



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2972

Introduced 2/4/2020, by Sen. Jennifer Bertino-Tarrant

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Provides that the Director of Public Health, if a physician licensed to practice medicine in all its branches in Illinois, shall establish a standing order complete with the issuance of a prescription for a hormonal contraceptive in accordance with the requirements of the provisions. Provides that if the Director is not a physician licensed to practice medicine in all its branches in Illinois, the Medical Director of the Department of Public Health shall establish the standing order. Amends the Illinois Insurance Code. Requires a group or individual policy of accident and health insurance or managed care plan to provide coverage for patient care services provided by a pharmacist. Makes conforming changes in the State Employees Group Insurance Act of 1971, the Counties Code, the Illinois Municipal Code, and the School Code. Amends the Pharmacy Practice Act. Provides that the definition of "practice of pharmacy" includes the dispensing of hormonal contraceptives pursuant to the standing order under provisions of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Amends the Illinois Public Aid Code. Requires the medical assistance program to cover patient care services provided by a pharmacist for hormonal contraceptives assessment and consultation. Effective January 1, 2021.

LRB101 19948 SPS 69555 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 State Employees Group Insurance Act of 1971  
5 is amended by changing Section 6.11 as follows:

6 (5 ILCS 375/6.11)

7 (Text of Section before amendment by P.A. 101-625)

8 Sec. 6.11. Required health benefits; Illinois Insurance  
9 Code requirements. The program of health benefits shall provide  
10 the post-mastectomy care benefits required to be covered by a  
11 policy of accident and health insurance under Section 356t of  
12 the Illinois Insurance Code. The program of health benefits  
13 shall provide the coverage required under Sections 356g,  
14 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4,  
15 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12,  
16 356z.13, 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, 356z.26,  
17 356z.29, 356z.30a, 356z.32, ~~and~~ 356z.33, and 356z.43 of the  
18 Illinois Insurance Code. The program of health benefits must  
19 comply with Sections 155.22a, 155.37, 355b, 356z.19, 370c, and  
20 370c.1~~7~~ and Article XXXIIB of the Illinois Insurance Code. The  
21 Department of Insurance shall enforce the requirements of this  
22 Section with respect to Sections 370c and 370c.1 of the  
23 Illinois Insurance Code; all other requirements of this Section

1 shall be enforced by the Department of Central Management  
2 Services.

3 Rulemaking authority to implement Public Act 95-1045, if  
4 any, is conditioned on the rules being adopted in accordance  
5 with all provisions of the Illinois Administrative Procedure  
6 Act and all rules and procedures of the Joint Committee on  
7 Administrative Rules; any purported rule not so adopted, for  
8 whatever reason, is unauthorized.

9 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
10 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
11 1-1-19; 100-1102, eff. 1-1-19; 100-1170, eff. 6-1-19; 101-13,  
12 eff. 6-12-19; 101-281, eff. 1-1-20; 101-393, eff. 1-1-20;  
13 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; revised 10-16-19.)

14 (Text of Section after amendment by P.A. 101-625)

15 Sec. 6.11. Required health benefits; Illinois Insurance  
16 Code requirements. The program of health benefits shall provide  
17 the post-mastectomy care benefits required to be covered by a  
18 policy of accident and health insurance under Section 356t of  
19 the Illinois Insurance Code. The program of health benefits  
20 shall provide the coverage required under Sections 356g,  
21 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4,  
22 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12,  
23 356z.13, 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, 356z.26,  
24 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, ~~and~~ 356z.41, and  
25 356z.43 of the Illinois Insurance Code. The program of health

1 benefits must comply with Sections 155.22a, 155.37, 355b,  
2 356z.19, 370c, and 370c.1 and Article XXXIIB of the Illinois  
3 Insurance Code. The Department of Insurance shall enforce the  
4 requirements of this Section with respect to Sections 370c and  
5 370c.1 of the Illinois Insurance Code; all other requirements  
6 of this Section shall be enforced by the Department of Central  
7 Management Services.

8 Rulemaking authority to implement Public Act 95-1045, if  
9 any, is conditioned on the rules being adopted in accordance  
10 with all provisions of the Illinois Administrative Procedure  
11 Act and all rules and procedures of the Joint Committee on  
12 Administrative Rules; any purported rule not so adopted, for  
13 whatever reason, is unauthorized.

14 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
15 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
16 1-1-19; 100-1102, eff. 1-1-19; 100-1170, eff. 6-1-19; 101-13,  
17 eff. 6-12-19; 101-281, eff. 1-1-20; 101-393, eff. 1-1-20;  
18 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.  
19 1-1-21.)

