

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Managed Care Reform and Patient Rights Act  
5 is amended by changing Section 30 as follows:

6 (215 ILCS 134/30)

7 Sec. 30. Prohibitions.

8 (a) No health care plan or its subcontractors may prohibit  
9 or discourage health care providers by contract or policy from  
10 discussing any health care services and health care providers,  
11 utilization review and quality assurance policies, terms and  
12 conditions of plans and plan policy with enrollees, prospective  
13 enrollees, providers, or the public.

14 (b) No health care plan by contract, written policy, or  
15 procedure may permit or allow an individual or entity to  
16 dispense a different drug in place of the drug or brand of drug  
17 ordered or prescribed without the express permission of the  
18 person ordering or prescribing the drug, except as provided  
19 under Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

20 (c) No health care plan or its subcontractors may by  
21 contract, written policy, procedure, or otherwise mandate or  
22 require an enrollee to substitute his or her participating  
23 primary care physician under the plan during inpatient  
24 hospitalization, such as with a hospitalist physician licensed  
25 to practice medicine in all its branches, without the agreement  
26 of that enrollee's participating primary care physician.  
27 "Participating primary care physician" for health care plans  
28 and subcontractors that do not require coordination of care by  
29 a primary care physician means the participating physician  
30 treating the patient. All health care plans shall inform  
31 enrollees of any policies, recommendations, or guidelines  
32 concerning the substitution of the enrollee's primary care

1 physician when hospitalization is necessary in the manner set  
2 forth in subsections (d) and (e) of Section 15.

3 (d) Any violation of this Section shall be subject to the  
4 penalties under this Act.

5 (Source: P.A. 91-617, eff. 1-1-00; 92-770, eff. 1-1-03.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.