



Rep. Yehiel M. Kalish

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LRB101 02888 KTG 56505 a

1 AMENDMENT TO HOUSE BILL 122

2 AMENDMENT NO. _____. Amend House Bill 122 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Substance Use Disorder Act is amended by
5 adding Article 7 as follows:

6 (20 ILCS 301/Art. 7 heading new)

7 ARTICLE 7. BEHAVIORAL HEALTH ACCESS TO CARE OMBUDSMAN

8 (20 ILCS 301/7-5 new)

9 Sec. 7-5. Definitions. As used in this Article:

10 (a) "Health care provider" or "provider" means:

11 (1) a physician licensed under the Medical Practice Act
12 of 1987 to practice medicine in all of its branches; a
13 clinical psychologist licensed under the Clinical
14 Psychologist Licensing Act;

15 (2) a mental health professional who is licensed or

1 registered to provide mental health services by the
2 Department of Financial and Professional Regulation;

3 (3) any other health care provider regulated by the
4 State when engaged in assisting consumers with behavioral
5 health care access and coverage issues; or

6 (4) a health care facility licensed or regulated by the
7 State, when the facility is engaged in assisting consumers
8 with behavioral health care access and coverage issues.

9 (b) "Office" means the Office of the Ombudsman for
10 Behavioral Health Access to Care created in Section 7-10.

11 (c) "Ombudsman" means the individual designated under
12 Section 7-10 as the Ombudsman for Behavioral Health Access to
13 Care.

14 (20 ILCS 301/7-10 new)

15 Sec. 7-10. Office of the Ombudsman for Behavioral Health
16 Access to Care; appointment; duties.

17 (a) There is created in the Department of Human Services
18 the Office of the Ombudsman for Behavioral Health Access to
19 Care for the purpose of assisting residents of Illinois in
20 accessing behavioral health care.

21 (b) The Office and the Department shall operate in
22 accordance with a memorandum of understanding between the 2
23 entities. The memorandum of understanding shall contain, at a
24 minimum:

25 (1) a requirement that the Office has its own personnel

1 rules;

2 (2) a requirement that the Ombudsman has independent
3 hiring and termination authority over Office employees;

4 (3) a requirement that the Office must follow State
5 fiscal rules;

6 (4) a requirement that the Department of Human
7 Services' Division of Mental Health shall offer the Office
8 limited support with respect to:

9 (A) personnel matters;

10 (B) recruitment;

11 (C) payroll;

12 (D) benefits;

13 (E) budget submission, as needed;

14 (F) accounting;

15 (G) office space, facilities, and technical
16 support; and

17 (H) other provisions regarding administrative
18 support that will help maintain the independence of the
19 Office.

20 (c) The Office shall operate with full independence and has
21 complete autonomy, control, and authority over operations,
22 budget, and personnel decisions related to the Office and the
23 Ombudsman.

24 (d) By November 1, 2019, the Governor shall designate an
25 Ombudsman for Behavioral Health Access to Care, who shall serve
26 as Director of the Office. The Ombudsman shall serve as a

1 neutral party to help consumers, including consumers who are
2 uninsured or have public or private health benefit coverage,
3 including coverage that is not subject to State regulation, and
4 health care providers, acting on their own behalf, on behalf of
5 a consumer with the consumer's written permission, or on behalf
6 of a group of health care providers, navigate and resolve
7 issues related to consumer access to behavioral health care,
8 including care for mental health conditions and substance use
9 disorders.

10 (e) The Ombudsman shall:

11 (1) interact with consumers and health care providers
12 with concerns or complaints to help the consumers and
13 providers resolve behavioral health care access and
14 coverage issues;

15 (2) identify, track, and report to the appropriate
16 regulatory or oversight agency concerns, complaints, and
17 potential violations of State or federal rules,
18 regulations, or statutes concerning the availability of,
19 and terms and conditions of, benefits for mental health
20 conditions or substance use disorders, including potential
21 violations related to quantitative and non-quantitative
22 treatment limitations;

23 (3) receive and assist consumers and providers in
24 reporting concerns and filing complaints with appropriate
25 regulatory or oversight agencies relating to inappropriate
26 care or involuntary admissions or judicial admissions

1 under the Mental Health and Developmental Disabilities
2 Code;

3 (4) provide appropriate information to help consumers
4 obtain behavioral health care;

5 (5) develop appropriate points of contact for
6 referrals to other State and federal agencies; and

7 (6) provide appropriate information to help consumers
8 or health care providers file appeals or complaints with
9 the appropriate entities, including insurers and other
10 State and federal agencies.