20 Section 10. The Department of Public Health Powers and  
21 Duties Law of the Civil Administrative Code of Illinois is  
22 amended by adding Section 2310-705 as follows:

23 (20 ILCS 2310/2310-705 new)

24 Sec. 2310-705. Contraceptive drugs and products; Director

1 standing order.

2 (a) As used in this Section:

3 "Hormonal contraceptive" means a prescribed  
4 medically-acceptable oral drug, transdermal patch, or vaginal  
5 ring that is approved by the United States Food and Drug  
6 Administration to prevent pregnancy.

7 "Standing order" has the meaning given to that term in the  
8 Pharmacy Practice Act.

9 (b) If the Director of Public Health is a physician  
10 licensed to practice medicine in all its branches in Illinois,  
11 the Director shall establish a standing order complete with the  
12 issuance of a prescription for a hormonal contraceptive in  
13 accordance with this Section. If the Director is not a  
14 physician licensed to practice medicine in all its branches in  
15 Illinois, then the Medical Director of the Department of Public  
16 Health shall establish a standing order in accordance with this  
17 Section.

18 (c) The standing order, at a minimum, shall comply with the  
19 following:

20 (1) A pharmacist may dispense a 12-month supply of  
21 hormonal contraceptives to a patient.

22 (2) A pharmacist shall have the patient complete the  
23 self-screening risk assessment tool. The self-screening  
24 risk assessment tool is to be based on the most current  
25 version of the United States Medical Eligibility Criteria  
26 for Contraceptive Use published by the federal Centers for

1 Disease Control and Prevention.

2 (3) Based upon the results of the self-screening risk  
3 assessment and the patient assessment, the pharmacist  
4 shall use his or her professional and clinical judgment as  
5 to when a patient should be referred to the patient's  
6 physician or another health care provider.

7 (4) The pharmacist shall provide, during the patient  
8 assessment and consultation, counseling and education  
9 about all methods of contraception, including methods not  
10 covered under the standing order, and their proper use and  
11 effectiveness.

12 (5) The patient consultation shall take place in a  
13 private manner consistent with rules adopted by the  
14 Department of Financial and Professional Regulation.

15 (6) The Department shall adopt rules under this Section  
16 that require a pharmacist to:

17 (A) complete an educational training program  
18 accredited by the Accreditation Council for Pharmacy  
19 Education and approved by the Department that is  
20 related to the patient self-screening risk assessment,  
21 patient assessment, contraceptive counseling and  
22 education, and dispensation of hormonal  
23 contraceptives; and

24 (B) dispense the hormonal contraceptive to the  
25 patient as soon as practicable after meeting the  
26 requirements of paragraph (2).

1           (7) All State and federal laws governing insurance  
2           coverage of contraceptive drugs shall apply to hormonal  
3           contraceptives dispensed by a pharmacist under this  
4           Section.

5           Section 15. The Counties Code is amended by changing  
6           Section 5-1069.3 as follows:

7           (55 ILCS 5/5-1069.3)

8           (Text of Section before amendment by P.A. 101-625)

9           Sec. 5-1069.3. Required health benefits. If a county,  
10          including a home rule county, is a self-insurer for purposes of  
11          providing health insurance coverage for its employees, the  
12          coverage shall include coverage for the post-mastectomy care  
13          benefits required to be covered by a policy of accident and  
14          health insurance under Section 356t and the coverage required  
15          under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,  
16          356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
17          356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
18          356z.30a, ~~and~~ 356z.32, ~~and~~ 356z.33, and 356z.43 of the Illinois  
19          Insurance Code. The coverage shall comply with Sections  
20          155.22a, 355b, 356z.19, and 370c of the Illinois Insurance  
21          Code. The Department of Insurance shall enforce the  
22          requirements of this Section. The requirement that health  
23          benefits be covered as provided in this Section is an exclusive  
24          power and function of the State and is a denial and limitation

1 under Article VII, Section 6, subsection (h) of the Illinois  
2 Constitution. A home rule county to which this Section applies  
3 must comply with every provision of this Section.

4 Rulemaking authority to implement Public Act 95-1045, if  
5 any, is conditioned on the rules being adopted in accordance  
6 with all provisions of the Illinois Administrative Procedure  
7 Act and all rules and procedures of the Joint Committee on  
8 Administrative Rules; any purported rule not so adopted, for  
9 whatever reason, is unauthorized.

10 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
11 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
12 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
13 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
14 revised 10-16-19.)

