

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 1. References to Act; purpose.

5 (a) References to Act. This Act may be referred to as the  
6 Mental Health and Wellness Act.

7 (b) Purpose. This Act is intended to address Illinois'  
8 skyrocketing mental health needs for children, youth, and  
9 adults following the COVID-19 pandemic by covering preventive  
10 mental health care.

11 Section 5. Findings. The General Assembly finds that:

12 (1) According to a recent U.S. Surgeon General's  
13 Advisory on Protecting Youth Mental Health, the proportion  
14 of high school students reporting persistent feelings of  
15 hopelessness and sadness increased by 40% between 2009 and  
16 2019, and rates of depression and anxiety doubled during  
17 the COVID-19 pandemic.

18 (2) Death by suicide is alarmingly high, particularly  
19 among Black children. Black children under 13 are now  
20 nearly twice as likely to die by suicide than White  
21 children.

22 (3) According to a bipartisan United States Senate  
23 Finance Committee report on Mental Health Care in the

1 United States, symptoms for depression and anxiety in  
2 adults increased nearly fourfold during the COVID-19  
3 pandemic.

4 Section 10. The State Employees Group Insurance Act of  
5 1971 is amended by changing Section 6.11 as follows:

6 (5 ILCS 375/6.11)

7 (Text of Section before amendment by P.A. 102-768)

8 Sec. 6.11. Required health benefits; Illinois Insurance  
9 Code requirements. The program of health benefits shall  
10 provide the post-mastectomy care benefits required to be  
11 covered by a policy of accident and health insurance under  
12 Section 356t of the Illinois Insurance Code. The program of  
13 health benefits shall provide the coverage required under  
14 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,  
15 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,  
16 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,  
17 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,  
18 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,  
19 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and  
20 356z.61 of the Illinois Insurance Code. The program of health  
21 benefits must comply with Sections 155.22a, 155.37, 355b,  
22 356z.19, 370c, and 370c.1 and Article XXXIIB of the Illinois  
23 Insurance Code. The Department of Insurance shall enforce the  
24 requirements of this Section with respect to Sections 370c and

1 370c.1 of the Illinois Insurance Code; all other requirements  
2 of this Section shall be enforced by the Department of Central  
3 Management Services.

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. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20;  
11 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff.  
12 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103,  
13 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;  
14 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.  
15 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,  
16 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;  
17 revised 12-13-22.)

18 (Text of Section after amendment by P.A. 102-768)

19 Sec. 6.11. Required health benefits; Illinois Insurance  
20 Code requirements. The program of health benefits shall  
21 provide the post-mastectomy care benefits required to be  
22 covered by a policy of accident and health insurance under  
23 Section 356t of the Illinois Insurance Code. The program of  
24 health benefits shall provide the coverage required under  
25 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,

1 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,  
2 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,  
3 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,  
4 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,  
5 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.59, ~~and~~  
6 356z.60, and 356z.61 of the Illinois Insurance Code. The  
7 program of health benefits must comply with Sections 155.22a,  
8 155.37, 355b, 356z.19, 370c, and 370c.1 and Article XXXIIB of  
9 the Illinois Insurance Code. The Department of Insurance shall  
10 enforce the requirements of this Section with respect to  
11 Sections 370c and 370c.1 of the Illinois Insurance Code; all  
12 other requirements of this Section shall be enforced by the  
13 Department of Central Management Services.

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

20 (Source: P.A. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20;  
21 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff.  
22 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103,  
23 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;  
24 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.  
25 1-1-23; 102-768, eff. 1-1-24; 102-804, eff. 1-1-23; 102-813,  
26 eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23;

1 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23.)

