

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. 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 provide
9 the post-mastectomy care benefits required to be covered by a
10 policy of accident and health insurance under Section 356t of
11 the Illinois Insurance Code. The program of health benefits
12 shall provide the coverage required under Sections 356g.5,
13 356u, 356w, 356x, 356z.2, 356z.4, and 356z.6 of the Illinois
14 Insurance Code. The program of health benefits must comply with
15 Section 155.37 of the Illinois Insurance Code.

16 (Source: P.A. 92-440, eff. 8-17-01; 92-764, eff. 1-1-03;
17 93-102, eff. 1-1-04; 93-853, eff. 1-1-05.)

18 Section 2. The Department of Public Health Powers and
19 Duties Law of the Civil Administrative Code of Illinois is
20 amended by changing Section 2310-345 as follows:

21 (20 ILCS 2310/2310-345) (was 20 ILCS 2310/55.49)

1 Sec. 2310-345. Breast cancer; written summary regarding
2 early detection and treatment.

3 (a) From funds made available for this purpose, the
4 Department shall publish, in layman's language, a standardized
5 written summary outlining methods for the early detection and
6 diagnosis of breast cancer. The summary shall include
7 recommended guidelines for screening and detection of breast
8 cancer through the use of techniques that shall include but not
9 be limited to self-examination, clinical breast exams, and
10 diagnostic radiology.

11 (b) The summary shall also suggest that women seek
12 mammography services from facilities that are certified to
13 perform mammography as required by the federal Mammography
14 Quality Standards Act of 1992.

15 (c) The summary shall also include the medically viable
16 alternative methods for the treatment of breast cancer,
17 including, but not limited to, hormonal, radiological,
18 chemotherapeutic, or surgical treatments or combinations
19 thereof. The summary shall contain information on breast
20 reconstructive surgery, including, but not limited to, the use
21 of breast implants and their side effects. The summary shall
22 inform the patient of the advantages, disadvantages, risks, and
23 dangers of the various procedures. The summary shall include
24 (i) a statement that mammography is the most accurate method
25 for making an early detection of breast cancer, however, no
26 diagnostic tool is 100% effective, (ii) the benefits of

1 clinical breast exams, and (iii) and (ii) instructions for
2 ~~instructions for~~ performing breast self-examination and a
3 statement that it is important to perform a breast
4 self-examination monthly.

5 (c-5) The summary shall specifically address the benefits
6 of early detection and review the clinical standard
7 recommendations by the Centers for Disease Control and
8 Prevention and the American Cancer Society for mammography,
9 clinical breast exams, and breast self-exams.

10 (c-10) The summary shall also inform individuals that
11 public and private insurance providers shall pay for clinical
12 breast exams as part of an exam, as indicated by guidelines of
13 practice.

14 (d) In developing the summary, the Department shall consult
15 with the Advisory Board of Cancer Control, the Illinois State
16 Medical Society and consumer groups. The summary shall be
17 updated by the Department every 2 years.

18 (e) The summaries shall additionally be translated into
19 Spanish, and the Department shall conduct a public information
20 campaign to distribute the summaries to the Hispanic women of
21 this State in order to inform them of the importance of early
22 detection and mammograms.

23 (f) The Department shall distribute the summary to
24 hospitals, public health centers, and physicians who are likely
25 to perform or order diagnostic tests for breast disease or
26 treat breast cancer by surgical or other medical methods. Those

1 hospitals, public health centers, and physicians shall make the
2 summaries available to the public. The Department shall also
3 distribute the summaries to any person, organization, or other
4 interested parties upon request. The summaries may be
5 duplicated by any person, provided the copies are identical to
6 the current summary prepared by the Department.

7 (g) The summary shall display, on the inside of its cover,
8 printed in capital letters, in bold face type, the following
9 paragraph:

10 "The information contained in this brochure regarding
11 recommendations for early detection and diagnosis of breast
12 disease and alternative breast disease treatments is only for
13 the purpose of assisting you, the patient, in understanding the
14 medical information and advice offered by your physician. This
15 brochure cannot serve as a substitute for the sound
16 professional advice of your physician. The availability of this
17 brochure or the information contained within is not intended to
18 alter, in any way, the existing physician-patient
19 relationship, nor the existing professional obligations of
20 your physician in the delivery of medical services to you, the
21 patient."

22 (h) The summary shall be updated when necessary.

23 (Source: P.A. 91-239, eff. 1-1-00; revised 10-19-05.)