15 (Text of Section after amendment by P.A. 101-625)

16 Sec. 5-1069.3. Required health benefits. If a county,  
17 including a home rule county, is a self-insurer for purposes of  
18 providing health insurance coverage for its employees, the  
19 coverage shall include coverage for the post-mastectomy care  
20 benefits required to be covered by a policy of accident and  
21 health insurance under Section 356t and the coverage required  
22 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,  
23 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
24 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
25 356z.30a, 356z.32, 356z.33, 356z.36, ~~and~~ 356z.41, and 356z.43



1 of the Illinois Insurance Code. The coverage shall comply with  
2 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois  
3 Insurance Code. The Department of Insurance shall enforce the  
4 requirements of this Section. The requirement that health  
5 benefits be covered as provided in this Section is an exclusive  
6 power and function of the State and is a denial and limitation  
7 under Article VII, Section 6, subsection (h) of the Illinois  
8 Constitution. A home rule county to which this Section applies  
9 must comply with every provision of this Section.

10 Rulemaking authority to implement Public Act 95-1045, if  
11 any, is conditioned on the rules being adopted in accordance  
12 with all provisions of the Illinois Administrative Procedure  
13 Act and all rules and procedures of the Joint Committee on  
14 Administrative Rules; any purported rule not so adopted, for  
15 whatever reason, is unauthorized.

16 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
17 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
18 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
19 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
20 101-625, eff. 1-1-21.)

21 Section 20. The Illinois Municipal Code is amended by  
22 changing Section 10-4-2.3 as follows:

23 (65 ILCS 5/10-4-2.3)

24 (Text of Section before amendment by P.A. 101-625)

1           Sec. 10-4-2.3. Required health benefits. If a  
2 municipality, including a home rule municipality, is a  
3 self-insurer for purposes of providing health insurance  
4 coverage for its employees, the coverage shall include coverage  
5 for the post-mastectomy care benefits required to be covered by  
6 a policy of accident and health insurance under Section 356t  
7 and the coverage required under Sections 356g, 356g.5,  
8 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10,  
9 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25,  
10 356z.26, 356z.29, 356z.30a, ~~and~~ 356z.32, ~~and~~ 356z.33, and  
11 356z.43 of the Illinois Insurance Code. The coverage shall  
12 comply with Sections 155.22a, 355b, 356z.19, and 370c of the  
13 Illinois Insurance Code. The Department of Insurance shall  
14 enforce the requirements of this Section. The requirement that  
15 health benefits be covered as provided in this is an exclusive  
16 power and function of the State and is a denial and limitation  
17 under Article VII, Section 6, subsection (h) of the Illinois  
18 Constitution. A home rule municipality to which this Section  
19 applies must comply with every provision of this Section.

20           Rulemaking authority to implement Public Act 95-1045, if  
21 any, is conditioned on the rules being adopted in accordance  
22 with all provisions of the Illinois Administrative Procedure  
23 Act and all rules and procedures of the Joint Committee on  
24 Administrative Rules; any purported rule not so adopted, for  
25 whatever reason, is unauthorized.

26           (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;

1 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
2 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
3 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
4 revised 10-16-19.)

5 (Text of Section after amendment by P.A. 101-625)

6 Sec. 10-4-2.3. Required health benefits. If a  
7 municipality, including a home rule municipality, is a  
8 self-insurer for purposes of providing health insurance  
9 coverage for its employees, the coverage shall include coverage  
10 for the post-mastectomy care benefits required to be covered by  
11 a policy of accident and health insurance under Section 356t  
12 and the coverage required under Sections 356g, 356g.5,  
13 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10,  
14 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25,  
15 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, ~~and~~  
16 356z.41, and 356z.43 of the Illinois Insurance Code. The  
17 coverage shall comply with Sections 155.22a, 355b, 356z.19, and  
18 370c of the Illinois Insurance Code. The Department of  
19 Insurance shall enforce the requirements of this Section. The  
20 requirement that health benefits be covered as provided in this  
21 is an exclusive power and function of the State and is a denial  
22 and limitation under Article VII, Section 6, subsection (h) of  
23 the Illinois Constitution. A home rule municipality to which  
24 this Section applies must comply with every provision of this  
25 Section.

1 Rulemaking authority to implement Public Act 95-1045, if  
2 any, is conditioned on the rules being adopted in accordance  
3 with all provisions of the Illinois Administrative Procedure  
4 Act and all rules and procedures of the Joint Committee on  
5 Administrative Rules; any purported rule not so adopted, for  
6 whatever reason, is unauthorized.

7 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
8 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
9 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
10 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
11 101-625, eff. 1-1-21.)

12 Section 25. The School Code is amended by changing Section  
13 10-22.3f as follows:

14 (105 ILCS 5/10-22.3f)

15 (Text of Section before amendment by P.A. 101-625)

16 Sec. 10-22.3f. Required health benefits. Insurance  
17 protection and benefits for employees shall provide the  
18 post-mastectomy care benefits required to be covered by a  
19 policy of accident and health insurance under Section 356t and  
20 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
21 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,  
22 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
23 356z.30a, ~~and~~ 356z.32, ~~and~~ 356z.33, and 356z.43 of the Illinois  
24 Insurance Code. Insurance policies shall comply with Section

1 356z.19 of the Illinois Insurance Code. The coverage shall  
2 comply with Sections 155.22a, 355b, and 370c of the Illinois  
3 Insurance Code. The Department of Insurance shall enforce the  
4 requirements of this Section.

