



Rep. Michelle Mussman

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LRB102 02749 BMS 25625 a

1 AMENDMENT TO HOUSE BILL 135

2 AMENDMENT NO. _____. Amend House Bill 135 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Employees Group Insurance Act of
5 1971 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,

1 356z.36, ~~and~~ 356z.41, and 356z.43 of the Illinois Insurance
2 Code. The program of health benefits must comply with Sections
3 155.22a, 155.37, 355b, 356z.19, 370c, and 370c.1 and Article
4 XXXIIB of the Illinois Insurance Code. The Department of
5 Insurance shall enforce the requirements of this Section with
6 respect to Sections 370c and 370c.1 of the Illinois Insurance
7 Code; all other requirements of this Section shall be enforced
8 by the Department of Central Management Services.

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

15 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;
16 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.
17 1-1-19; 100-1102, eff. 1-1-19; 100-1170, eff. 6-1-19; 101-13,
18 eff. 6-12-19; 101-281, eff. 1-1-20; 101-393, eff. 1-1-20;
19 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
20 1-1-21.)

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

24 (20 ILCS 2310/2310-705 new)

1 Sec. 2310-705. Contraceptive drugs and products; Director
2 standing order.

3 (a) As used in this Section:

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

8 "Standing order" has the meaning given to that term in the
9 Pharmacy Practice Act.

10 (b) If the Director of Public Health is a physician
11 licensed to practice medicine in all its branches in Illinois,
12 the Director shall establish a standing order complete with
13 the issuance of a prescription for a hormonal contraceptive in
14 accordance with this Section. If the Director is not a
15 physician licensed to practice medicine in all its branches in
16 Illinois, then the Medical Director of the Department of
17 Public Health shall establish a standing order in accordance
18 with this Section.

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

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

23 (2) A pharmacist shall have the patient complete the
24 self-screening risk assessment tool. The self-screening
25 risk assessment tool is to be based on the most current
26 version of the United States Medical Eligibility Criteria

1 for Contraceptive Use published by the federal Centers for
2 Disease Control and Prevention.

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

8 (4) The pharmacist shall provide, during the patient
9 assessment and consultation, counseling and education
10 about all methods of contraception, including methods not
11 covered under the standing order, and their proper use and
12 effectiveness.

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

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

18 (A) complete an educational training program
19 accredited by the Accreditation Council for Pharmacy
20 Education and approved by the Department that is
21 related to the patient self-screening risk assessment,
22 patient assessment, contraceptive counseling and
23 education, and dispensation of hormonal
24 contraceptives; and

25 (B) dispense the hormonal contraceptive to the
26 patient as soon as practicable after meeting the

1 requirements of paragraph (2).

2 (7) All State and federal laws governing insurance
3 coverage of contraceptive drugs shall apply to hormonal
4 contraceptives dispensed by a pharmacist under this
5 Section.

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

8 (55 ILCS 5/5-1069.3)

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

1 limitation under Article VII, Section 6, subsection (h) of the
2 Illinois Constitution. A home rule county to which this
3 Section applies must comply with every provision of this
4 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; 101-81, eff. 7-12-19; 101-281,
14 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;
15 101-625, eff. 1-1-21.)

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

18 (65 ILCS 5/10-4-2.3)

19 Sec. 10-4-2.3. Required health benefits. If a
20 municipality, including a home rule municipality, is a
21 self-insurer for purposes of providing health insurance
22 coverage for its employees, the coverage shall include
23 coverage for the post-mastectomy care benefits required to be
24 covered by a policy of accident and health insurance under

1 Section 356t and the coverage required under Sections 356g,
2 356g.5, 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9,
3 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,
4 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
5 356z.36, ~~and 356z.41~~, and 356z.43 of the Illinois Insurance
6 Code. The coverage shall comply with Sections 155.22a, 355b,
7 356z.19, and 370c of the Illinois Insurance Code. The
8 Department of Insurance shall enforce the requirements of this
9 Section. The requirement that health benefits be covered as
10 provided in this is an exclusive power and function of the
11 State and is a denial and limitation under Article VII,
12 Section 6, subsection (h) of the Illinois Constitution. A home
13 rule municipality to which this Section applies must comply
14 with every provision of this Section.

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

21 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;
22 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.
23 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,
24 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;
25 101-625, eff. 1-1-21.)

1 Section 25. The School Code is amended by changing Section
2 10-22.3f as follows:

3 (105 ILCS 5/10-22.3f)

4 Sec. 10-22.3f. Required health benefits. Insurance
5 protection and benefits for employees shall provide the
6 post-mastectomy care benefits required to be covered by a
7 policy of accident and health insurance under Section 356t and
8 the coverage required under Sections 356g, 356g.5, 356g.5-1,
9 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,
10 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,
11 356z.30a, 356z.32, 356z.33, 356z.36, ~~and~~ 356z.41, and 356z.43
12 of the Illinois Insurance Code. Insurance policies shall
13 comply with Section 356z.19 of the Illinois Insurance Code.
14 The coverage shall comply with Sections 155.22a, 355b, and
15 370c of the Illinois Insurance Code. The Department of
16 Insurance shall enforce the requirements of this Section.

