branches, advanced practice registered nurses authorized
22 in a written agreement with a physician licensed to practice
23 medicine in all its branches, or physician assistants
24 authorized in guidelines by a supervising physician that
25 optimize therapeutic outcomes for individual patients through
26 improved medication use. In a retail or other non-hospital

1 pharmacy, medication therapy management services shall consist
2 of the evaluation of prescription drug orders and patient
3 medication records to resolve conflicts with the following:

4 (1) known allergies;

5 (2) drug or potential therapy contraindications;

6 (3) reasonable dose, duration of use, and route of
7 administration, taking into consideration factors such as
8 age, gender, and contraindications;

9 (4) reasonable directions for use;

10 (5) potential or actual adverse drug reactions;

11 (6) drug-drug interactions;

12 (7) drug-food interactions;

13 (8) drug-disease contraindications;

14 (9) identification of therapeutic duplication;

15 (10) patient laboratory values when authorized and
16 available;

17 (11) proper utilization (including over or under
18 utilization) and optimum therapeutic outcomes; and

19 (12) drug abuse and misuse.

20 "Medication therapy management services" includes the
21 following:

22 (1) documenting the services delivered and
23 communicating the information provided to patients'
24 prescribers within an appropriate time frame, not to
25 exceed 48 hours;

26 (2) providing patient counseling designed to enhance a

1 patient's understanding and the appropriate use of his or
2 her medications; and

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

6 "Medication therapy management services" may also include
7 patient care functions authorized by a physician licensed to
8 practice medicine in all its branches for his or her
9 identified patient or groups of patients under specified
10 conditions or limitations in a standing order from the
11 physician.

12 "Medication therapy management services" in a licensed
13 hospital may also include the following:

14 (1) reviewing assessments of the patient's health
15 status; and

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

19 (bb) "Pharmacist care" means the provision by a pharmacist
20 of medication therapy management services, with or without the
21 dispensing of drugs or devices, intended to achieve outcomes
22 that improve patient health, quality of life, and comfort and
23 enhance patient safety.

24 (cc) "Protected health information" means individually
25 identifiable health information that, except as otherwise
26 provided, is:

1 (1) transmitted by electronic media;

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

5 (3) transmitted or maintained in any other form or
6 medium.

7 "Protected health information" does not include
8 individually identifiable health information found in:

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

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

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

16 (ee) "Address of record" means the designated address
17 recorded by the Department in the applicant's application file
18 or licensee's license file maintained by the Department's
19 licensure maintenance unit.

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

22 (gg) "Email address of record" means the designated email
23 address recorded by the Department in the applicant's
24 application file or the licensee's license file, as maintained
25 by the Department's licensure maintenance unit.

26 (Source: P.A. 100-208, eff. 1-1-18; 100-497, eff. 9-8-17;

1 100-513, eff. 1-1-18; 100-804, eff. 1-1-19; 100-863, eff.
2 8-14-18; 101-349, eff. 1-1-20; revised 8-21-20.)

3 Section 40. The Illinois Public Aid Code is amended by
4 adding Section 5-5.12d as follows:

5 (305 ILCS 5/5-5.12d new)

6 Sec. 5-5.12d. Coverage for patient care services for
7 hormonal contraceptives provided by a pharmacist.

8 (a) Subject to approval by the federal Centers for
9 Medicare and Medicaid Services, the medical assistance
10 program, including both the fee-for-service and managed care
11 medical assistance programs established under this Article,
12 shall cover patient care services provided by a pharmacist for
13 hormonal contraceptives assessment and consultation.

14 (b) The Department shall establish a fee schedule for
15 patient care services provided by a pharmacist for hormonal
16 contraceptives assessment and consultation.

17 (c) The rate of reimbursement for patient care services
18 provided by a pharmacist for hormonal contraceptives
19 assessment and consultation shall be at 85% of the fee
20 schedule for physician services by the medical assistance
21 program.

22 (d) A pharmacist must be enrolled in the medical
23 assistance program as an ordering and referring provider prior
24 to providing hormonal contraceptives assessment and

1 consultation that is submitted by a pharmacy or pharmacist
2 provider for reimbursement pursuant to this Section.

3 (e) The Director shall seek any necessary federal waivers
4 or approvals to implement this Section. This Section shall not
5 be implemented until the receipt of all necessary federal
6 wavers or approvals or until January 1, 2024, whichever comes
7 first. If federal approval is not obtained by January 1, 2024,
8 the provisions of this Section shall be implemented using
9 State funds.

10 (f) This Section does not restrict or prohibit any
11 services currently provided by pharmacists as authorized by
12 law, including, but not limited to, pharmacist services
13 provided under this Code or authorized under the Illinois
14 Title XIX State Plan.

15 (g) The Department shall adopt administrative rules for
16 this Section as soon as practicable but no later than May 1,
17 2022.

18 Section 99. Effective date. This Act takes effect January
19 1, 2022.

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.43 new

9 225 ILCS 85/3

10 305 ILCS 5/5-5.12d new