5 Rulemaking authority to implement Public Act 95-1045, if  
6 any, is conditioned on the rules being adopted in accordance  
7 with all provisions of the Illinois Administrative Procedure  
8 Act and all rules and procedures of the Joint Committee on  
9 Administrative Rules; any purported rule not so adopted, for  
10 whatever reason, is unauthorized.

11 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
12 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
13 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
14 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
15 revised 10-16-19.)

16 (Text of Section after amendment by P.A. 101-625)

17 Sec. 10-22.3f. Required health benefits. Insurance  
18 protection and benefits for employees shall provide the  
19 post-mastectomy care benefits required to be covered by a  
20 policy of accident and health insurance under Section 356t and  
21 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
22 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,  
23 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
24 356z.30a, 356z.32, 356z.33, 356z.36, ~~and~~ 356z.41, and 356z.43  
25 of the Illinois Insurance Code. Insurance policies shall comply

1 with Section 356z.19 of the Illinois Insurance Code. The  
2 coverage shall comply with Sections 155.22a, 355b, and 370c of  
3 the Illinois Insurance Code. The Department of Insurance shall  
4 enforce the requirements of this Section.

5 Rulemaking authority to implement Public Act 95-1045, if  
6 any, is conditioned on the rules being adopted in accordance  
7 with all provisions of the Illinois Administrative Procedure  
8 Act and all rules and procedures of the Joint Committee on  
9 Administrative Rules; any purported rule not so adopted, for  
10 whatever reason, is unauthorized.

11 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
12 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
13 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
14 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
15 101-625, eff. 1-1-21.)

16 Section 30. The Illinois Insurance Code is amended by  
17 adding Section 356z.43 as follows:

18 (215 ILCS 5/356z.43 new)

19 Sec. 356z.43. Coverage for patient care services for  
20 hormonal contraceptives provided by a pharmacist. A group or  
21 individual policy of accident and health insurance or a managed  
22 care plan that is amended, delivered, issued, or renewed after  
23 the effective date of this amendatory Act of the 101st General  
24 Assembly shall provide coverage for patient care services

1 provided by a pharmacist for hormonal contraceptives  
2 assessment and consultation.

3 Section 35. The Pharmacy Practice Act is amended by  
4 changing Section 3 as follows:

5 (225 ILCS 85/3)

6 (Section scheduled to be repealed on January 1, 2023)

7 Sec. 3. Definitions. For the purpose of this Act, except  
8 where otherwise limited therein:

9 (a) "Pharmacy" or "drugstore" means and includes every  
10 store, shop, pharmacy department, or other place where  
11 pharmacist care is provided by a pharmacist (1) where drugs,  
12 medicines, or poisons are dispensed, sold or offered for sale  
13 at retail, or displayed for sale at retail; or (2) where  
14 prescriptions of physicians, dentists, advanced practice  
15 registered nurses, physician assistants, veterinarians,  
16 podiatric physicians, or optometrists, within the limits of  
17 their licenses, are compounded, filled, or dispensed; or (3)  
18 which has upon it or displayed within it, or affixed to or used  
19 in connection with it, a sign bearing the word or words  
20 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",  
21 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",  
22 "Drugs", "Dispensary", "Medicines", or any word or words of  
23 similar or like import, either in the English language or any  
24 other language; or (4) where the characteristic prescription

1 sign (Rx) or similar design is exhibited; or (5) any store, or  
2 shop, or other place with respect to which any of the above  
3 words, objects, signs or designs are used in any advertisement.

4 (b) "Drugs" means and includes (1) articles recognized in  
5 the official United States Pharmacopoeia/National Formulary  
6 (USP/NF), or any supplement thereto and being intended for and  
7 having for their main use the diagnosis, cure, mitigation,  
8 treatment or prevention of disease in man or other animals, as  
9 approved by the United States Food and Drug Administration, but  
10 does not include devices or their components, parts, or  
11 accessories; and (2) all other articles intended for and having  
12 for their main use the diagnosis, cure, mitigation, treatment  
13 or prevention of disease in man or other animals, as approved  
14 by the United States Food and Drug Administration, but does not  
15 include devices or their components, parts, or accessories; and  
16 (3) articles (other than food) having for their main use and  
17 intended to affect the structure or any function of the body of  
18 man or other animals; and (4) articles having for their main  
19 use and intended for use as a component or any articles  
20 specified in clause (1), (2) or (3); but does not include  
21 devices or their components, parts or accessories.

