



## 1. Overview

- a. The Lame Duck Session started off with roadblocks for the Democrats. Senate and House Democrats had multiple differences in bills drafted by their chambers on some hot button issues (guns and abortion). After the House voted on these two pieces of legislation and these bills were sent to the Senate, the Senate faced immense pressure from the Governor's Office and Advocates alike. During the weekend, the Senate seemed to relax its stances under the pressure of opposition. On Monday, the Senate filed amendments that were much closer to mirroring the House bills on both guns and abortion. After the Senate standoff, the bills quickly moved back to the House and passed both chambers with ease.
- b. Much of the last day consisted of saying goodbye to many members resigning, many of which held prominent positions within the House. Many "budgeteers" resigned on both sides of the aisle. Additionally, the House Republican Leader resigned, which paved the way for the first female leader in the House.
- c. New legislators were sworn in on Wednesday of this week, which begins the 103<sup>rd</sup> General Assembly. If Lame Duck was any indication of what we will see this Session, we should be prepared for some extreme insurance bills with a great pressure to get them past the finish line. We are extremely lucky to have the Senate's "reasonableness." However, with even more Democrats, while we may be looking at in-fighting, we will also be looking at more extreme bills and a higher likelihood that these extreme bills become law. That being said, advocacy and education are going to be critical this session.

## 2. Abortion Legislation Wrap Up

- a. [HB 4664](#)- The bill:
  - i. Places language in the insurance code which states that regardless of whether a health insurance policy prescribes prescription drug products, the policy must include in their abortion care medications prescribed for the purpose of producing an abortion with or without proof of pregnancy.
  - ii. The language clarifies that surprise billing provisions apply to non-participating providers if there is no participating provider that is available that does not otherwise exercise their rights under the Right of Conscience Act.

- iii. Expands the pharmacist dispensing provisions under the contraceptive provisions to include the new FDA-approved drug under the standing order. However, previous negotiated language stays in place. Meaning, the pharmacist would still have to be in-network.
- iv. Allows for temporary permits for providers to provide reproductive healthcare and allows them to provide telehealth under the temporary permits.
- v. Adds language in the Network Adequacy Statute, which states that insurers must submit a description that includes a provision that if the consumer has made a good faith effort to find a provider in-network (but all in-network providers decline services under the Healthcare Right of Conscience Act), the consumer will not be charged out of network rates for services.
  - i. Mandates coverage for abortifacients, Hormonal Therapy, Pre and Post prophylaxis medication and follow up services relating to management of side effects, medication self-management, adherence counseling, risk reduction strategies, mental health counseling. The entire mandate is a no cost-sharing mandate.
    - a. Within this mandate, at least one abortifacient drug must be included and covered without cost sharing.
    - b. If a provider recommends a particular drug based on medical necessity and it is approved by the FDA, it will be covered at no cost sharing.
    - c. If a drug is not covered, plans must have a easily assessable, transparent, and expedient process to ensure coverage without cost sharing.
    - d. Prohibits any medical malpractice insurance changes be made (increases/revocations) on medical professionals for practicing reproductive care.
    - e. allows for temporary permits for providers to provide reproductive healthcare
  - ii. Effective date for mandates: January 1, 2024.

### **3. Illinois Paid Leave Wrap Up**

- a. [SB 208](#) mandates a mandatory minimum paid leave to 40 hours (5 days per year) and still has the pre-emption, but Chicago is at 5 days as is. The 40 hours can accrue or be given at the start of a new year of anniversary. This leave can be used for any reason. The paid leave provisions also won't take effect until January 1, 2024. Large business associations struck a deal on the last days of the Lame Duck Session. Many businesses received requests for Chicago Preemption as well as consistency across the board. Some smaller business still opposed the bill. However, the sponsor is open to continue to work on implementation.

### **4. Mental Health Parity Working Group**

- a. The last time the Council discussed the Mental Health Parity working group the conversation centered on a letter ILHIC had sent to the Department regarding one of their findings set forth in Celtic's final market conduct examination report related to the working group's development of the Phase I guidance and reporting template. The Department finally submitted their official response to that letter this Monday. I will attach that letter to the summary call note email.

- b. As you will see, the Department's response is both underwhelming, disappointing, and in line with the HMO response letter. The Department's response was incredibly lacking and owes much more explanation as to how they think the working group should proceed with "correcting" any deficiencies in the Phase I (and potentially Phase II templates/instructions). Today there is a Mental Health Parity Working Group Call from 1-2. We The Council will press the Department to provide more information and explanation to the group.
- a. With the Department's response giving no specifics on what they believe is wrong with Phase I and II, the Council is uncomfortable with the advocate and provider members of the working group's request to continue pressing forward with the development of Phase III guidance. The underlying statute does not require annual reporting to occur on July 1 (only the initial round of annual reporting was set to begin July 1, 2020) so we can and will continue to press for a delay in the report date for Phase III until the end of the year.
- b. The Council would like to request a sit down with the Director and her staff to level-set on how this process is (and is not) working, especially given that we are also in the middle of negotiating overarching market conduct examination reform legislation for the 103rd General Assembly.

## **5. Market Conduct Language Feedback and Comments**

- a. This is a reminder that Market Conduct Comments on the Revised Department language is due today, COB. I told the Department I would reach back out to them and provide comments on Tuesday. Negotiations will likely follow.

## **6. Session Deadlines**

- a. January 27, 2023 (Senate LRB Deadline)
- b. February 3, 2023 (House LRB Deadline)
- c. February 10, 2023 (Senate Introduction Deadline)
- d. February 17, 2023 (House Introduction Deadline)
- e. March 10, 2023 (House and Senate Committee Deadline)
- f. March 24, 2023 (House 3<sup>rd</sup> Reading Deadline)
- g. March 31, 2023 (Senate 3<sup>rd</sup> Reading Deadline)
- h. April 28, 2023 (Senate and House Crossover Deadline)
- i. May 11, 2023 (Senate 3<sup>rd</sup> Reading Deadline (House Bills))
- j. May 12, 2023 (House 3<sup>rd</sup> Reading Deadline (Senate Bills))
- k. May 19, 2023 House and Senate Adjournment