



Sen. William R. Haine

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09600SB3096sam002

LRB096 20150 RPM 38775 a

1 AMENDMENT TO SENATE BILL 3096

2 AMENDMENT NO. _____. Amend Senate Bill 3096 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Charitable Trust Act is amended by adding
5 Section 20 as follows:

6 (760 ILCS 55/20 new)

7 Sec. 20. Medical Sharing Trust Law.

8 (a) This Section may be referred to as the Medical Sharing
9 Trust Law.

10 (b) For the purposes of this Section "Medical Sharing
11 Trust" means an organization that facilitates payment of the
12 medical expenses of its participants as provided in this
13 Section and complies with all provisions of this Act and the
14 Solicitation for Charity Act.

15 (c) An organization complying with this Section as a
16 Medical Sharing Trust is not subject to the provisions of the

1 Illinois Insurance Code. A Medical Sharing Trust shall not
2 offer any services that are regulated under any provision of
3 the Illinois Insurance Code.

4 (d) No Medical Sharing Trust shall be offered, issued,
5 sold, or solicited to participants in this State as exempt
6 under subsection (c) of this Section unless the Medical Sharing
7 Trust has complied with all requirements set forth in
8 subsections (b) and (e) of this Section.

9 (e) The following provisions shall apply concerning the
10 operation of a Medical Sharing Trust:

11 (1) A Medical Sharing Trust shall facilitate payments
12 directly between participants who have present medical
13 needs and participants with the ability to pay for the
14 benefit of those participants in need. A Medical Sharing
15 Trust is prohibited from assuming liability for or
16 guaranteeing payment of any medical expenses and from
17 comingling participants' funds.

18 (2) All participants shall execute a release stating
19 that no other participants or the Medical Sharing Trust
20 shall be legally obligated in any way to pay for a medical
21 need.

22 (3) A Medical Sharing Trust shall facilitate the
23 payments provided for in paragraph (1) of this subsection
24 (e) through payments made directly from one participant to
25 another without transferring funds to a third party or the
26 Medical Sharing Trust.

1 (4) A Medical Sharing Trust may cancel the membership
2 of a participant when that participant indicates their
3 unwillingness to participate by failing to make a payment
4 to another participant for a period in excess of 60 days.

5 (5) A Medical Sharing Trust may establish
6 qualifications of participation relating to the health of
7 the prospective participant.

8 (6) A Medical Sharing Trust may establish
9 qualifications as to the participants' physical or medical
10 needs necessary for eligibility for payment among the
11 participants.

12 (7) A Medical Sharing Trust shall provide the following
13 verbatim written disclaimer on all applications for
14 membership or participation:

15 "WARNING: This organization is not insurance or an
16 insurance policy nor is it offered through an insurance
17 company. Whether anyone chooses to assist you with your
18 medical bills will be totally voluntary, as no other
19 member will be compelled by law to contribute toward
20 your medical bills. As such, this organization should
21 never be considered to be providing insurance. Whether
22 you receive any payments for medical expenses and
23 whether or not this organization continues to operate,
24 you are always personally responsible for the payment
25 of your own medical bills. This organization is not
26 subject to the regulatory requirements of the Illinois

1 Insurance Code.".

2 (8) A Medical Sharing Trust shall provide to its
3 participants, within 30 days after enrollment, a complete
4 set of its rules for the sharing of needs, appeals of
5 decisions made by the Medical Sharing Trust, and the filing
6 of complaints. The rules must be in the participant's
7 native language if requested by the participant.

8 (9) A Medical Sharing Trust shall have a Certificate of
9 Authority to do business in Illinois.

10 (10) A Medical Sharing Trust shall be controlled by a
11 board of directors, the majority of which is elected by its
12 members.".