

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 1. References to Act; purpose.

5 (a) References to Act. This Act may be referred to as the
6 Mental Health and Wellness Act.

7 (b) Purpose. This Act is intended to address Illinois'
8 skyrocketing mental health needs for children, youth, and
9 adults following the COVID-19 pandemic by covering preventive
10 mental health care.

11 Section 5. Findings. The General Assembly finds that:

12 (1) According to a recent U.S. Surgeon General's
13 Advisory on Protecting Youth Mental Health, the proportion
14 of high school students reporting persistent feelings of
15 hopelessness and sadness increased by 40% between 2009 and
16 2019, and rates of depression and anxiety doubled during
17 the COVID-19 pandemic.

18 (2) Death by suicide is alarmingly high, particularly
19 among Black children. Black children under 13 are now
20 nearly twice as likely to die by suicide than White
21 children.

22 (3) According to a bipartisan United States Senate
23 Finance Committee report on Mental Health Care in the

1 United States, symptoms for depression and anxiety in
2 adults increased nearly fourfold during the COVID-19
3 pandemic.

4 Section 10. 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 (Text of Section before amendment by P.A. 102-768)

8 Sec. 6.11. Required health benefits; Illinois Insurance
9 Code requirements. The program of health benefits shall
10 provide the post-mastectomy care benefits required to be
11 covered by a policy of accident and health insurance under
12 Section 356t of the Illinois Insurance Code. The program of
13 health benefits shall provide the coverage required under
14 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,
15 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,
16 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,
17 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
18 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,
19 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and
20 356z.61 of the Illinois Insurance Code. The program of health
21 benefits must comply with Sections 155.22a, 155.37, 355b,
22 356z.19, 370c, and 370c.1 and Article XXXIIB of the Illinois
23 Insurance Code. The Department of Insurance shall enforce the
24 requirements of this Section with respect to Sections 370c and

1 370c.1 of the Illinois Insurance Code; all other requirements
2 of this Section shall be enforced by the Department of Central
3 Management Services.

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

10 (Source: P.A. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20;
11 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff.
12 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103,
13 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;
14 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
15 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,
16 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;
17 revised 12-13-22.)

18 (Text of Section after amendment by P.A. 102-768)

19 Sec. 6.11. Required health benefits; Illinois Insurance
20 Code requirements. The program of health benefits shall
21 provide the post-mastectomy care benefits required to be
22 covered by a policy of accident and health insurance under
23 Section 356t of the Illinois Insurance Code. The program of
24 health benefits shall provide the coverage required under
25 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,

1 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,
2 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,
3 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
4 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,
5 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.59, ~~and~~
6 356z.60, and 356z.61 of the Illinois Insurance Code. The
7 program of health benefits must comply with Sections 155.22a,
8 155.37, 355b, 356z.19, 370c, and 370c.1 and Article XXXIIB of
9 the Illinois Insurance Code. The Department of Insurance shall
10 enforce the requirements of this Section with respect to
11 Sections 370c and 370c.1 of the Illinois Insurance Code; all
12 other requirements of this Section shall be enforced by the
13 Department of Central Management Services.

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

20 (Source: P.A. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20;
21 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff.
22 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103,
23 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;
24 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
25 1-1-23; 102-768, eff. 1-1-24; 102-804, eff. 1-1-23; 102-813,
26 eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23;

1 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23.)

2 Section 15. The Department of Public Health Powers and
3 Duties Law of the Civil Administrative Code of Illinois is
4 amended by adding Section 2310-720 as follows:

5 (20 ILCS 2310/2310-720 new)

6 Sec. 2310-720. Public educational effort on mental health
7 and wellness. Subject to appropriation, the Department shall
8 undertake a public educational campaign to bring broad public
9 awareness to communities across this State on the importance
10 of mental health and wellness, including the expanded coverage
11 of mental health treatment, and consistent with the
12 recommendations of the Illinois Children's Mental Health
13 Partnership's Children's Mental Health Plan of 2022 and Public
14 Act 102-899. The Department shall look to other successful
15 public educational campaigns to guide this effort, such as the
16 public educational campaign related to Get Covered Illinois.
17 Additionally, the Department shall work with the Department of
18 Insurance, the Illinois State Board of Education, the
19 Department of Human Services, the Department of Healthcare and
20 Family Services, the Department of Juvenile Justice, the
21 Department of Children and Family Services, and other State
22 agencies as necessary to promote consistency in messaging and
23 distribution methods between this campaign and other
24 concurrent public educational campaigns related to mental

1 health and mental wellness. Public messaging for this campaign
2 shall be simple, be easy to understand, and include culturally
3 competent messaging for different communities and regions
4 throughout this State.

5 Section 20. The Counties Code is amended by changing
6 Section 5-1069.3 as follows:

7 (55 ILCS 5/5-1069.3)

8 Sec. 5-1069.3. Required health benefits. If a county,
9 including a home rule county, is a self-insurer for purposes
10 of providing health insurance coverage for its employees, the
11 coverage shall include coverage for the post-mastectomy care
12 benefits required to be covered by a policy of accident and
13 health insurance under Section 356t and the coverage required
14 under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356w, 356x,
15 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11,
16 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,
17 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40,
18 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53,
19 356z.54, 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and 356z.61
20 of the Illinois Insurance Code. The coverage shall comply with
21 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois
22 Insurance Code. The Department of Insurance shall enforce the
23 requirements of this Section. The requirement that health
24 benefits be covered as provided in this Section is an

1 exclusive power and function of the State and is a denial and
2 limitation under Article VII, Section 6, subsection (h) of the
3 Illinois Constitution. A home rule county to which this
4 Section applies must comply with every provision of this
5 Section.

