

## ILIC Legislative Committee – Call Summary

April 26, 2019

The House and Senate return on Tuesday, April 30 to begin the march towards the scheduled end of the spring session on May 31. Lawmakers only have 7 scheduled session days to get bills that came over from the opposite chamber out of committee by May 6. Additionally, legislators will return to try and tackle a heavy policy agenda before the end of May, including passing new revenues inclusive of a new graduated income tax, legalized marijuana, legalized sports wagering and expanded gaming, a new HMO tax for Medicaid, a capital/infrastructure spending and tax plan, as well as a state spending plan for Fiscal Year 2020.

### **NEXT WEEK – COMMITTEE HEARINGS:**

Anticipated committee action in the House is expected to be relatively light next week with no key bills posted for a hearing to the House Insurance Committee.

The Senate Insurance Committee has a number of bills posted for a hearing on Tuesday, including ILIC's legislation - [HB 1639 \(DeLuca/Mulroe\)](#) – clarifying current federal/state law that supplemental policies are not comprehensive medical and hospitalization coverage and should therefore not be subject to any Section 356 health coverage mandates that are otherwise intended for comprehensive health insurance.

ILIC is also supporting [HB 2847 \(Conroy/Morrison\)](#) to prohibit discrimination on the basis of someone's organ donor status while also still ensuring that life, disability, and long-term care policies can still appropriately rate on all other conditions for living donors as they would for those who are not organ donors.

The only bill posted to Senate Insurance Committee next week that ILIC remains opposed to is [HB 156 \(Flowers/Mulroe\)](#) mandating insurers disclose certain rate, spending, and pricing information concerning prescription drugs to the Department of Public Health and the Attorney General. The bill also faces heavy opposition from PhRMA, which is also required to report, and business groups.

**Rate approval authority:** [HB 471 \(Morgan/Fine\)](#) giving the Department authority to disapprove rates for individual and small group ACA compliant health insurance plans is NOT posted for next week and remains in Senate Assignments. ILIC remains opposed to the bill.

**Pharmacy Benefit Management Regulation:** [HB 465 \(Harris/Manar\)](#) mandating PBM transparency and licensure requirements is also not posted for a hearing next week, but the bill has been assigned to Senate Insurance.

### **COVERAGE MANDATES – EFFECTIVE DATES:**

ILIC will be working on securing amendments to try and ensure that new coverage mandates that have crossed over to the other chamber apply to policies on or after January 1, 2020. Bills currently advancing that will require an amendment include: [HB 889 \(Swanson/Anderson\)](#) (mandating intravenous antibiotic treatment for tick borne diseases); [HB 3435 \(Carroll/Morrison\)](#) (mandating coverage for medically necessary epinephrine injectors for children aged 18 or under); [SB 162 \(Holmes/Keicher\)](#) (mandating first dollar coverage for a follow-up diagnostic mammogram screening); [SB 1909 \(Castro/Greenwood\)](#) (mandating coverage for pregnant and postpartum women, including requirements around coverage for behavioral health – *ILIC is also working with the Chamber to secure additional changes to the behavioral health coverage provisions*); [SB 2047 \(Rezin/Bennett\)](#) (mandating coverage for a generic alternative to epinephrine pens and auto-injectors); and [SB 2085 \(Conroy/Fine\)](#) (outlining reimbursement requirements for a new psychiatric collaborative care model).

**PERSONAL INFORMATION PROTECTION/BREACH NOTIFICATION – GLBA EXEMPTION:**

The Senate also passed legislation – [SB 1624 \(Glowiak/Andrade\)](#) -not previously flagged by ILIC that will likely require a clarification amendment to ensure that entities subject to the GLBA are deemed in compliance (the current language only addresses HIPAA-regulated entities). The bill updates the current Personal Information Protection Act (PIPA) to require data collectors reporting a breach of more than 500 residents to report certain information to the Attorney General. The state’s PIPA includes an exemption to GLBA entities, but only applicable to another Section of the Act regarding data security.

**WORKPLACE TRANSPARENCY ACT – HARASSMENT AND DISCRIMINATION:**

The Senate passed legislation - [SB 1829 \(Bush/Willis\)](#)- to impose new requirements and limitations on Illinois employers with respect to harassment and discrimination claims. The Illinois Chamber has been working with the sponsor to address concerns, but ILIC members are encouraged to review the bill.

Key provisions of the legislation include:

- Prohibits employers from including in employment contracts nondisclosure and non-disparagement clauses that cover claims of sexual harassment.
- Arbitration clauses in employment contracts must be written to include exceptions for harassment and discrimination claims or otherwise be rendered unenforceable.
- Imposes certain limitations on settlement agreements with respect to harassment and discrimination claims.
- Imposes mandatory annual disclosures (subject to penalties) regarding harassment and discrimination settlements, adverse judgments or administrative rulings entered against the employer.
- Mandates annual sexual harassment prevention trainings subject to certain minimum criteria.
- Extends IL Human Rights Act protections to non-employees for harassment.
- Authorizes up to 12 weeks of unpaid leave for purposes of receiving medical, psychological or other services due to domestic or sexual violence and adds sexual harassment to the list of bases for taking protected leave.

**DOI – NEW CHIEF OF STAFF:**

Lauren Peters has been hired as the new Chief of Staff for the Department of Insurance. Lauren previously worked for Comptroller Mendoza. ILIC has already reached out to her to schedule an introductory meeting.

**HMO TAX – MEMBER CALL NEXT WEEK:**

ILIC will be scheduling a special call for any interested members on the proposed assessment or “HMO Tax” to fund Medicaid on **Thursday, May 2 at 9 am.**

**UPCOMING MEETINGS:**

June 24 - 26 – Annual Meeting – Lake Geneva

*If anyone has any feedback on any specific bills or any questions, please do not hesitate in reaching out to Laura at [ilicminzer@gmail.com](mailto:ilicminzer@gmail.com) or Larry at [ilicbarry@gmail.com](mailto:ilicbarry@gmail.com).*