



Rep. Jack D. Franks

**Filed: 4/2/2009**

09600HB3861ham004

LRB096 06606 RPM 25077 a

1 AMENDMENT TO HOUSE BILL 3861

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3861 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by  
5 adding Section 370u as follows:

6 (215 ILCS 5/370u new)

7 Sec. 370u. Out-of-network health care provider. Every  
8 health insurer and health plan that provides incentives for  
9 insureds, beneficiaries, or enrollees to seek services from a  
10 specific provider network must pay for out-of-network health  
11 care provided by out-of-network providers as provided in this  
12 Section. When an insured, beneficiary, or enrollee utilizes a  
13 network hospital and due to any reason services at that network  
14 hospital are provided by an out-of-network provider with whom  
15 the insured or enrollee does not have a provider-patient  
16 relationship, the health insurer or health plan shall ensure

1 that the insured, beneficiary, or enrollee is provided the  
2 covered service at no greater cost to the insured, beneficiary,  
3 or enrollee than if the service had been provided by a network  
4 provider. The insurer or plan shall pay the out-of-network  
5 provider providing services in the network hospital the lesser  
6 of the actual charged amount or the amount the insurer or plan  
7 pays to their out-of-network providers pursuant to the health  
8 benefits plan providing the coverage for the services to the  
9 insured, beneficiary, or enrollee, less any cost sharing that  
10 is the responsibility of the insured, beneficiary, or enrollee  
11 for similar in-network services.

12 Except for applicable co-payments, deductibles, or  
13 co-insurance responsibilities of the insured or enrollee, a  
14 healthcare provider shall not bill or otherwise attempt to  
15 recover from the insured or enrollee the difference between the  
16 healthcare provider's charge and the amount paid by the insurer  
17 or plan."