



Rep. Robyn Gabel

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LRB103 38742 RPS 72370 a

1 AMENDMENT TO HOUSE BILL 5142

2 AMENDMENT NO. _____. Amend House Bill 5142, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Insurance Code is amended by
6 changing Sections 356z.4a and 356z.40 as follows:

7 (215 ILCS 5/356z.4a)

8 Sec. 356z.4a. Coverage for abortion.

9 (a) Except as otherwise provided in this Section, no
10 individual or group policy of accident and health insurance
11 that provides pregnancy-related benefits may be issued,
12 amended, delivered, or renewed in this State after the
13 effective date of this amendatory Act of the 101st General
14 Assembly unless the policy provides a covered person with
15 coverage for abortion care. Regardless of whether the policy
16 otherwise provides prescription drug benefits, abortion care

1 coverage must include medications that are obtained through a
2 prescription and used to terminate a pregnancy, regardless of
3 whether there is proof of a pregnancy.

4 (b) Coverage for abortion care may not impose any
5 deductible, coinsurance, waiting period, or other cost-sharing
6 limitation ~~that is greater than that required for other~~
7 ~~pregnancy related benefits covered by the policy.~~ This
8 subsection does not apply to the extent that such coverage
9 would disqualify a high-deductible health plan from
10 eligibility for a health savings account pursuant to Section
11 223 of the Internal Revenue Code.

12 (c) Except as otherwise authorized under this Section, a
13 policy shall not impose any restrictions or delays on the
14 coverage required under this Section.

15 (d) This Section does not, pursuant to 42 U.S.C.
16 18054(a)(6), apply to a multistate plan that does not provide
17 coverage for abortion.

18 (e) If the Department concludes that enforcement of this
19 Section may adversely affect the allocation of federal funds
20 to this State, the Department may grant an exemption to the
21 requirements, but only to the minimum extent necessary to
22 ensure the continued receipt of federal funds.

23 (Source: P.A. 101-13, eff. 6-12-19; 102-1117, eff. 1-13-23.)

24 (215 ILCS 5/356z.40)

25 Sec. 356z.40. Pregnancy and postpartum coverage.

1 (a) An individual or group policy of accident and health
2 insurance or managed care plan amended, delivered, issued, or
3 renewed on or after October 8, 2021 (the effective date of
4 Public Act 102-665) ~~this amendatory Act of the 102nd General~~
5 ~~Assembly~~ shall provide coverage for pregnancy and newborn care
6 in accordance with 42 U.S.C. 18022(b) regarding essential
7 health benefits. For policies amended, delivered, issued, or
8 renewed on or after January 1, 2026, this subsection also
9 applies to coverage for postpartum care.

10 (b) Benefits under this Section shall be as follows:

11 (1) An individual who has been identified as
12 experiencing a high-risk pregnancy by the individual's
13 treating provider shall have access to clinically
14 appropriate case management programs. As used in this
15 subsection, "case management" means a mechanism to
16 coordinate and assure continuity of services, including,
17 but not limited to, health services, social services, and
18 educational services necessary for the individual. "Case
19 management" involves individualized assessment of needs,
20 planning of services, referral, monitoring, and advocacy
21 to assist an individual in gaining access to appropriate
22 services and closure when services are no longer required.
23 "Case management" is an active and collaborative process
24 involving a single qualified case manager, the individual,
25 the individual's family, the providers, and the community.
26 This includes close coordination and involvement with all

1 service providers in the management plan for that
2 individual or family, including assuring that the
3 individual receives the services. As used in this
4 subsection, "high-risk pregnancy" means a pregnancy in
5 which the pregnant or postpartum individual or baby is at
6 an increased risk for poor health or complications during
7 pregnancy or childbirth, including, but not limited to,
8 hypertension disorders, gestational diabetes, and
9 hemorrhage.

10 (2) An individual shall have access to medically
11 necessary treatment of a mental, emotional, nervous, or
12 substance use disorder or condition consistent with the
13 requirements set forth in this Section and in Sections
14 370c and 370c.1 of this Code.

15 (3) The benefits provided for inpatient and outpatient
16 services for the treatment of a mental, emotional,
17 nervous, or substance use disorder or condition related to
18 pregnancy or postpartum complications shall be provided if
19 determined to be medically necessary, consistent with the
20 requirements of Sections 370c and 370c.1 of this Code. The
21 facility or provider shall notify the insurer of both the
22 admission and the initial treatment plan within 48 hours
23 after admission or initiation of treatment. Nothing in
24 this paragraph shall prevent an insurer from applying
25 concurrent and post-service utilization review of health
26 care services, including review of medical necessity, case

1 management, experimental and investigational treatments,
2 managed care provisions, and other terms and conditions of
3 the insurance policy.

