



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2858

Introduced 1/19/2024, by Sen. Napoleon Harris, III

#### SYNOPSIS AS INTRODUCED:

215 ILCS 122/5-8 new  
215 ILCS 122/5-23

Amends the Illinois Health Benefits Exchange Law. Provides that the Department of Insurance and the Department of Healthcare and Family Services have the authority to require, when the Department of Insurance operates the Illinois Health Benefits Exchange as a State-based exchange, the Illinois Health Benefits Exchange to offer enhanced direct enrollment technology that allows approved enhanced direct enrollment entities to maintain enrollment services as offered through the Federally Facilitated Marketplace's enhanced direct enrollment implementation; to require enhanced direct enrollment to be available for the first open enrollment period for the State-based exchange; to require that the State-based exchange adopt the application programming interface for the Federally Facilitated Marketplace's enhanced direct enrollment or adopt an application programming interface that is substantially similar; and to require enhanced direct enrollment entities to be approved to operate in the Federally Facilitated Marketplace and maintain compliance with all Centers for Medicare and Medicaid Services' privacy, security, and business requirements. Defines terms.

LRB103 33840 RPS 63655 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 Illinois Health Benefits Exchange Law is  
5 amended by changing Section 5-23 and by adding Section 5-8 as  
6 follows:

7 (215 ILCS 122/5-8 new)

8 Sec. 5-8. Definitions. As used in this Act:

9 "Enhanced direct enrollment" means technology that allows  
10 approved third-party entities to build and host directly on  
11 their websites a version of the Illinois Health Benefits  
12 Exchange eligibility application that securely integrates with  
13 a back-end suite of application programming interfaces to  
14 support application, enrollment, and post-enrollment  
15 activities.

16 "Enhanced direct enrollment entity" means an entity  
17 approved by the Department of Insurance to integrate with and  
18 use the Enhanced Direct Enrollment technology operated by the  
19 Illinois Health Benefits Exchange and that allows for brokers  
20 and individuals to shop for, select, and enroll in qualified,  
21 affordable private health plans without the need to be  
22 redirected to the Illinois Health Benefits Exchange or contact  
23 a call center.

1 (215 ILCS 122/5-23)

2 Sec. 5-23. Department of Insurance and Department of  
3 Healthcare and Family Services authority.

4 (a) The Department of Insurance and the Department of  
5 Healthcare and Family Services, in addition to the powers  
6 granted under the Illinois Insurance Code and the Illinois  
7 Public Aid Code, have the power necessary to establish and  
8 operate the Illinois Health Benefits Exchange, including, but  
9 not limited to, the authority to:

10 (1) adopt rules deemed necessary by the departments to  
11 implement this Law;

12 (2) employ or retain sufficient personnel to provide  
13 administration, staffing, and necessary related support  
14 required to adequately discharge the duties described in  
15 this Law from funds held in the Illinois Health Benefits  
16 Exchange Fund;

17 (3) procure services, including a call center, and  
18 goods for the purpose of establishing the Illinois Health  
19 Benefits Exchange, including, but not limited to,  
20 procurements in conformance with paragraph (22) of  
21 subsection (b) of Section 1-10 of the Illinois Procurement  
22 Code; ~~and~~

23 (4) require any exchange vendor to have experience  
24 operating a State-based exchange in another state; and ~~-~~

25 (5) require, when the Department of Insurance operates

1 the Illinois Health Benefits Exchange as a State-based  
2 exchange, the Illinois Health Benefits Exchange to offer  
3 enhanced direct enrollment technology that allows approved  
4 enhanced direct enrollment entities to maintain enrollment  
5 services as offered through the Federally Facilitated  
6 Marketplace's enhanced direct enrollment implementation  
7 and to require:

8 (A) enhanced direct enrollment to be available for  
9 the first open enrollment period for the State-based  
10 exchange;

11 (B) the State-based exchange to adopt the  
12 application programming interface for the Federally  
13 Facilitated Marketplace's enhanced direct enrollment  
14 or an application programming interface that is  
15 substantially similar; and

16 (C) enhanced direct enrollment entities to be  
17 approved to operate in the Federally Facilitated  
18 Marketplace and maintain compliance with all Centers  
19 for Medicare and Medicaid Services' privacy, security,  
20 and business requirements.

21 Subparagraph (C) of paragraph (4) of this subsection shall  
22 not be construed to limit the Department of Insurance's  
23 authority to adopt rules regarding enhanced direct enrollment  
24 entities beyond what the Centers for Medicare and Medicaid  
25 Services requires.

26 (b) The Department of Insurance has the authority to

1 employ a Marketplace Director of the Illinois Health Benefits  
2 Exchange.

3 (Source: P.A. 103-103, eff. 6-27-23.)