



ILHIC's Out of Session Newsletter

ILHIC hopes this Out of Session Newsletter finds you well. Its back-to-school time! While we start packing school lunches again, Illinois Legislators are also packing their briefcases to come back to Springfield this week. This week also kicks off the 2021 ILHIC Annual Meeting. With such a packed schedule, ILHIC will make sure you are up to date on all things insurance.

Back in Session

The Senate and House are set to return to the State Capitol on August 31, 2021 for a special session to fix the state legislative maps after new data was published from the US Census Bureau. Rumors have it that this task will take less than a day to complete, which is why the Senate and House are only being called back for one day. There are stakeholder conversations surrounding a large energy proposal that many stakeholders would also like to see moved on August 31st. However, this contentious negotiation has seen quite a few setbacks, and there are doubts as to whether any language will move this week.

Bill Tracking Chart

Please see the attached updated bill chart. As expected, many bills are being signed by the Governor as we approach bill signing deadlines. As a reminder, once a bill is sent to the Governor, the Governor can: 1) Do nothing. If no action is taken within 60 days after the bill reaches the Governor, the bill automatically becomes law; 2) The Governor can sign the bill into law; or 3) veto (or amendatory veto).

Regulatory Chart

Please find the attached "Regulatory Tracking" chart for other regulatory matters ILHIC is tracking. ILHIC is continuing discussions on other various regulatory member questions and matters with the Department. Please note that section 9 and 10 of the Telehealth Executive Order ([E.O. 2021-15](#)) was extended through September 18, 2021. As a reminder, Section 9 involves requirements that providers and entities are subject to. Section 10 includes suspending requirements for medical professionals seeking reinstatement of a license under the Medical Practice Act. In addition, the Producer Licensure Executive Order was **not** extended. [PA 102-0135](#) is now the authority providing guidelines for insurance producers and public adjusters to complete required coursework via webinar or other approved

distance learning. Please review the other regulatory issues we are tracking and reach out to us if you have any additional questions.

DOI Bulletin on HDHPs and HSAs

The Department of Insurance published a bulletin on August 25, 2021, directing ALL HSA-eligible HDHPs to remove any reference to compliance with the copay accumulator provisions set forth in [P.A. 101-0452](#). The Bulletin is attached [here](#).

DOI plans on issuing objections to all HSA-eligible HDHPs filed as QHPs for sale on the Marketplace in 2022 to remove any reference to compliance in order for certification to occur. Carriers can anticipate those objections to come shortly after the bulletin is posted. DOI stated they received confirmation from federal CMS that copay accumulator bans that do not exempt HSA-eligible HDHPs are not in compliance with the federal tax code, per the tri-agency guidance and the recent IRS memo sent to Acting Director Popish Severinghaus back in April. As for small and large-group off-exchange products, DOI will also ask that any reference to this compliance be removed, but did acknowledge that working through the removal of that reference within these products will be a lengthier process.

Although this undoubtedly raises a lot of questions, ILHIC did get verbal clarification from the Department that this is in **no way intended** to disallow HSA-eligible HDHPs on the exchange or in the small/large group markets. They just want references to compliance with the state's copay accumulator ban removed from the filings.

They also indicated that they hope to provide further clarification and guidance on this in the coming months, with the expectation that federal CMS will issue written communication that affirms the IRS memo regarding allowable application of copay coupons towards a deductible for HSA eligibility purposes. Please don't hesitate in reaching out if you have any questions or need anything further. ILHIC will keep an eye out for the bulletin and distribute it once it is published.

Annual Meeting

For the members traveling to the 2021 ILHIC Annual Meeting, please travel safely and we look forward to seeing you soon! Remember, we ***STRONGLY encourage*** our annual meeting guests to wear a mask while attending meeting sessions and events indoors regardless of vaccination status. We will have masks and hand sanitizers available for our guests, and each attendee will be provided their own notebook and pen. Additionally, ILHIC has been working with the resort and our external sites to ensure that we can have our attendees socially distanced while attending the conference sessions and external events. For more information on the Grand Geneva Resort's enhanced health and safety measures, please visit their [COVID-19 response site](#). If anyone has any questions about our COVID-19 protocols, accommodations, or travel, please do not hesitate in reaching out to Susan, Laura, or Kate.

ILHIC will publish the PowerPoint presentation slides to our website for members who are unable to make it to the meeting.