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

12 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
13 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
14 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
15 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;
16 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
17 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,
18 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;
19 102-1117, eff. 1-13-23.)

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

22 (65 ILCS 5/10-4-2.3)

23 Sec. 10-4-2.3. Required health benefits. If a
24 municipality, including a home rule municipality, is a

1 self-insurer for purposes of providing health insurance
2 coverage for its employees, the coverage shall include
3 coverage for the post-mastectomy care benefits required to be
4 covered by a policy of accident and health insurance under
5 Section 356t and the coverage required under Sections 356g,
6 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.4, 356z.4a,
7 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,
8 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,
9 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,
10 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53, 356z.54,
11 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and 356z.61 of the
12 Illinois Insurance Code. The coverage shall comply with
13 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois
14 Insurance Code. The Department of Insurance shall enforce the
15 requirements of this Section. The requirement that health
16 benefits be covered as provided in this is an exclusive power
17 and function of the State and is a denial and limitation under
18 Article VII, Section 6, subsection (h) of the Illinois
19 Constitution. A home rule municipality to which this Section
20 applies must comply with every provision of this Section.

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

1 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
2 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
3 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
4 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;
5 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
6 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,
7 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;
8 102-1117, eff. 1-13-23.)

9 Section 30. The School Code is amended by changing Section
10 10-22.3f as follows:

11 (105 ILCS 5/10-22.3f)

12 Sec. 10-22.3f. Required health benefits. Insurance
13 protection and benefits for employees shall provide the
14 post-mastectomy care benefits required to be covered by a
15 policy of accident and health insurance under Section 356t and
16 the coverage required under Sections 356g, 356g.5, 356g.5-1,
17 356q, 356u, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8,
18 356z.9, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,
19 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
20 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,
21 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and
22 356z.61 of the Illinois Insurance Code. Insurance policies
23 shall comply with Section 356z.19 of the Illinois Insurance
24 Code. The coverage shall comply with Sections 155.22a, 355b,

1 and 370c of the Illinois Insurance Code. The Department of
2 Insurance shall enforce the requirements of this Section.

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

9 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
10 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
11 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
12 eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22;
13 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804, eff.
14 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860,
15 eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23.)

16 Section 35. The Illinois Insurance Code is amended by
17 adding Section 356z.61 as follows:

18 (215 ILCS 5/356z.61 new)

19 Sec. 356z.61. Coverage of no-cost mental health prevention
20 and wellness visits.

21 (a) A group or individual policy of accident and health
22 insurance or managed care plan that is amended, delivered,
23 issued, or renewed on or after January 1, 2025 shall provide
24 coverage for one annual mental health prevention and wellness

1 visit for children and for adults.

2 (b) Mental health prevention and wellness visits shall
3 include any age-appropriate screening recommended by the
4 United States Preventive Services Task Force or by the
5 American Academy of Pediatrics' Bright Futures: Guidelines for
6 Health Supervision of Infants, Children, and Adolescents for
7 purposes of identifying a mental health issue, condition, or
8 disorder; discussing mental health symptoms that might be
9 present, including symptoms of a previously diagnosed mental
10 health condition or disorder; performing an evaluation of
11 adverse childhood experiences; and discussing mental health
12 and wellness.

13 (c) A mental health prevention and wellness visit shall be
14 covered for up to 60 minutes and may be performed by a
15 physician licensed to practice medicine in all of its
16 branches, a licensed clinical psychologist, a licensed
17 clinical social worker, a licensed clinical professional
18 counselor, a licensed marriage and family therapist, a
19 licensed social worker, or a licensed professional counselor.

20 (d) A policy subject to this Section shall not impose a
21 deductible, coinsurance, copayment, or other cost-sharing
22 requirement for mental health prevention and wellness visits.
23 The cost-sharing prohibition in this subsection (d) does not
24 apply to coverage of mental health prevention and wellness
25 visits to the extent such coverage would disqualify a
26 high-deductible health plan from eligibility for a health

1 savings account pursuant to Section 223 of the Internal
2 Revenue Code.

3 (e) A mental health prevention and wellness visit shall be
4 in addition to an annual physical examination and shall not
5 replace a well-child visit or a general health or medical
6 visit.

7 (f) A mental health prevention and wellness visit shall be
8 reimbursed through the following American Medical Association
9 current procedural terminology codes and at the same rate that
10 current procedural terminology codes are reimbursed for the
11 provision of other medical care: 99381-99387 and 99391-99397.
12 The Department shall update the current procedural terminology
13 codes through adoption of rules if the codes listed in this
14 subsection are altered, amended, changed, deleted, or
15 supplemented.

16 (g) Reimbursement of any of the current procedural
17 terminology codes listed in this Section shall comply with the
18 following:

19 (1) reimbursement may be adjusted for payment of
20 claims that are billed by a nonphysician clinician so long
21 as the methodology to determine the adjustments are
22 comparable to and applied no more stringently than the
23 methodology for adjustments made for reimbursement of
24 claims billed by nonphysician clinicians for other medical
25 care, in accordance with 45 CFR 146.136(c) (4); and

26 (2) for a mental health prevention and wellness visit

1 and for a service other than a mental health prevention
2 and wellness visit, reimbursement shall not be denied if
3 they occur on the same date by the same provider and the
4 provider is a primary care provider.

5 (h) A mental health prevention and wellness visit may be
6 incorporated into and reimbursed within any type of integrated
7 primary care service delivery method, including, but not
8 limited to, a psychiatric collaborative care model as provided
9 for under this Code.

10 (i) The Department shall adopt any rules necessary to
11 implement this Section by no later than October 31, 2024.

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.

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