



ILHIC's Out of Session Newsletter

Hello Members! ILHIC hopes that this newsletter finds you well rested and enjoying the summer. As the weather heats up, ILHIC wants to make sure your nerves stay cool by staying informed on all insurance issues. Below are some important items ILHIC is tracking.

Telehealth- The Governor Thanks ILHIC

[HB3308](#) was signed by the Governor on July 22, 2021 and is effective Immediately. The Governor and House Insurance Chairman Jones personally thanked Laura Minzer and ILHIC for working with stakeholders on the telehealth language in his bill signing speech! The ILHIC team is extremely proud of Laura and her work this legislative session. If you would like to watch the Governor's speech, click [here](#).

As a reminder, HB3308 includes: 1) Permanent payment parity for behavioral health; 2) Physical health parity with a 5-year sunset; 3) Payment parity provisions are explicit that if a service cannot be billed as an in-person service, then it is not subject to parity. Provisions also allow for negotiation of alternative reimbursement rates; 4) Originating site reimbursement is permissive and may be considered if the site is a facility; 5) IDPH and DOI will commission a study for telehealth utilization, impact on access, outcomes, and health equity, as well as cost to be reported out in 2026; 6) Medicaid is not included in the language.

ILHIC also thanked members and stakeholders on social media platforms LinkedIn, Twitter, and Facebook. The post reads:

Telehealth has been at the forefront of healthcare delivery systems during the unprecedented times of COVID-19 and has served as a lifeline for many of those suffering from mental health and substance use disorders. Illinois now ensures that individuals have access to telehealth services as well as providing a platform to understand and research patient outcomes before establishing long term policy changes.

[Laura Minzer](#) and the [Illinois Life & Health Insurance Council](#) thank [JB Pritzker](#), Chairman [Napoleon Harris](#) and Chairman [Thaddeus Jones](#), Leader [Mattie Hunter](#), Representative Conroy, the [Illinois Department of Insurance](#), the [Illinois Health and Hospital Association](#), and their coalition on working with us and our health insurance partners to pass and enact this important piece of legislation.

The Governor's Press Release on the signing of HB3308 is attached to this email.

Bill Action

In Illinois, once a bill has passed out of both chambers, the legislator must send it to the Governor within 30 days. 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). We have seen in Illinois that many bills are sent to the Governor during the final days of the 30-day window. For example, Illinois session ended May. Many bills were passed in the final days of session, triggering a 30-day deadline for the end of June to have the bills sent to the Governor. Many of the bills sent to the Governor's desk at the end of June now have a 60-day deadline for action. Thus, many of the bills will have a deadline for Governor action at the end of August. It has been a tradition for the Governor to sign multiple bills at the Illinois State Fair. However, there is uncertainty of that timeline due to the State Fair being pushed back to August 12-22. It is safe to say that there will be lots of bill action by the Governor this month. Due to this foreseeable increase, ILHIC will be sending out bill charts weekly to ensure that members are updated on signed legislation impacting their companies. Please see ILHIC's attached "Bills Passed" chart.

Regulatory Matters

Both the Producer Licensure Executive Order (E.O.) and the Telehealth E.O. were extended through August 21, 2021. Please note that HB 1957, which allows for producer prelicensure courses to take place via webinar, took effect on 7/23/21, which triggered the lapse of the Producer Licensure E.O. HB 1957 is now the guiding authority. In addition, the Telehealth E.O. ONLY re-issued and extended sections 9 and 10. 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 re-issuance of the Telehealth E.O. included the following revisions:

Section 9. For the duration of the Gubernatorial Disaster Proclamation, a covered health care provider and/or covered entity subject to the requirements of the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110, or subject to the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any subsequent amendments thereto and regulations promulgated thereunder, that uses audio or video communication technology to provide telehealth services may use any non-public facing remote communication product ~~in accordance with Section 1 of this Executive Order~~ to the extent consistent with the March 17, 2020 guidance issued by the U.S. Department of Health and Human Services – Office of Civil Rights that was entitled "Notification of Enforcement Discretion for Telehealth Remote Communications During the COVID-19 Nationwide Public Health Emergency". This exercise of discretion applies to telehealth service providers or covered entities for any reason, regardless of whether the telehealth service concerns the diagnosis and treatment of health conditions related to COVID-19. Providers and covered entities should, to the extent feasible, notify patients that third-party applications potentially introduce privacy risks. Providers should enable all available encryption and privacy modes when using such applications. Facebook Live, Twitch, TikTok, and similar video communication applications which are public facing should not be used in the provision of telehealth by covered health care providers or covered entities.

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.

Department Bulletin on PrEP Coverage

The Department recently released [Company Bulletin 2021-10](#), which pertains to the coverage of services to pre-exposure prophylaxis (PrEP) as a preventative service not subject to cost-sharing. Please refer to the [CMS FAQ](#), which details coverage requirements. The State will not take enforcement action against issuers not previously applying preventative care cost-sharing prohibition to items outlined in the FAQ for a period not exceeding 30 days from the date of publication of the FAQs. If you have any questions, please reach out to the ILHIC team.

Department's Response on HMO

ILHIC submitted a memo to the Department outlining its interpretation of current statutes and regulations governing HMO products in Illinois with respect to referral requirements on 6/16/21. On 7/22/21, the Department responded to ILHIC's memo with a one-page document explaining its interpretation that referral systems are a key component to an HMO. Our interpretation of the statutes in question did not sway the Department's interpretation. The Department's response is attached. ILHIC intends to speak with specific legislators regarding our concerns of HMO licensure in Illinois. Our intent is to add additional pressure to the concern, advocating that the Department's interpretation is not consumer friendly.

ILHIC's Annual Meeting

ILHIC is looking forward to seeing everyone in person for our Annual Meeting on September 1-3 at the Grand Geneva Resort in Lake Geneva Wisconsin. ILHIC has a record-breaking attendance list for this year! Currently, 17 legislators plan to attend. If you have any questions or need assistance with any accommodations, please do not hesitate to reach out to the ILHIC team. Legislators currently RSVPed are:

REPRESENTATIVES

*Mark Batinick
Dan Brady
Jonathon Carroll
Deb Conroy
Anthony DeLuca
Jim Durkin
Thaddeus Jones
Camille Lilly
Rita Mayfield
Tony McCombie
Bob Morgan*

SENATORS

*Laura Fine
Napoleon Harris
Dan McConchie
Tony Munoz
Sue Rezin
Dave Syverson*