



## 1. Antitrust Statement

- a. ILHIC is committed to conducting all our activities in compliance with federal and state antitrust laws. If at any time during the call the discussion should venture into matters that might conflict with antitrust laws, please feel free to speak up and we will stop the discussion and move forward in the agenda.

## 2. Legislative Overview

- a. Rumors are flying, everyone is anxiously awaiting adjournment. The beginning of the week began with little floor work, signaling late nights toward the end of the week. But surprisingly, both chambers were releasing early in the evening, signaling a “not go good” outlook on the adjournment date being today. As of Friday, there was not a budget and multiple quarrels between leadership and the Governor’s Office.

## 3. Bills this Week

### House Drug Affordability and Accessibility

**SB 757- PBM Auditing Bill-** ILHIC has no position on the bill. This bill has been negotiated between PCMA and the independent pharmacists.

- In an interesting turn of events, this bill was sent to a subcommittee yesterday in Committee. The bill was agreed to. No one really knows the exact reasoning behind the bill moving to subcommittee. This will likely move later. This will likely be wrapped up into a large Medicaid Omnibus bill.

**HB 2189- \$35 Insulin Act-** ILHIC has no position on the bill.

- This bill passed the Committee. There was some debate over the CMS discount program included in the amendment. The discount program was incredibly vague on how the agency was to implement and pay for the discount program, or who would be charged to implement the discount.

### House Insurance

**SB 764- Vision Care Regulation Act-** ILHIC is neutral on the bill. This language is an agreement between the vision care plans as well as the optometrists.

- This bill passed out of Committee.

**HB 1565- Vaginal Estrogen Mandate-** ILHIC has no position on the bill.

- This bill passed out of Committee.

**HB 2443- Hearing Aid Coverage Mandate-** ILHIC has no position on the bill.

- This bill passed out of Committee.

### **Senate Executive**

**HB 579 State Based Exchange- ILHIC is neutral.**

- This bill passed on partisan leave out of Committee.

**HB 2847 Mental Health Screening Coverage Mandate- ILHIC is neutral.**

- This bill passed on the agreed bill list.

### **Senate Health and Human Services**

**HB 1364 Sunset Mental Health Parity Working Group**

- This bill passed out of Committee.

#### **4. Punitive Damages/ Wrongful Death HB 219 HA#1**

- a. On Monday, Representative Hoffman, on behalf of the Illinois Trial Lawyers, filed an amendment to [HB219](#) that enables punitive damages in wrongful death civil litigation. There was an [additional amendment](#) filed exempting medical malpractice, alleviating concerns around hospital costs and overall healthcare costs. However, there are still large concerns with the bill from the Property and Casualty insurance carriers. Opponents stated that in the waning hours of the lame duck session, Democrats in the General Assembly imposed pre-judgement interest on lawsuits adding immense pressure to defendants to settle cases regardless of the merits of the case. And now, with only days remaining in the spring legislative session, it's déjà vu with a last-minute amendment adding punitive damages to certain select court cases. The bill passed out of the House with ease and was heard in the Senate Executive Committee on Wednesday. Harmon categorized this bill as a victim's rights bill and the damages will serve as a deterrent for bad corporate practice. Mark Denzler of the Illinois Manufacturer's Association stated that the two create a tale of two types of

situations because State Employees were carved out of the bill. He brought up the issue of legionnaires in veterans' homes, citing that families of state-run facilities would not be able to seek punitive damages, but private facilities families would have that right. The Trial Attorneys (the stakeholders writing and pushing the bill) stated that although there is no cap on punitive damages, there has been case law stating how much is excessive. It is important to note that the Trial Lawyers are an incredibly strong lobby in Illinois and get everything they ask for. To drive home this point, Senator Rezin stated in Committee that the opposition to the bill has been the most comprehensive opposition she has seen in years, and the impact of this passing legislation would devastate business. The bill passed the Executive Committee on Partisan Leave. The bill has passed both chambers.

## **5. BIMP/BUDGET**

- a. The budget had not yet been released as of Friday morning. To advance the budget and adjourn by Friday, there needed to be a budget vehicle passed in order to procedurally read the bill three times. There is a loophole that if they stay until midnight on Friday and read the bill in the early morning hours on Saturday that they could adjourn. However, there is larger organizational problems, which will lead to session being extended past May 19<sup>th</sup>. The Governor has not sat down with either Democratic Leaders in the House or Senate, and the General Assembly is at a chaotic standstill. One large issue in the budget is the healthcare for undocumented immigrants. The Senate Dems are stating the Governor has the power to unilaterally limit or cap healthcare, and the Governor says he needs a limit or cap placed in the budget. Essentially, both parties are looking to the other to make the difficult and public decision to limit undocumented immigrant healthcare.

## **6. Rate Review/ Prior Approval Update**

- a. Senator Fine was working her SB 1912 aggressively this week. On Wednesday, the Council received another version of the bill, which included the large deemer language, but also included language that would rule the deemer moot, by placing language that included that if any company did not respond to the Director within 45 day of receipt of request material, then the filing shall be denied. This language created a conflicting standard within Section 143. We sent back language trying to address the concern that the Department had by stating that the Department can request information within the 90 days before the automatic deemer trigger. However, 3 minutes after sending the language to the stakeholders, the governor's Office responded by saying that they will be opposed to all and any deemer language. Because of Governor's Office about-face position on the language, the Council is still opposed to the bill.

## **7. State Based Exchange Update**

- a. The Council has heard rumors that the State Based Exchange will be wrapped up into a larger Medicaid Omnibus package. However, Senate Leadership is currently reviewing the language and is requesting adjusting and lowering the assessments presented in the current language. The bill was assigned to the Senate Executive Committee last night. The Council waited in Committee for

two hours when President Harmon came in, asked that it be moved out on partisan roll call, and the bill was moved without any testimony. This may signal that the State Based Exchange is being used as a bargaining chip between Senate Leadership and the Governor's Office.

**8. End Of Session Summary Distribution**

- a. We are currently working on our End of Session Summary memo to members. This will be an all-encompassing memo of the issues, negotiations, and highlights from the Spring 2023 Session. We will distribute that to members via email next week.

**9. Important Dates**

- a. May 19, 2023 House and Senate Adjournment