

# SB1106



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1106

Introduced 2/25/2021, by Sen. Don Harmon

### SYNOPSIS AS INTRODUCED:

215 ILCS 134/65

Amends the Managed Care Reform and Patient Rights Act. Makes a technical change in a Section concerning emergency services.

LRB102 04940 BMS 14959 b

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 Managed Care Reform and Patient Rights Act  
5 is amended by changing Section 65 as follows:

6 (215 ILCS 134/65)

7 Sec. 65. Emergency services prior to stabilization.

8 (a) A health care plan that ~~that~~ provides or that is  
9 required by law to provide coverage for emergency services  
10 shall provide coverage such that payment under this coverage  
11 is not dependent upon whether the services are performed by a  
12 plan or non-plan health care provider and without regard to  
13 prior authorization. This coverage shall be at the same  
14 benefit level as if the services or treatment had been  
15 rendered by the health care plan physician licensed to  
16 practice medicine in all its branches or health care provider.

17 (b) Prior authorization or approval by the plan shall not  
18 be required for emergency services.

19 (c) Coverage and payment shall only be retrospectively  
20 denied under the following circumstances:

21 (1) upon reasonable determination that the emergency  
22 services claimed were never performed;

23 (2) upon timely determination that the emergency

1 evaluation and treatment were rendered to an enrollee who  
2 sought emergency services and whose circumstance did not  
3 meet the definition of emergency medical condition;

4 (3) upon determination that the patient receiving such  
5 services was not an enrollee of the health care plan; or

6 (4) upon material misrepresentation by the enrollee or  
7 health care provider; "material" means a fact or situation  
8 that is not merely technical in nature and results or  
9 could result in a substantial change in the situation.

10 (d) When an enrollee presents to a hospital seeking  
11 emergency services, the determination as to whether the need  
12 for those services exists shall be made for purposes of  
13 treatment by a physician licensed to practice medicine in all  
14 its branches or, to the extent permitted by applicable law, by  
15 other appropriately licensed personnel under the supervision  
16 of or in collaboration with a physician licensed to practice  
17 medicine in all its branches. The physician or other  
18 appropriate personnel shall indicate in the patient's chart  
19 the results of the emergency medical screening examination.

20 (e) The appropriate use of the 911 emergency telephone  
21 system or its local equivalent shall not be discouraged or  
22 penalized by the health care plan when an emergency medical  
23 condition exists. This provision shall not imply that the use  
24 of 911 or its local equivalent is a factor in determining the  
25 existence of an emergency medical condition.

26 (f) The medical director's or his or her designee's

1 determination of whether the enrollee meets the standard of an  
2 emergency medical condition shall be based solely upon the  
3 presenting symptoms documented in the medical record at the  
4 time care was sought. Only a clinical peer may make an adverse  
5 determination.

6 (g) Nothing in this Section shall prohibit the imposition  
7 of deductibles, copayments, and co-insurance. Nothing in this  
8 Section alters the prohibition on billing enrollees contained  
9 in the Health Maintenance Organization Act.

10 (Source: P.A. 91-617, eff. 1-1-00.)