11 (f) The Ombudsman, employees of the Office, and any persons
12 acting on behalf of the Office shall comply with all State and
13 federal confidentiality laws that govern the Department of
14 Human Services with respect to the treatment of confidential
15 information or records and the disclosure of such information
16 and records.

17 (g) In the performance of his or her duties, the Ombudsman
18 shall act independently of the Department of Human Services'
19 Division of Mental Health. Any recommendations made or
20 positions taken by the Ombudsman do not reflect those of the
21 Department of Human Services or the Division of Mental Health.

22 (20 ILCS 301/7-15 new)

23 Sec. 7-15. Liaisons. The Director of Insurance and the
24 Secretary of Human Services shall each appoint a liaison to the
25 Ombudsman to receive reports of concerns, complaints, and

1 potential violations described in paragraph (2) of subsection
2 (e) of Section 7-10 from the Ombudsman, consumers, or health
3 care providers.

4 (20 ILCS 301/7-20 new)

5 Sec. 7-20. Qualified immunity. The Ombudsman and employees
6 or persons acting on behalf of the Office are immune from suit
7 and liability, either personally or in their official
8 capacities, for any claim for damage to or loss of property, or
9 for personal injury or other civil liability caused by or
10 arising out of any actual or alleged act, error, or omission
11 that occurred within the scope of employment, duties, or
12 responsibilities pertaining to the Office, including issuing
13 reports or recommendations; except that nothing in this Section
14 protects those persons from suit or liability for damage, loss,
15 injury, or liability caused by the intentional or willful and
16 wanton misconduct of the person.

17 (20 ILCS 301/7-25 new)

18 Sec. 7-25. Annual report.

19 (a) On or before September 1, 2021, and on or before
20 September 1 of each year thereafter, the Ombudsman shall
21 prepare and submit, in accordance with subsection (b), a
22 written report that includes information from the preceding
23 fiscal year concerning actions taken by the Ombudsman relating
24 to the duties of the Office set forth in Section 7-10.

1 (b) The Ombudsman shall submit the report required by this
2 Section to the Governor, the Secretary of Human Services, the
3 Director of Insurance, the Senate Human Services Committee or
4 any successor committee, and the House Committees on Human
5 Services, Insurance, Energy & Environment, and Mental Health or
6 any successor committees.

7 (c) The Ombudsman shall post the annual report on the
8 Department of Human Services' website.

9 (d) The Ombudsman shall not include in the report required
10 by this Section any personally identifying information about an
11 individual consumer or health care provider or identifying
12 information about a health care facility licensed by the State
13 or an emergency medical services system as defined in Section
14 3.20 of the Emergency Medical Services (EMS) Systems Act.

15 Section 10. The Illinois Insurance Code is amended by
16 adding Section 370c.2 as follows:

17 (215 ILCS 5/370c.2 new)

18 Sec. 370c.2. Parity reporting.

19 (a) By March 1, 2020, and every other March 1 thereafter,
20 the Director shall submit a written report and provide a
21 presentation of the report to the General Assembly that:

22 (1) specifies the methodology the Director uses to
23 verify that insurance carriers are complying with Section
24 370c and rules adopted under that Section and with the

1 federal Paul Wellstone and Pete Domenici Mental Health
2 Parity and Addiction Equity Act of 2008, Public Law
3 110-343, as amended, any regulations adopted in accordance
4 with that Act, or guidance related to compliance with and
5 oversight of that Act;

6 (2) identifies market conduct examinations initiated,
7 conducted, or completed during the preceding 12 months
8 regarding compliance with Section 370c and rules adopted
9 under that Section and with the Paul Wellstone and Pete
10 Domenici Mental Health Parity and Addiction Equity Act of
11 2008 and regulations adopted under that Act and summarizes
12 the outcomes of those market conduct examinations; and

13 (3) details any educational or corrective actions the
14 Director has taken to ensure insurance carrier compliance
15 with Section 370c and rules adopted under that Section and
16 with the Paul Wellstone and Pete Domenici Mental Health
17 Parity and Addiction Equity Act of 2008 and regulations
18 adopted under that Act.

19 (b) The Director shall ensure that the report is written in
20 plain language and is made available to the public by, at a
21 minimum, posting the report on the Department's website.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."