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

23 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;
24 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.
25 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,

1 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;
2 101-625, eff. 1-1-21.)

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

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

6 Sec. 356z.43. Coverage for patient care services for
7 hormonal contraceptives provided by a pharmacist. A group or
8 individual policy of accident and health insurance or a
9 managed care plan that is amended, delivered, issued, or
10 renewed after the effective date of this amendatory Act of the
11 102nd General Assembly shall provide coverage for patient care
12 services provided by a pharmacist for hormonal contraceptives
13 assessment and consultation.

14 Section 35. The Pharmacy Practice Act is amended by
15 changing Section 3 and by adding Section 43 as follows:

16 (225 ILCS 85/3)

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

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

20 (a) "Pharmacy" or "drugstore" means and includes every
21 store, shop, pharmacy department, or other place where
22 pharmacist care is provided by a pharmacist (1) where drugs,

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

18 (b) "Drugs" means and includes (1) articles recognized in
19 the official United States Pharmacopoeia/National Formulary
20 (USP/NF), or any supplement thereto and being intended for and
21 having for their main use the diagnosis, cure, mitigation,
22 treatment or prevention of disease in man or other animals, as
23 approved by the United States Food and Drug Administration,
24 but does not include devices or their components, parts, or
25 accessories; and (2) all other articles intended for and
26 having for their main use the diagnosis, cure, mitigation,

1 treatment or prevention of disease in man or other animals, as
2 approved by the United States Food and Drug Administration,
3 but does not include devices or their components, parts, or
4 accessories; and (3) articles (other than food) having for
5 their main use and intended to affect the structure or any
6 function of the body of man or other animals; and (4) articles
7 having for their main use and intended for use as a component
8 or any articles specified in clause (1), (2) or (3); but does
9 not include devices or their components, parts or accessories.

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

13 (d) "Practice of pharmacy" means:

14 (1) the interpretation and the provision of assistance
15 in the monitoring, evaluation, and implementation of
16 prescription drug orders;

17 (2) the dispensing of prescription drug orders;

18 (3) participation in drug and device selection;

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

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

23 (B) vaccination of patients 14 years of age and
24 older pursuant to a valid prescription or standing
25 order, by a physician licensed to practice medicine in
26 all its branches, upon completion of appropriate

1 training, including how to address contraindications
2 and adverse reactions set forth by rule, with
3 notification to the patient's physician and
4 appropriate record retention, or pursuant to hospital
5 pharmacy and therapeutics committee policies and
6 procedures;

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

23 (C) administration of injections of
24 alpha-hydroxyprogesterone caproate, pursuant to a
25 valid prescription, by a physician licensed to
26 practice medicine in all its branches, upon completion

1 of appropriate training, including how to address
2 contraindications and adverse reactions set forth by
3 rule, with notification to the patient's physician and
4 appropriate record retention, or pursuant to hospital
5 pharmacy and therapeutics committee policies and
6 procedures; and

7 (D) administration of injections of long-term
8 antipsychotic medications pursuant to a valid
9 prescription by a physician licensed to practice
10 medicine in all its branches, upon completion of
11 appropriate training conducted by an Accreditation
12 Council of Pharmaceutical Education accredited
13 provider, including how to address contraindications
14 and adverse reactions set forth by rule, with
15 notification to the patient's physician and
16 appropriate record retention, or pursuant to hospital
17 pharmacy and therapeutics committee policies and
18 procedures.

19 (5) vaccination of patients ages 10 through 13 limited
20 to the Influenza (inactivated influenza vaccine and live
21 attenuated influenza intranasal vaccine) and Tdap (defined
22 as tetanus, diphtheria, acellular pertussis) vaccines,
23 pursuant to a valid prescription or standing order, by a
24 physician licensed to practice medicine in all its
25 branches, upon completion of appropriate training,
26 including how to address contraindications and adverse

1 reactions set forth by rule, with notification to the
2 patient's physician and appropriate record retention, or
3 pursuant to hospital pharmacy and therapeutics committee
4 policies and procedures;

5 (6) drug regimen review;

6 (7) drug or drug-related research;

7 (8) the provision of patient counseling;

8 (9) the practice of telepharmacy;

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

11 (11) medication therapy management; ~~and~~

12 (12) the responsibility for compounding and labeling
13 of drugs and devices (except labeling by a manufacturer,
14 repackager, or distributor of non-prescription drugs and
15 commercially packaged legend drugs and devices), proper
16 and safe storage of drugs and devices, and maintenance of
17 required records; and -

18 (13) the assessment and consultation of patients and
19 dispensing of hormonal contraceptives pursuant to the
20 standing order under Section 2310-705 of the Department of
21 Public Health Powers and Duties Law of the Civil
22 Administrative Code of Illinois.