2 Section 15. The Department of Public Health Powers and  
3 Duties Law of the Civil Administrative Code of Illinois is  
4 amended by adding Section 2310-720 as follows:

5 (20 ILCS 2310/2310-720 new)

6 Sec. 2310-720. Public educational effort on mental health  
7 and wellness. Subject to appropriation, the Department shall  
8 undertake a public educational campaign to bring broad public  
9 awareness to communities across this State on the importance  
10 of mental health and wellness, including the expanded coverage  
11 of mental health treatment, and consistent with the  
12 recommendations of the Illinois Children's Mental Health  
13 Partnership's Children's Mental Health Plan of 2022 and Public  
14 Act 102-899. The Department shall look to other successful  
15 public educational campaigns to guide this effort, such as the  
16 public educational campaign related to Get Covered Illinois.  
17 Additionally, the Department shall work with the Department of  
18 Insurance, the Illinois State Board of Education, the  
19 Department of Human Services, the Department of Healthcare and  
20 Family Services, the Department of Juvenile Justice, the  
21 Department of Children and Family Services, and other State  
22 agencies as necessary to promote consistency in messaging and  
23 distribution methods between this campaign and other  
24 concurrent public educational campaigns related to mental

1 health and mental wellness. Public messaging for this campaign  
2 shall be simple, be easy to understand, and include culturally  
3 competent messaging for different communities and regions  
4 throughout this State.

5 Section 20. The Counties Code is amended by changing  
6 Section 5-1069.3 as follows:

7 (55 ILCS 5/5-1069.3)

8 Sec. 5-1069.3. Required health benefits. If a county,  
9 including a home rule county, is a self-insurer for purposes  
10 of providing health insurance coverage for its employees, the  
11 coverage shall include coverage for the post-mastectomy care  
12 benefits required to be covered by a policy of accident and  
13 health insurance under Section 356t and the coverage required  
14 under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356w, 356x,  
15 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11,  
16 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,  
17 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40,  
18 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53,  
19 356z.54, 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and 356z.61  
20 of the Illinois Insurance Code. The coverage shall comply with  
21 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois  
22 Insurance Code. The Department of Insurance shall enforce the  
23 requirements of this Section. The requirement that health  
24 benefits be covered as provided in this Section is an

1 exclusive power and function of the State and is a denial and  
2 limitation under Article VII, Section 6, subsection (h) of the  
3 Illinois Constitution. A home rule county to which this  
4 Section applies must comply with every provision of this  
5 Section.

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

12 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;  
13 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.  
14 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,  
15 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;  
16 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.  
17 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,  
18 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;  
19 102-1117, eff. 1-13-23.)

20 Section 25. The Illinois Municipal Code is amended by  
21 changing Section 10-4-2.3 as follows:

22 (65 ILCS 5/10-4-2.3)

23 Sec. 10-4-2.3. Required health benefits. If a  
24 municipality, including a home rule municipality, is a

1 self-insurer for purposes of providing health insurance  
2 coverage for its employees, the coverage shall include  
3 coverage for the post-mastectomy care benefits required to be  
4 covered by a policy of accident and health insurance under  
5 Section 356t and the coverage required under Sections 356g,  
6 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.4, 356z.4a,  
7 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
8 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
9 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,  
10 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53, 356z.54,  
11 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and 356z.61 of the  
12 Illinois Insurance Code. The coverage shall comply with  
13 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois  
14 Insurance Code. The Department of Insurance shall enforce the  
15 requirements of this Section. The requirement that health  
16 benefits be covered as provided in this is an exclusive power  
17 and function of the State and is a denial and limitation under  
18 Article VII, Section 6, subsection (h) of the Illinois  
19 Constitution. A home rule municipality to which this Section  
20 applies must comply with every provision of this Section.

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



1 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;  
2 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.  
3 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,  
4 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;  
5 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.  
6 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,  
7 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;  
8 102-1117, eff. 1-13-23.)

9 Section 30. The School Code is amended by changing Section  
10 10-22.3f as follows:

11 (105 ILCS 5/10-22.3f)

12 Sec. 10-22.3f. Required health benefits. Insurance  
13 protection and benefits for employees shall provide the  
14 post-mastectomy care benefits required to be covered by a  
15 policy of accident and health insurance under Section 356t and  
16 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
17 356q, 356u, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8,  
18 356z.9, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,  
19 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,  
20 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,  
21 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and  
22 356z.61 of the Illinois Insurance Code. Insurance policies  
23 shall comply with Section 356z.19 of the Illinois Insurance  
24 Code. The coverage shall comply with Sections 155.22a, 355b,

1 and 370c of the Illinois Insurance Code. The Department of  
2 Insurance shall enforce the requirements of this Section.