22 (c) "Medicines" means and includes all drugs intended for  
23 human or veterinary use approved by the United States Food and  
24 Drug Administration.

25 (d) "Practice of pharmacy" means:

26 (1) the interpretation and the provision of assistance



1 in the monitoring, evaluation, and implementation of  
2 prescription drug orders;

3 (2) the dispensing of prescription drug orders;

4 (3) participation in drug and device selection;

5 (4) drug administration limited to the administration  
6 of oral, topical, injectable, and inhalation as follows:

7 (A) in the context of patient education on the  
8 proper use or delivery of medications;

9 (B) vaccination of patients 14 years of age and  
10 older pursuant to a valid prescription or standing  
11 order, by a physician licensed to practice medicine in  
12 all its branches, upon completion of appropriate  
13 training, including how to address contraindications  
14 and adverse reactions set forth by rule, with  
15 notification to the patient's physician and  
16 appropriate record retention, or pursuant to hospital  
17 pharmacy and therapeutics committee policies and  
18 procedures;

19 (B-5) following the initial administration of  
20 long-acting or extended release form opioid  
21 antagonists by a physician licensed to practice  
22 medicine in all its branches, administration of  
23 injections of long-acting or extended-release form  
24 opioid antagonists for the treatment of substance use  
25 disorder, pursuant to a valid prescription by a  
26 physician licensed to practice medicine in all its

1 branches, upon completion of appropriate training,  
2 including how to address contraindications and adverse  
3 reactions, including, but not limited to, respiratory  
4 depression and the performance of cardiopulmonary  
5 resuscitation, set forth by rule, with notification to  
6 the patient's physician and appropriate record  
7 retention, or pursuant to hospital pharmacy and  
8 therapeutics committee policies and procedures;

9 (C) administration of injections of  
10 alpha-hydroxyprogesterone caproate, pursuant to a  
11 valid prescription, by a physician licensed to  
12 practice medicine in all its branches, upon completion  
13 of appropriate training, including how to address  
14 contraindications and adverse reactions set forth by  
15 rule, with notification to the patient's physician and  
16 appropriate record retention, or pursuant to hospital  
17 pharmacy and therapeutics committee policies and  
18 procedures; and

19 (D) administration of injections of long-term  
20 antipsychotic medications pursuant to a valid  
21 prescription by a physician licensed to practice  
22 medicine in all its branches, upon completion of  
23 appropriate training conducted by an Accreditation  
24 Council of Pharmaceutical Education accredited  
25 provider, including how to address contraindications  
26 and adverse reactions set forth by rule, with

1 notification to the patient's physician and  
2 appropriate record retention, or pursuant to hospital  
3 pharmacy and therapeutics committee policies and  
4 procedures.

5 (5) vaccination of patients ages 10 through 13 limited  
6 to the Influenza (inactivated influenza vaccine and live  
7 attenuated influenza intranasal vaccine) and Tdap (defined  
8 as tetanus, diphtheria, acellular pertussis) vaccines,  
9 pursuant to a valid prescription or standing order, by a  
10 physician licensed to practice medicine in all its  
11 branches, upon completion of appropriate training,  
12 including how to address contraindications and adverse  
13 reactions set forth by rule, with notification to the  
14 patient's physician and appropriate record retention, or  
15 pursuant to hospital pharmacy and therapeutics committee  
16 policies and procedures;

17 (6) drug regimen review;

18 (7) drug or drug-related research;

19 (8) the provision of patient counseling;

20 (9) the practice of telepharmacy;

21 (10) the provision of those acts or services necessary  
22 to provide pharmacist care;

23 (11) medication therapy management; ~~and~~

24 (12) the responsibility for compounding and labeling  
25 of drugs and devices (except labeling by a manufacturer,  
26 repackager, or distributor of non-prescription drugs and

1 commercially packaged legend drugs and devices), proper  
2 and safe storage of drugs and devices, and maintenance of  
3 required records; and-

4 (13) the assessment and consultation of patients and  
5 dispensing of hormonal contraceptives pursuant to the  
6 standing order under Section 2310-705 of the Department of  
7 Public Health Powers and Duties Law of the Civil  
8 Administrative Code of Illinois.

9 A pharmacist who performs any of the acts defined as the  
10 practice of pharmacy in this State must be actively licensed as  
11 a pharmacist under this Act.