23 A pharmacist who performs any of the acts defined as the
24 practice of pharmacy in this State must be actively licensed
25 as a pharmacist under this Act.

26 (e) "Prescription" means and includes any written, oral,

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

21 (f) "Person" means and includes a natural person,
22 partnership, association, corporation, government entity, or
23 any other legal entity.

24 (g) "Department" means the Department of Financial and
25 Professional Regulation.

26 (h) "Board of Pharmacy" or "Board" means the State Board

1 of Pharmacy of the Department of Financial and Professional
2 Regulation.

3 (i) "Secretary" means the Secretary of Financial and
4 Professional Regulation.

5 (j) "Drug product selection" means the interchange for a
6 prescribed pharmaceutical product in accordance with Section
7 25 of this Act and Section 3.14 of the Illinois Food, Drug and
8 Cosmetic Act.

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

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

21 (l) "Pharmacist in charge" means the licensed pharmacist
22 whose name appears on a pharmacy license and who is
23 responsible for all aspects of the operation related to the
24 practice of pharmacy.

25 (m) "Dispense" or "dispensing" means the interpretation,
26 evaluation, and implementation of a prescription drug order,

1 including the preparation and delivery of a drug or device to a
2 patient or patient's agent in a suitable container
3 appropriately labeled for subsequent administration to or use
4 by a patient in accordance with applicable State and federal
5 laws and regulations. "Dispense" or "dispensing" does not mean
6 the physical delivery to a patient or a patient's
7 representative in a home or institution by a designee of a
8 pharmacist or by common carrier. "Dispense" or "dispensing"
9 also does not mean the physical delivery of a drug or medical
10 device to a patient or patient's representative by a
11 pharmacist's designee within a pharmacy or drugstore while the
12 pharmacist is on duty and the pharmacy is open.

13 (n) "Nonresident pharmacy" means a pharmacy that is
14 located in a state, commonwealth, or territory of the United
15 States, other than Illinois, that delivers, dispenses, or
16 distributes, through the United States Postal Service,
17 commercially acceptable parcel delivery service, or other
18 common carrier, to Illinois residents, any substance which
19 requires a prescription.

20 (o) "Compounding" means the preparation and mixing of
21 components, excluding flavorings, (1) as the result of a
22 prescriber's prescription drug order or initiative based on
23 the prescriber-patient-pharmacist relationship in the course
24 of professional practice or (2) for the purpose of, or
25 incident to, research, teaching, or chemical analysis and not
26 for sale or dispensing. "Compounding" includes the preparation

1 of drugs or devices in anticipation of receiving prescription
2 drug orders based on routine, regularly observed dispensing
3 patterns. Commercially available products may be compounded
4 for dispensing to individual patients only if all of the
5 following conditions are met: (i) the commercial product is
6 not reasonably available from normal distribution channels in
7 a timely manner to meet the patient's needs and (ii) the
8 prescribing practitioner has requested that the drug be
9 compounded.

10 (p) (Blank).

11 (q) (Blank).

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

1 the offer for counseling by a pharmacist or student
2 pharmacist; and (3) acquiring a patient's allergies and health
3 conditions.

4 (s) "Patient profiles" or "patient drug therapy record"
5 means the obtaining, recording, and maintenance of patient
6 prescription information, including prescriptions for
7 controlled substances, and personal information.

8 (t) (Blank).

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

18 (v) "Unique identifier" means an electronic signature,
19 handwritten signature or initials, thumb print, or other
20 acceptable biometric or electronic identification process as
21 approved by the Department.

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

24 (x) "Automated pharmacy system" means a mechanical system
25 located within the confines of the pharmacy or remote location
26 that performs operations or activities, other than compounding

1 or administration, relative to storage, packaging, dispensing,
2 or distribution of medication, and which collects, controls,
3 and maintains all transaction information.

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

17 (z) "Electronically transmitted prescription" means a
18 prescription that is created, recorded, or stored by
19 electronic means; issued and validated with an electronic
20 signature; and transmitted by electronic means directly from
21 the prescriber to a pharmacy. An electronic prescription is
22 not an image of a physical prescription that is transferred by
23 electronic means from computer to computer, facsimile to
24 facsimile, or facsimile to computer.

