

## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3343

Introduced 2/18/2025, by Rep. Theresa Mah

#### SYNOPSIS AS INTRODUCED:

225 ILCS 150/5

225 ILCS 2/14 new

Amends the Telehealth Act. Adds acupuncturist to providers included in the meaning of "health care professional". Amends the Acupuncture Practice Act. Provides that the standard of care for a patient under the Act shall be the same whether a patient is seen in person, through telemedicine, or through another method of electronically-enabled health care. Requires the Department of Financial and Professional Regulation, by rule, to determine the appropriate acupuncture services allowed via telemedicine in consultation with the Board of Acupuncture. Provides that a person who engages in the practice of telemedicine without a license issued under the Act shall be subject to the penalties provided in the Act. Provides that, if the Department has reason to believe that a person has violated the provisions regarding telemedicine, the Department may issue a rule to show cause stating the reasons why an order to cease and desist should not be entered against the person. Provides that the rule shall clearly set forth the grounds relied upon by the Department and shall provide the person with a period of 7 days after the date of the rule to file an answer to the satisfaction of the Department. Provides that failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately. Provides that a person residing out-of-state that provides services through telemedicine to a patient residing in the State submits himself or herself to the jurisdiction of the Department and the courts of the State.

LRB104 09578 AAS 19641 b

1 AN ACT concerning regulation.

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

4 Section 5. The Telehealth Act is amended by changing  
5 Section 5 as follows:

6 (225 ILCS 150/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Asynchronous store and forward system" means the  
9 transmission of a patient's medical information through an  
10 electronic communications system at an originating site to a  
11 health care professional or facility at a distant site that  
12 does not require real-time or synchronous interaction between  
13 the health care professional and the patient.

14 "Distant site" means the location at which the health care  
15 professional rendering the telehealth service is located.

16 "Established patient" means a patient with a relationship  
17 with a health care professional in which there has been an  
18 exchange of an individual's protected health information for  
19 the purpose of providing patient care, treatment, or services.

20 "E-visit" means a patient-initiated non-face-to-face  
21 communication through an online patient portal between an  
22 established patient and a health care professional.

23 "Facility" includes a facility that is owned or operated

1 by a hospital under the Hospital Licensing Act or University  
2 of Illinois Hospital Act, a facility under the Nursing Home  
3 Care Act, a rural health clinic, a federally qualified health  
4 center, a local health department, a community mental health  
5 center, a behavioral health clinic as defined in 89 Ill. Adm.  
6 Code 140.453, an encounter rate clinic, a skilled nursing  
7 facility, a substance use treatment program licensed by the  
8 Division of Substance Use Prevention and Recovery of the  
9 Department of Human Services, a school-based health center as  
10 defined in 77 Ill. Adm. Code 641.10, a physician's office, a  
11 podiatrist's office, a supportive living program provider, a  
12 hospice provider, home health agency, or home nursing agency  
13 under the Home Health, Home Services, and Home Nursing Agency  
14 Licensing Act, a facility under the ID/DD Community Care Act,  
15 community-integrated living arrangements as defined in the  
16 Community-Integrated Living Arrangements Licensure and  
17 Certification Act, and a provider who receives reimbursement  
18 for a patient's room and board.

19 "Health care professional" includes, but is not limited  
20 to, physicians, physician assistants, optometrists, advanced  
21 practice registered nurses, clinical psychologists licensed in  
22 Illinois, prescribing psychologists licensed in Illinois,  
23 dentists, occupational therapists, pharmacists, physical  
24 therapists, acupuncturists, clinical social workers,  
25 speech-language pathologists, audiologists, hearing  
26 instrument dispensers, licensed certified substance use

1 disorder treatment providers and clinicians, and mental health  
2 professionals and clinicians authorized by Illinois law to  
3 provide mental health services, and qualified providers listed  
4 under paragraph (8) of subsection (e) of Section 3 of the Early  
5 Intervention Services System Act, dietitian nutritionists  
6 licensed in Illinois, and health care professionals associated  
7 with a facility.