12 (e) "Prescription" means and includes any written, oral,  
13 facsimile, or electronically transmitted order for drugs or  
14 medical devices, issued by a physician licensed to practice  
15 medicine in all its branches, dentist, veterinarian, podiatric  
16 physician, or optometrist, within the limits of his or her  
17 license, by a physician assistant in accordance with subsection  
18 (f) of Section 4, or by an advanced practice registered nurse  
19 in accordance with subsection (g) of Section 4, containing the  
20 following: (1) name of the patient; (2) date when prescription  
21 was issued; (3) name and strength of drug or description of the  
22 medical device prescribed; and (4) quantity; (5) directions for  
23 use; (6) prescriber's name, address, and signature; and (7) DEA  
24 registration number where required, for controlled substances.  
25 The prescription may, but is not required to, list the illness,  
26 disease, or condition for which the drug or device is being

1 prescribed. DEA registration numbers shall not be required on  
2 inpatient drug orders. A prescription for medication other than  
3 controlled substances shall be valid for up to 15 months from  
4 the date issued for the purpose of refills, unless the  
5 prescription states otherwise.

6 (f) "Person" means and includes a natural person,  
7 partnership, association, corporation, government entity, or  
8 any other legal entity.

9 (g) "Department" means the Department of Financial and  
10 Professional Regulation.

11 (h) "Board of Pharmacy" or "Board" means the State Board of  
12 Pharmacy of the Department of Financial and Professional  
13 Regulation.

14 (i) "Secretary" means the Secretary of Financial and  
15 Professional Regulation.

16 (j) "Drug product selection" means the interchange for a  
17 prescribed pharmaceutical product in accordance with Section  
18 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
19 Cosmetic Act.

20 (k) "Inpatient drug order" means an order issued by an  
21 authorized prescriber for a resident or patient of a facility  
22 licensed under the Nursing Home Care Act, the ID/DD Community  
23 Care Act, the MC/DD Act, the Specialized Mental Health  
24 Rehabilitation Act of 2013, the Hospital Licensing Act, or the  
25 University of Illinois Hospital Act, or a facility which is  
26 operated by the Department of Human Services (as successor to

1 the Department of Mental Health and Developmental  
2 Disabilities) or the Department of Corrections.

3 (k-5) "Pharmacist" means an individual health care  
4 professional and provider currently licensed by this State to  
5 engage in the practice of pharmacy.

6 (l) "Pharmacist in charge" means the licensed pharmacist  
7 whose name appears on a pharmacy license and who is responsible  
8 for all aspects of the operation related to the practice of  
9 pharmacy.

10 (m) "Dispense" or "dispensing" means the interpretation,  
11 evaluation, and implementation of a prescription drug order,  
12 including the preparation and delivery of a drug or device to a  
13 patient or patient's agent in a suitable container  
14 appropriately labeled for subsequent administration to or use  
15 by a patient in accordance with applicable State and federal  
16 laws and regulations. "Dispense" or "dispensing" does not mean  
17 the physical delivery to a patient or a patient's  
18 representative in a home or institution by a designee of a  
19 pharmacist or by common carrier. "Dispense" or "dispensing"  
20 also does not mean the physical delivery of a drug or medical  
21 device to a patient or patient's representative by a  
22 pharmacist's designee within a pharmacy or drugstore while the  
23 pharmacist is on duty and the pharmacy is open.

24 (n) "Nonresident pharmacy" means a pharmacy that is located  
25 in a state, commonwealth, or territory of the United States,  
26 other than Illinois, that delivers, dispenses, or distributes,

1 through the United States Postal Service, commercially  
2 acceptable parcel delivery service, or other common carrier, to  
3 Illinois residents, any substance which requires a  
4 prescription.

5 (o) "Compounding" means the preparation and mixing of  
6 components, excluding flavorings, (1) as the result of a  
7 prescriber's prescription drug order or initiative based on the  
8 prescriber-patient-pharmacist relationship in the course of  
9 professional practice or (2) for the purpose of, or incident  
10 to, research, teaching, or chemical analysis and not for sale  
11 or dispensing. "Compounding" includes the preparation of drugs  
12 or devices in anticipation of receiving prescription drug  
13 orders based on routine, regularly observed dispensing  
14 patterns. Commercially available products may be compounded  
15 for dispensing to individual patients only if all of the  
16 following conditions are met: (i) the commercial product is not  
17 reasonably available from normal distribution channels in a  
18 timely manner to meet the patient's needs and (ii) the  
19 prescribing practitioner has requested that the drug be  
20 compounded.

21 (p) (Blank).

22 (q) (Blank).

23 (r) "Patient counseling" means the communication between a  
24 pharmacist or a student pharmacist under the supervision of a  
25 pharmacist and a patient or the patient's representative about  
26 the patient's medication or device for the purpose of

1 optimizing proper use of prescription medications or devices.  
2 "Patient counseling" may include without limitation (1)  
3 obtaining a medication history; (2) acquiring a patient's  
4 allergies and health conditions; (3) facilitation of the  
5 patient's understanding of the intended use of the medication;  
6 (4) proper directions for use; (5) significant potential  
7 adverse events; (6) potential food-drug interactions; and (7)  
8 the need to be compliant with the medication therapy. A  
9 pharmacy technician may only participate in the following  
10 aspects of patient counseling under the supervision of a  
11 pharmacist: (1) obtaining medication history; (2) providing  
12 the offer for counseling by a pharmacist or student pharmacist;  
13 and (3) acquiring a patient's allergies and health conditions.

