SB2748

93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

SB2748

Introduced 2/5/2004, by Mattie Hunter

SYNOPSIS AS INTRODUCED:

5 ILCS 375/6.16 new
55 ILCS 5/5-1069.9 new
65 ILCS 5/10-4-2.6 new
30 ILCS 805/8.28 new

Amends the State Employees Group Insurance Act of 1971, the Counties Code, and the Illinois Municipal Code. Provides that health benefits provided to employees under those Acts must include coverage for surgical treatment for morbid obesity. Amends the State Mandates Act to require implementation without reimbursement.

LRB093 20228 RAS 45986 b

FISCAL NOTE ACT	HOME RULE NOTE	STATE MANDATES
MAY APPLY	ACT MAY APPLY	ACT MAY REQUIRE
		REIMBURSEMENT

A BILL FOR

1   AN ACT concerning public employee health benefits.

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 adding Section 6.16 as follows:

6   (5 ILCS 375/6.16 new)

7   Sec. 6.16. Morbid obesity.

8   (a) Beginning on January 1, 2005, the program of health

9   benefits must provide benefits for the expenses of the surgical

10   treatment of morbid obesity for the following individuals:

11   (1) individuals with a body-mass index equal to or

12   greater than 40 kilograms per meter squared;

13   (2) individuals with a body-mass index equal to or

14   greater   than   35   kilograms   per   meter   squared,   with

15   comorbidities or coexisting medical conditions, such as

16   hypertension, cardiopulmonary conditions, sleep apnea, or

17   diabetes; and

18   (3) individuals who meet the guidelines for the

19   surgical treatment of morbid obesity as set forth by the

20   national institutes of health.

21   (b) The benefits provided under subsection (a) shall

22   include benefits for examinations and laboratory tests

23   performed in accordance with the guidelines of the national

24   institutes of health for the surgical treatment of morbid

25   obesity.

26   (c) The benefits provided under subsection (a) shall be no

27   less extensive than those provided for any other medically

28   necessary surgical procedure under the program of health

29   benefits and shall be subject to the same terms and conditions,

30   including copayment charges.

31   Section 10. The Counties Code is amended by adding Section

1   5-1069.9 as follows:

2   (55 ILCS 5/5-1069.9 new)

3   Sec. 5-1069.9. Morbid obesity.

4   (a) If a county, including a home rule county, is a

5   self-insurer for purposes of providing health insurance

6   coverage for its employees, the coverage must provide benefits

7   for the expenses of the surgical treatment of morbid obesity

8   for the following individuals:

9   (1) individuals with a body-mass index equal to or

10   greater than 40 kilograms per meter squared;

11   (2) individuals with a body-mass index equal to or

12   greater than 35 kilograms per meter squared, with

13   comorbidities or coexisting medical conditions, such as

14   hypertension, cardiopulmonary conditions, sleep apnea, or

15   diabetes; and

16   (3) individuals who meet the guidelines for the

17   surgical treatment of morbid obesity as set forth by the

18   national institutes of health.

19   (b) The benefits provided under subsection (a) shall

20   include benefits for examinations and laboratory tests

21   performed in accordance with the guidelines of the national

22   institutes of health for the surgical treatment of morbid

23   obesity.

24   (c) The benefits provided under subsection (a) shall be no

25   less extensive than those provided for any other medically

26   necessary surgical procedure under the coverage and shall be

27   subject to the same terms and conditions, including copayment

28   charges.

29   (d) The requirement that health benefits be covered as

30   provided in this Section is an exclusive power and function of

31   the State and is a denial and limitation under Article VII,

32   Section 6, subsection (h) of the Illinois Constitution. A home

33   rule county to which this Section applies must comply with

34   every provision of this Section.

1   Section 15. The Illinois Municipal Code is amended by
2   adding Section 10-4-2.6 as follows:

3   (65 ILCS 5/10-4-2.6 new)
4   Sec. 10-4-2.6. Morbid obesity.
5   (a) If a municipality, including a home rule municipality,
6   is a self-insurer for purposes of providing health insurance
7   coverage for its employees, the coverage must provide benefits
8   for the expenses of the surgical treatment of morbid obesity
9   for the following individuals:
10   (1) individuals with a body-mass index equal to or
11   greater than 40 kilograms per meter squared;
12   (2) individuals with a body-mass index equal to or
13   greater than 35 kilograms per meter squared, with
14   comorbidities or coexisting medical conditions, such as
15   hypertension, cardiopulmonary conditions, sleep apnea, or
16   diabetes; and
17   (3) individuals who meet the guidelines for the
18   surgical treatment of morbid obesity as set forth by the
19   national institutes of health.
20   (b) The benefits provided under subsection (a) shall
21   include benefits for examinations and laboratory tests
22   performed in accordance with the guidelines of the national
23   institutes of health for the surgical treatment of morbid
24   obesity.
25   (c) The benefits provided under subsection (a) shall be no
26   less extensive than those provided for any other medically
27   necessary surgical procedure under the coverage and shall be
28   subject to the same terms and conditions, including copayment
29   charges.
30   (d) The requirement that health benefits be covered as
31   provided in this Section is an exclusive power and function of
32   the State and is a denial and limitation under Article VII,
33   Section 6, subsection (h) of the Illinois Constitution. A home
34   rule municipality to which this Section applies must comply
35   with every provision of this Section.

1   Section 90. The State Mandates Act is amended by adding
2   Section 8.28 as follows:

3   (30 ILCS 805/8.28 new)
4   Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
5   of this Act, no reimbursement by the State is required for the
6   implementation of any mandate created by this amendatory Act of
7   the 93rd General Assembly.