24 Section 3. The Counties Code is amended by changing Section
25 5-1069.3 as follows:

1 (55 ILCS 5/5-1069.3)

2 Sec. 5-1069.3. Required health benefits. If a county,
3 including a home rule county, is a self-insurer for purposes of
4 providing health insurance coverage for its employees, the
5 coverage shall include coverage for the post-mastectomy care
6 benefits required to be covered by a policy of accident and
7 health insurance under Section 356t and the coverage required
8 under Sections 356g.5, 356u, 356w, 356x and 356z.6 of the
9 Illinois Insurance Code. The requirement that health benefits
10 be covered as provided in this Section is an exclusive power
11 and function of the State and is a denial and limitation under
12 Article VII, Section 6, subsection (h) of the Illinois
13 Constitution. A home rule county to which this Section applies
14 must comply with every provision of this Section.

15 (Source: P.A. 93-853, eff. 1-1-05.)

16 Section 3.5. 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 coverage
23 for the post-mastectomy care benefits required to be covered by

1 a policy of accident and health insurance under Section 356t
2 and the coverage required under Sections 356g.5, 356u, 356w,
3 356x and 356z.6 of the Illinois Insurance Code. The requirement
4 that health benefits be covered as provided in this is an
5 exclusive power and function of the State and is a denial and
6 limitation under Article VII, Section 6, subsection (h) of the
7 Illinois Constitution. A home rule municipality to which this
8 Section applies must comply with every provision of this
9 Section.

10 (Source: P.A. 93-853, eff. 1-1-05.)

11 Section 4. The School Code is amended by changing Section
12 10-22.3f as follows:

13 (105 ILCS 5/10-22.3f)

14 Sec. 10-22.3f. Required health benefits. Insurance
15 protection and benefits for employees shall provide the
16 post-mastectomy care benefits required to be covered by a
17 policy of accident and health insurance under Section 356t and
18 the coverage required under Sections 356g.5, 356u, 356w, 356x
19 and 356z.6 of the Illinois Insurance Code.

20 (Source: P.A. 93-853, eff. 1-1-05.)

21 Section 5. The Illinois Insurance Code is amended by adding
22 Section 356g.5 as follows:

1 (215 ILCS 5/356g.5 new)

2 Sec. 356g.5. Clinical breast exam.

3 (a) The General Assembly finds that clinical breast
4 examinations are a critical tool in the early detection of
5 breast cancer, while the disease is in its earlier and
6 potentially more treatable stages. Insurer reimbursement of
7 clinical breast examinations is essential to the effort to
8 reduce breast cancer deaths in Illinois.

9 (b) Every insurer shall provide, in each group or
10 individual policy, contract, or certificate of accident or
11 health insurance issued or renewed for persons who are
12 residents of Illinois, coverage for complete and thorough
13 clinical breast examinations as indicated by guidelines of
14 practice, performed by a physician licensed to practice
15 medicine in all its branches, an advanced practice nurse who
16 has a collaborative agreement with a collaborating physician
17 that authorizes breast examinations, or a physician assistant
18 who has been delegated authority to provide breast
19 examinations, to check for lumps and other changes for the
20 purpose of early detection and prevention of breast cancer as
21 follows:

22 (1) at least every 3 years for women at least 20 years
23 of age but less than 40 years of age; and

24 (2) annually for women 40 years of age or older.

25 (c) Upon approval of a nationally recognized separate and
26 distinct clinical breast exam code that is compliant with all

1 State and federal laws, rules, and regulations, public and
2 private insurance plans shall take action to cover clinical
3 breast exams on a separate and distinct basis.

4 Section 10. The Health Maintenance Organization Act is
5 amended by changing Section 4-6.5 as follows:

6 (215 ILCS 125/4-6.5)

7 Sec. 4-6.5. Required health benefits; Illinois Insurance
8 Code requirements. A health maintenance organization is
9 subject to the provisions of Sections 155.37, 356g.5, 356t,
10 356u, and 356z.1 of the Illinois Insurance Code.

11 (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01;
12 92-651, eff. 7-11-02.)

13 Section 15. The Voluntary Health Services Plans Act is
14 amended by changing Section 10 as follows:

15 (215 ILCS 165/10) (from Ch. 32, par. 604)

16 Sec. 10. Application of Insurance Code provisions. Health
17 services plan corporations and all persons interested therein
18 or dealing therewith shall be subject to the provisions of
19 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,
20 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w,
21 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 364.01,
22 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412,

1 and paragraphs (7) and (15) of Section 367 of the Illinois
2 Insurance Code.

3 (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01;
4 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04;
5 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff.
6 1-1-05; revised 10-14-04.)

7 Section 20. The Illinois Public Aid Code is amended by
8 changing Section 5-16.8 as follows:

9 (305 ILCS 5/5-16.8)

10 Sec. 5-16.8. Required health benefits. The medical
11 assistance program shall (i) provide 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.5, 356u, 356w, 356x, and 356z.6 of the
15 Illinois Insurance Code and (ii) be subject to the provisions
16 of Section 364.01 of the Illinois Insurance Code.

17 (Source: P.A. 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05;
18 revised 10-14-04.)

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