14 (s) "Patient profiles" or "patient drug therapy record"  
15 means the obtaining, recording, and maintenance of patient  
16 prescription information, including prescriptions for  
17 controlled substances, and personal information.

18 (t) (Blank).

19 (u) "Medical device" or "device" means an instrument,  
20 apparatus, implement, machine, contrivance, implant, in vitro  
21 reagent, or other similar or related article, including any  
22 component part or accessory, required under federal law to bear  
23 the label "Caution: Federal law requires dispensing by or on  
24 the order of a physician". A seller of goods and services who,  
25 only for the purpose of retail sales, compounds, sells, rents,  
26 or leases medical devices shall not, by reasons thereof, be



1 required to be a licensed pharmacy.

2 (v) "Unique identifier" means an electronic signature,  
3 handwritten signature or initials, thumb print, or other  
4 acceptable biometric or electronic identification process as  
5 approved by the Department.

6 (w) "Current usual and customary retail price" means the  
7 price that a pharmacy charges to a non-third-party payor.

8 (x) "Automated pharmacy system" means a mechanical system  
9 located within the confines of the pharmacy or remote location  
10 that performs operations or activities, other than compounding  
11 or administration, relative to storage, packaging, dispensing,  
12 or distribution of medication, and which collects, controls,  
13 and maintains all transaction information.

14 (y) "Drug regimen review" means and includes the evaluation  
15 of prescription drug orders and patient records for (1) known  
16 allergies; (2) drug or potential therapy contraindications;  
17 (3) reasonable dose, duration of use, and route of  
18 administration, taking into consideration factors such as age,  
19 gender, and contraindications; (4) reasonable directions for  
20 use; (5) potential or actual adverse drug reactions; (6)  
21 drug-drug interactions; (7) drug-food interactions; (8)  
22 drug-disease contraindications; (9) therapeutic duplication;  
23 (10) patient laboratory values when authorized and available;  
24 (11) proper utilization (including over or under utilization)  
25 and optimum therapeutic outcomes; and (12) abuse and misuse.

26 (z) "Electronically transmitted prescription" means a

1 prescription that is created, recorded, or stored by electronic  
2 means; issued and validated with an electronic signature; and  
3 transmitted by electronic means directly from the prescriber to  
4 a pharmacy. An electronic prescription is not an image of a  
5 physical prescription that is transferred by electronic means  
6 from computer to computer, facsimile to facsimile, or facsimile  
7 to computer.

8 (aa) "Medication therapy management services" means a  
9 distinct service or group of services offered by licensed  
10 pharmacists, physicians licensed to practice medicine in all  
11 its branches, advanced practice registered nurses authorized  
12 in a written agreement with a physician licensed to practice  
13 medicine in all its branches, or physician assistants  
14 authorized in guidelines by a supervising physician that  
15 optimize therapeutic outcomes for individual patients through  
16 improved medication use. In a retail or other non-hospital  
17 pharmacy, medication therapy management services shall consist  
18 of the evaluation of prescription drug orders and patient  
19 medication records to resolve conflicts with the following:

20 (1) known allergies;

21 (2) drug or potential therapy contraindications;

22 (3) reasonable dose, duration of use, and route of  
23 administration, taking into consideration factors such as  
24 age, gender, and contraindications;

25 (4) reasonable directions for use;

26 (5) potential or actual adverse drug reactions;

- 1 (6) drug-drug interactions;
- 2 (7) drug-food interactions;
- 3 (8) drug-disease contraindications;
- 4 (9) identification of therapeutic duplication;
- 5 (10) patient laboratory values when authorized and
- 6 available;
- 7 (11) proper utilization (including over or under
- 8 utilization) and optimum therapeutic outcomes; and
- 9 (12) drug abuse and misuse.

10 "Medication therapy management services" includes the  
11 following:

- 12 (1) documenting the services delivered and
- 13 communicating the information provided to patients'
- 14 prescribers within an appropriate time frame, not to exceed
- 15 48 hours;
- 16 (2) providing patient counseling designed to enhance a
- 17 patient's understanding and the appropriate use of his or
- 18 her medications; and
- 19 (3) providing information, support services, and
- 20 resources designed to enhance a patient's adherence with
- 21 his or her prescribed therapeutic regimens.

22 "Medication therapy management services" may also include  
23 patient care functions authorized by a physician licensed to  
24 practice medicine in all its branches for his or her identified  
25 patient or groups of patients under specified conditions or  
26 limitations in a standing order from the physician.