4 (4) The benefits for the first 48 hours of initiation
5 of services for an inpatient admission, detoxification or
6 withdrawal management program, or partial hospitalization
7 admission for the treatment of a mental, emotional,
8 nervous, or substance use disorder or condition related to
9 pregnancy or postpartum complications shall be provided
10 without post-service or concurrent review of medical
11 necessity, as the medical necessity for the first 48 hours
12 of such services shall be determined solely by the covered
13 pregnant or postpartum individual's provider. Nothing in
14 this paragraph shall prevent an insurer from applying
15 concurrent and post-service utilization review, including
16 the review of medical necessity, case management,
17 experimental and investigational treatments, managed care
18 provisions, and other terms and conditions of the
19 insurance policy, of any inpatient admission,
20 detoxification or withdrawal management program admission,
21 or partial hospitalization admission services for the
22 treatment of a mental, emotional, nervous, or substance
23 use disorder or condition related to pregnancy or
24 postpartum complications received 48 hours after the
25 initiation of such services. If an insurer determines that
26 the services are no longer medically necessary, then the

1 covered person shall have the right to external review
2 pursuant to the requirements of the Health Carrier
3 External Review Act.

4 (5) If an insurer determines that continued inpatient
5 care, detoxification or withdrawal management, partial
6 hospitalization, intensive outpatient treatment, or
7 outpatient treatment in a facility is no longer medically
8 necessary, the insurer shall, within 24 hours, provide
9 written notice to the covered pregnant or postpartum
10 individual and the covered pregnant or postpartum
11 individual's provider of its decision and the right to
12 file an expedited internal appeal of the determination.
13 The insurer shall review and make a determination with
14 respect to the internal appeal within 24 hours and
15 communicate such determination to the covered pregnant or
16 postpartum individual and the covered pregnant or
17 postpartum individual's provider. If the determination is
18 to uphold the denial, the covered pregnant or postpartum
19 individual and the covered pregnant or postpartum
20 individual's provider have the right to file an expedited
21 external appeal. An independent utilization review
22 organization shall make a determination within 72 hours.
23 If the insurer's determination is upheld and it is
24 determined that continued inpatient care, detoxification
25 or withdrawal management, partial hospitalization,
26 intensive outpatient treatment, or outpatient treatment is

1 not medically necessary, the insurer shall remain
2 responsible for providing benefits for the inpatient care,
3 detoxification or withdrawal management, partial
4 hospitalization, intensive outpatient treatment, or
5 outpatient treatment through the day following the date
6 the determination is made, and the covered pregnant or
7 postpartum individual shall only be responsible for any
8 applicable copayment, deductible, and coinsurance for the
9 stay through that date as applicable under the policy. The
10 covered pregnant or postpartum individual shall not be
11 discharged or released from the inpatient facility,
12 detoxification or withdrawal management, partial
13 hospitalization, intensive outpatient treatment, or
14 outpatient treatment until all internal appeals and
15 independent utilization review organization appeals are
16 exhausted. A decision to reverse an adverse determination
17 shall comply with the Health Carrier External Review Act.

18 (6) Except as otherwise stated in this subsection (b)
19 and subsection (c), the benefits and cost-sharing shall be
20 provided to the same extent as for any other medical
21 condition covered under the policy.

22 (7) The benefits required by paragraphs (2) and (6) of
23 this subsection (b) are to be provided to all covered
24 pregnant or postpartum individuals with a diagnosis of a
25 mental, emotional, nervous, or substance use disorder or
26 condition. The presence of additional related or unrelated

1 diagnoses shall not be a basis to reduce or deny the
2 benefits required by this subsection (b).

3 (8) Insurers shall cover all services for pregnancy,
4 postpartum, and newborn care that are rendered by
5 perinatal doulas or licensed certified professional
6 midwives, including home births, home visits, and support
7 during labor, abortion, or miscarriage. Coverage shall
8 include the necessary equipment and medical supplies for a
9 home birth. For home visits by a perinatal doula, not
10 counting any home birth, the policy may limit coverage to
11 16 visits before and 16 visits after a birth, miscarriage,
12 or abortion, provided that the policy shall not be
13 required to cover more than \$8,000 for doula visits for
14 each pregnancy and subsequent postpartum period. As used
15 in this paragraph (8), "perinatal doula" has the meaning
16 given in subsection (a) of Section 5-18.5 of the Illinois
17 Public Aid Code.

18 (9) Coverage for pregnancy, postpartum, and newborn
19 care shall include home visits by lactation consultants
20 and the purchase of breast pumps and breast pump supplies,
21 including such breast pumps, breast pump supplies,
22 breastfeeding supplies, and feeding aides as recommended
23 by the lactation consultant. As used in this paragraph
24 (9), "lactation consultant" means an International
25 Board-Certified Lactation Consultant, a certified
26 lactation specialist with a certification from Lactation

1 Education Consultants, or a certified lactation counselor
2 as defined in subsection (a) of Section 5-18.10 of the
3 Illinois Public Aid Code.

4 (10) Coverage for postpartum services shall apply for
5 all covered services rendered within the first 12 months
6 after the end of pregnancy, subject to any policy
7 limitation on home visits by a perinatal doula allowed
8 under paragraph (8) of this subsection (b). Nothing in
9 this paragraph (10) shall be construed to require a policy
10 to cover services for an individual who is no longer
11 insured or enrolled under the policy. If an individual
12 becomes insured or enrolled under a new policy, the new
13 policy shall cover the individual consistent with the time
14 period and limitations allowed under this paragraph (10).
15 This paragraph (10) is subject to the requirements of
16 Section 25 of the Managed Care Reform and Patient Rights
17 Act, Section 20 of the Network Adequacy and Transparency
18 Act, and 42 U.S.C. 300gg-113.