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. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;  
10 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.  
11 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,  
12 eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22;  
13 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804, eff.  
14 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860,  
15 eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23.)

16 Section 35. The Illinois Insurance Code is amended by  
17 adding Section 356z.61 as follows:

18 (215 ILCS 5/356z.61 new)

19 Sec. 356z.61. Coverage of no-cost mental health prevention  
20 and wellness visits.

21 (a) A group or individual policy of accident and health  
22 insurance or managed care plan that is amended, delivered,  
23 issued, or renewed on or after January 1, 2025 shall provide  
24 coverage for one annual mental health prevention and wellness

1 visit for children and for adults.

2 (b) Mental health prevention and wellness visits shall  
3 include any age-appropriate screening recommended by the  
4 United States Preventive Services Task Force or by the  
5 American Academy of Pediatrics' Bright Futures: Guidelines for  
6 Health Supervision of Infants, Children, and Adolescents for  
7 purposes of identifying a mental health issue, condition, or  
8 disorder; discussing mental health symptoms that might be  
9 present, including symptoms of a previously diagnosed mental  
10 health condition or disorder; performing an evaluation of  
11 adverse childhood experiences; and discussing mental health  
12 and wellness.

13 (c) A mental health prevention and wellness visit shall be  
14 covered for up to 60 minutes and may be performed by a  
15 physician licensed to practice medicine in all of its  
16 branches, a licensed clinical psychologist, a licensed  
17 clinical social worker, a licensed clinical professional  
18 counselor, a licensed marriage and family therapist, a  
19 licensed social worker, or a licensed professional counselor.

20 (d) A policy subject to this Section shall not impose a  
21 deductible, coinsurance, copayment, or other cost-sharing  
22 requirement for mental health prevention and wellness visits.  
23 The cost-sharing prohibition in this subsection (d) does not  
24 apply to coverage of mental health prevention and wellness  
25 visits to the extent such coverage would disqualify a  
26 high-deductible health plan from eligibility for a health

1 savings account pursuant to Section 223 of the Internal  
2 Revenue Code.

3 (e) A mental health prevention and wellness visit shall be  
4 in addition to an annual physical examination and shall not  
5 replace a well-child visit or a general health or medical  
6 visit.

7 (f) A mental health prevention and wellness visit shall be  
8 reimbursed through the following American Medical Association  
9 current procedural terminology codes and at the same rate that  
10 current procedural terminology codes are reimbursed for the  
11 provision of other medical care: 99381-99387 and 99391-99397.  
12 The Department shall update the current procedural terminology  
13 codes through adoption of rules if the codes listed in this  
14 subsection are altered, amended, changed, deleted, or  
15 supplemented.

16 (g) Reimbursement of any of the current procedural  
17 terminology codes listed in this Section shall comply with the  
18 following:

19 (1) reimbursement may be adjusted for payment of  
20 claims that are billed by a nonphysician clinician so long  
21 as the methodology to determine the adjustments are  
22 comparable to and applied no more stringently than the  
23 methodology for adjustments made for reimbursement of  
24 claims billed by nonphysician clinicians for other medical  
25 care, in accordance with 45 CFR 146.136(c) (4); and

26 (2) for a mental health prevention and wellness visit

1       and for a service other than a mental health prevention  
2       and wellness visit, reimbursement shall not be denied if  
3       they occur on the same date by the same provider and the  
4       provider is a primary care provider.

5       (h) A mental health prevention and wellness visit may be  
6       incorporated into and reimbursed within any type of integrated  
7       primary care service delivery method, including, but not  
8       limited to, a psychiatric collaborative care model as provided  
9       for under this Code.

10       (i) The Department shall adopt any rules necessary to  
11       implement this Section by no later than October 31, 2024.

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

19       Section 99. Effective date. This Act takes effect upon  
20       becoming law.