1 "Medication therapy management services" in a licensed  
2 hospital may also include the following:

3 (1) reviewing assessments of the patient's health  
4 status; and

5 (2) following protocols of a hospital pharmacy and  
6 therapeutics committee with respect to the fulfillment of  
7 medication orders.

8 (bb) "Pharmacist care" means the provision by a pharmacist  
9 of medication therapy management services, with or without the  
10 dispensing of drugs or devices, intended to achieve outcomes  
11 that improve patient health, quality of life, and comfort and  
12 enhance patient safety.

13 (cc) "Protected health information" means individually  
14 identifiable health information that, except as otherwise  
15 provided, is:

16 (1) transmitted by electronic media;

17 (2) maintained in any medium set forth in the  
18 definition of "electronic media" in the federal Health  
19 Insurance Portability and Accountability Act; or

20 (3) transmitted or maintained in any other form or  
21 medium.

22 "Protected health information" does not include  
23 individually identifiable health information found in:

24 (1) education records covered by the federal Family  
25 Educational Right and Privacy Act; or

26 (2) employment records held by a licensee in its role

1 as an employer.

2 (dd) "Standing order" means a specific order for a patient  
3 or group of patients issued by a physician licensed to practice  
4 medicine in all its branches in Illinois.

5 (ee) "Address of record" means the designated address  
6 recorded by the Department in the applicant's application file  
7 or licensee's license file maintained by the Department's  
8 licensure maintenance unit.

9 (ff) "Home pharmacy" means the location of a pharmacy's  
10 primary operations.

11 (gg) "Email address of record" means the designated email  
12 address recorded by the Department in the applicant's  
13 application file or the licensee's license file, as maintained  
14 by the Department's licensure maintenance unit.

15 (Source: P.A. 100-208, eff. 1-1-18; 100-497, eff. 9-8-17;  
16 100-513, eff. 1-1-18; 100-804, eff. 1-1-19; 100-863, eff.  
17 8-14-18; 101-349, eff. 1-1-20.)

18 Section 40. The Illinois Public Aid Code is amended by  
19 adding Section 5-5.12d as follows:

20 (305 ILCS 5/5-5.12d new)

21 Sec. 5-5.12d. Coverage for patient care services for  
22 hormonal contraceptives provided by a pharmacist.

23 (a) Subject to approval by the federal Centers for Medicare  
24 and Medicaid Services, the medical assistance program,

1 including both the fee-for-service and managed care medical  
2 assistance programs established under this Article, shall  
3 cover patient care services provided by a pharmacist for  
4 hormonal contraceptives assessment and consultation.

5 (b) The Department shall establish a fee schedule for  
6 patient care services provided by a pharmacist for hormonal  
7 contraceptives assessment and consultation.

8 (c) The rate of reimbursement for patient care services  
9 provided by a pharmacist for hormonal contraceptives  
10 assessment and consultation shall be at 85% of the fee schedule  
11 for physician services by the medical assistance program.

12 (d) A pharmacist must be enrolled in the medical assistance  
13 program as an ordering and referring provider prior to  
14 providing hormonal contraceptives assessment and consultation  
15 that is submitted by a pharmacy or pharmacist provider for  
16 reimbursement pursuant to this Section.

17 (e) The Director shall seek any necessary federal waivers  
18 or approvals to implement this Section. This Section shall not  
19 be implemented until the receipt of all necessary federal  
20 wavers or approvals or until January 1, 2022, whichever comes  
21 first. If federal approval is not obtained by January 1, 2022,  
22 the provisions of this Section shall be implemented using State  
23 funds.

24 (f) This Section does not restrict or prohibit any services  
25 currently provided by pharmacists as authorized by law,  
26 including, but not limited to, pharmacist services provided

1 under this Code or authorized under the Illinois Title XIX  
2 State Plan.

3 (g) The Department shall adopt administrative rules for  
4 this Section as soon as practicable but no later than May 1,  
5 2020.

6 Section 95. No acceleration or delay. Where this Act makes  
7 changes in a statute that is represented in this Act by text  
8 that is not yet or no longer in effect (for example, a Section  
9 represented by multiple versions), the use of that text does  
10 not accelerate or delay the taking effect of (i) the changes  
11 made by this Act or (ii) provisions derived from any other  
12 Public Act.

13 Section 99. Effective date. This Act takes effect January  
14 1, 2021.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 375/6.11

4 20 ILCS 2310/2310-705 new

5 55 ILCS 5/5-1069.3

6 65 ILCS 5/10-4-2.3

7 105 ILCS 5/10-22.3f

8 215 ILCS 5/356z.43 new

9 225 ILCS 85/3

10 305 ILCS 5/5-5.12d new