8 "Interactive telecommunications system" means an audio and  
9 video system, an audio-only telephone system (landline or  
10 cellular), or any other telecommunications system permitting  
11 2-way, synchronous interactive communication between a patient  
12 at an originating site and a health care professional or  
13 facility at a distant site. "Interactive telecommunications  
14 system" does not include a facsimile machine, electronic mail  
15 messaging, or text messaging.

16 "Originating site" means the location at which the patient  
17 is located at the time telehealth services are provided to the  
18 patient via telehealth.

19 "Remote patient monitoring" means the use of connected  
20 digital technologies or mobile medical devices to collect  
21 medical and other health data from a patient at one location  
22 and electronically transmit that data to a health care  
23 professional or facility at a different location for  
24 collection and interpretation.

25 "Telehealth services" means the evaluation, diagnosis, or  
26 interpretation of electronically transmitted patient-specific

1 data between a remote location and a licensed health care  
2 professional that generates interaction or treatment  
3 recommendations. "Telehealth services" includes telemedicine  
4 and the delivery of health care services, including mental  
5 health treatment and substance use disorder treatment and  
6 services to a patient, regardless of patient location,  
7 provided by way of an interactive telecommunications system,  
8 asynchronous store and forward system, remote patient  
9 monitoring technologies, e-visits, or virtual check-ins.

10 "Virtual check-in" means a brief patient-initiated  
11 communication using a technology-based service, excluding  
12 facsimile, between an established patient and a health care  
13 professional. "Virtual check-in" does not include  
14 communications from a related office visit provided within the  
15 previous 7 days, nor communications that lead to an office  
16 visit or procedure within the next 24 hours or soonest  
17 available appointment.

18 (Source: P.A. 101-81, eff. 7-12-19; 101-84, eff. 7-19-19;  
19 102-104, eff. 7-22-21.)

20 Section 10. The Acupuncture Practice Act is amended by  
21 adding Section 14 as follows:

22 (225 ILCS 2/14 new)

23 Sec. 14. Telemedicine.

24 (a) The General Assembly finds that, because technological

1 advances and changing practice patterns regarding the use of  
2 health care services are occurring with increasing frequency  
3 across state lines and across increasing geographical  
4 distances within this State, certain technological advances in  
5 the health care industry are in the public interest. Providing  
6 professional health care services is a privilege and is  
7 necessary for the protection of the public health, welfare,  
8 and safety, especially when a pandemic can limit access to  
9 traditional means of accessing healthcare services.

10 (b) For purposes of this Act, "telemedicine" means the  
11 performance of acupuncture limited to modalities and  
12 consultations that do not involve the insertion of needles and  
13 that are provided via technology or telecommunication methods.

14 (c) The standard of care for a patient under this Act shall  
15 be the same whether a patient is seen in person, through  
16 telemedicine, or through another method of  
17 electronically-enabled health care. The Department shall, by  
18 rule, determine the appropriate acupuncture services allowed  
19 via telemedicine in consultation with the Board.

20 (d) A person who engages in the practice of telemedicine  
21 without a license issued under this Act shall be subject to the  
22 penalties provided in Section 105.

23 (e) If the Department has reason to believe that a person  
24 has violated this Section, the Department may issue a rule to  
25 show cause stating the reasons why an order to cease and desist  
26 should not be entered against the person. The rule shall

1 clearly set forth the grounds relied upon by the Department  
2 and shall provide the person with a period of 7 days after the  
3 date of the rule to file an answer to the satisfaction of the  
4 Department. Failure to answer to the satisfaction of the  
5 Department shall cause an order to cease and desist to be  
6 issued immediately.

7 (f) A person residing out of state that provides services  
8 through telemedicine to a patient residing in this State  
9 submits himself or herself to the jurisdiction of the  
10 Department and the courts of this State.