25 (aa) "Medication therapy management services" means a
26 distinct service or group of services offered by licensed

1 pharmacists, physicians licensed to practice medicine in all
2 its branches, advanced practice registered nurses authorized
3 in a written agreement with a physician licensed to practice
4 medicine in all its branches, or physician assistants
5 authorized in guidelines by a supervising physician that
6 optimize therapeutic outcomes for individual patients through
7 improved medication use. In a retail or other non-hospital
8 pharmacy, medication therapy management services shall consist
9 of the evaluation of prescription drug orders and patient
10 medication records to resolve conflicts with the following:

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

1 "Medication therapy management services" includes the
2 following:

3 (1) documenting the services delivered and
4 communicating the information provided to patients'
5 prescribers within an appropriate time frame, not to
6 exceed 48 hours;

7 (2) providing patient counseling designed to enhance a
8 patient's understanding and the appropriate use of his or
9 her medications; and

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

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

19 "Medication therapy management services" in a licensed
20 hospital may also include the following:

21 (1) reviewing assessments of the patient's health
22 status; and

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

26 (bb) "Pharmacist care" means the provision by a pharmacist

1 of medication therapy management services, with or without the
2 dispensing of drugs or devices, intended to achieve outcomes
3 that improve patient health, quality of life, and comfort and
4 enhance patient safety.

5 (cc) "Protected health information" means individually
6 identifiable health information that, except as otherwise
7 provided, is:

8 (1) transmitted by electronic media;

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

12 (3) transmitted or maintained in any other form or
13 medium.

14 "Protected health information" does not include
15 individually identifiable health information found in:

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

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

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

23 (ee) "Address of record" means the designated address
24 recorded by the Department in the applicant's application file
25 or licensee's license file maintained by the Department's
26 licensure maintenance unit.

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

3 (gg) "Email address of record" means the designated email
4 address recorded by the Department in the applicant's
5 application file or the licensee's license file, as maintained
6 by the Department's licensure maintenance unit.

7 (Source: P.A. 100-208, eff. 1-1-18; 100-497, eff. 9-8-17;
8 100-513, eff. 1-1-18; 100-804, eff. 1-1-19; 100-863, eff.
9 8-14-18; 101-349, eff. 1-1-20; revised 8-21-20.)

10 (225 ILCS 85/43 new)

11 Sec. 43. Dispensation of hormonal contraceptives.

12 (a) The dispensing of hormonal contraceptives to a patient
13 shall be pursuant to a valid prescription or standing order by
14 a physician licensed to practice medicine in all its branches
15 or the medical director of a local health department, pursuant
16 to the following:

17 (1) a pharmacist may dispense no more than a 12-month
18 supply of hormonal contraceptives to a patient;

19 (2) a pharmacist must complete an educational training
20 program accredited by the Accreditation Council for
21 Pharmacy Education and approved by the Department that is
22 related to the patient self-screening risk assessment,
23 patient assessment contraceptive counseling and education,
24 and dispensation of hormonal contraceptives;

25 (3) a pharmacist shall have the patient complete the

1 self-screening risk assessment tool; the self-screening
2 risk assessment tool is to be based on the most current
3 version of the United States Medical Eligibility Criteria
4 for Contraceptive Use published by the federal Centers for
5 Disease Control and Prevention;

6 (4) based upon the results of the self-screening risk
7 assessment and the patient assessment, the pharmacist
8 shall use his or her professional and clinical judgment as
9 to when a patient should be referred to the patient's
10 physician or another health care provider;

11 (5) a pharmacist shall provide, during the patient
12 assessment and consultation, counseling and education
13 about all methods of contraception, including methods not
14 covered under the standing order, and their proper use and
15 effectiveness;

16 (6) the patient consultation shall take place in a
17 private manner; and

18 (7) a pharmacist and pharmacy must maintain
19 appropriate records.

20 (b) The Department may adopt rules to implement this
21 Section.

22 (c) Nothing in this Section shall be interpreted to
23 require a pharmacist to dispense hormonal contraception under
24 a standing order issued by the Director of Public Health or the
25 Medical Director of the Department of Public Health.

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

3 (305 ILCS 5/5-5.12d new)

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

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

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

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

20 (d) A pharmacist must be enrolled in the medical
21 assistance program as an ordering and referring provider prior
22 to providing hormonal contraceptives assessment and
23 consultation that is submitted by a pharmacy or pharmacist
24 provider for reimbursement pursuant to this Section.

25 (e) The Department shall apply for any necessary federal

1 waivers or approvals to implement this Section by January 1,
2 2022.

3 (f) This Section does not restrict or prohibit any
4 services currently provided by pharmacists as authorized by
5 law, including, but not limited to, pharmacist services
6 provided under this Code or authorized under the Illinois
7 Title XIX State Plan.

8 (g) The Department shall submit to the Joint Committee on
9 Administrative Rules administrative rules for this Section as
10 soon as practicable but no later than 6 months after federal
11 approval is received.

12 Section 99. Effective date. This Act takes effect January
13 1, 2022.".