19 (c) All coverage described in subsection (b), other than
20 health care services for home births, shall be provided
21 without cost-sharing, except that, for mental health services,
22 the cost-sharing prohibition does not apply to inpatient or
23 residential services, and, for substance use disorder
24 services, the cost-sharing prohibition applies only to levels
25 of treatment below and not including Level 3.1 (Clinically
26 Managed Low-Intensity Residential), as established by the

1 American Society for Addiction Medicine. This subsection does
2 not apply to the extent such coverage would disqualify a
3 high-deductible health plan from eligibility for a health
4 savings account pursuant to Section 223 of the Internal
5 Revenue Code.

6 (Source: P.A. 102-665, eff. 10-8-21.)

7 Section 10. The Illinois Public Aid Code is amended by
8 changing Sections 5-16.7 and 5-18.5 as follows:

9 (305 ILCS 5/5-16.7)

10 Sec. 5-16.7. Post-parturition care. The medical assistance
11 program shall provide the post-parturition care benefits
12 required to be covered by a policy of accident and health
13 insurance under Section 356s of the Illinois Insurance Code.

14 ~~On and after July 1, 2012, the Department shall reduce any~~
15 ~~rate of reimbursement for services or other payments or alter~~
16 ~~any methodologies authorized by this Code to reduce any rate~~
17 ~~of reimbursement for services or other payments in accordance~~
18 ~~with Section 5-5e.~~

19 (Source: P.A. 97-689, eff. 6-14-12.)

20 (305 ILCS 5/5-18.5)

21 Sec. 5-18.5. Perinatal doula and evidence-based home
22 visiting services.

23 (a) As used in this Section:

1 "Home visiting" means a voluntary, evidence-based strategy
2 used to support pregnant people, infants, and young children
3 and their caregivers to promote infant, child, and maternal
4 health, to foster educational development and school
5 readiness, and to help prevent child abuse and neglect. Home
6 visitors are trained professionals whose visits and activities
7 focus on promoting strong parent-child attachment to foster
8 healthy child development.

9 "Perinatal doula" means a trained provider who provides
10 regular, voluntary physical, emotional, and educational
11 support, but not medical or midwife care, to pregnant and
12 birthing persons before, during, and after childbirth,
13 otherwise known as the perinatal period.

14 "Perinatal doula training" means any doula training that
15 focuses on providing support throughout the prenatal, labor
16 and delivery, or postpartum period, and reflects the type of
17 doula care that the doula seeks to provide.

18 (b) Notwithstanding any other provision of this Article,
19 perinatal doula services and evidence-based home visiting
20 services shall be covered under the medical assistance
21 program, subject to appropriation, for persons who are
22 otherwise eligible for medical assistance under this Article.
23 Perinatal doula services include regular visits beginning in
24 the prenatal period and continuing into the postnatal period,
25 inclusive of continuous support during labor and delivery,
26 that support healthy pregnancies and positive birth outcomes.

1 Perinatal doula services may be embedded in an existing
2 program, such as evidence-based home visiting. Perinatal doula
3 services provided during the prenatal period may be provided
4 weekly, services provided during the labor and delivery period
5 may be provided for the entire duration of labor and the time
6 immediately following birth, and services provided during the
7 postpartum period may be provided up to 12 months postpartum.

8 (b-5) Notwithstanding any other provision of this Article,
9 beginning January 1, 2025 ~~2023~~, ~~licensed~~ certified
10 professional midwife services shall be covered under the
11 medical assistance program, subject to appropriation, for
12 persons who are otherwise eligible for medical assistance
13 under this Article. The Department shall consult with midwives
14 on reimbursement rates for midwifery services.

15 (c) The Department of Healthcare and Family Services shall
16 adopt rules to administer this Section. In this rulemaking,
17 the Department shall consider the expertise of and consult
18 with doula program experts, doula training providers,
19 practicing doulas, and home visiting experts, along with State
20 agencies implementing perinatal doula services and relevant
21 bodies under the Illinois Early Learning Council. This body of
22 experts shall inform the Department on the credentials
23 necessary for perinatal doula and home visiting services to be
24 eligible for Medicaid reimbursement and the rate of
25 reimbursement for home visiting and perinatal doula services
26 in the prenatal, labor and delivery, and postpartum periods.

1 Every 2 years, the Department shall assess the rates of
2 reimbursement for perinatal doula and home visiting services
3 and adjust rates accordingly.

4 (d) The Department shall seek such State plan amendments
5 or waivers as may be necessary to implement this Section and
6 shall secure federal financial participation for expenditures
7 made by the Department in accordance with this Section.

8 (Source: P.A. 102-4, eff. 4-27-21; 102-1037, eff. 6-2-22.)

9 Section 99. Effective date. This Act takes effect January
10 1, 2026, except that this Section and the changes to Section
11 5-18.5 of the Illinois Public Aid Code take effect January 1,
12 2025."