



Rep. Lindsey LaPointe

Filed: 4/27/2023

10300HB2847ham002

LRB103 26943 BMS 61026 a

1 AMENDMENT TO HOUSE BILL 2847

2 AMENDMENT NO. _____. Amend House Bill 2847 by replacing
3 everything after the enacting clause with the following:

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

1 the COVID-19 pandemic.

2 (2) Death by suicide is alarmingly high, particularly
3 among Black children. Black children under 13 are now
4 nearly twice as likely to die by suicide than White
5 children.

6 (3) According to a bipartisan United States Senate
7 Finance Committee report on Mental Health Care in the
8 United States, symptoms for depression and anxiety in
9 adults increased nearly fourfold during the COVID-19
10 pandemic.

11 Section 10. The State Employees Group Insurance Act of
12 1971 is amended by changing Section 6.11 as follows:

13 (5 ILCS 375/6.11)

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

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

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

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

17 (Source: P.A. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20;
18 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff.
19 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103,
20 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;
21 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
22 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,
23 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;
24 revised 12-13-22.)

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

1 Sec. 6.11. Required health benefits; Illinois Insurance
2 Code requirements. The program of health benefits shall
3 provide the post-mastectomy care benefits required to be
4 covered by a policy of accident and health insurance under
5 Section 356t of the Illinois Insurance Code. The program of
6 health benefits shall provide the coverage required under
7 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,
8 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,
9 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,
10 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
11 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,
12 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.59, ~~and~~
13 356z.60, and 356z.61 of the Illinois Insurance Code. The
14 program of health benefits must comply with Sections 155.22a,
15 155.37, 355b, 356z.19, 370c, and 370c.1 and Article XXXIIB of
16 the Illinois Insurance Code. The Department of Insurance shall
17 enforce the requirements of this Section with respect to
18 Sections 370c and 370c.1 of the Illinois Insurance Code; all
19 other requirements of this Section shall be enforced by the
20 Department of Central Management Services.

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. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20;
2 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff.
3 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103,
4 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;
5 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
6 1-1-23; 102-768, eff. 1-1-24; 102-804, eff. 1-1-23; 102-813,
7 eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23;
8 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23.)

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

12 (20 ILCS 2310/2310-720 new)

13 Sec. 2310-720. Public educational effort on mental health
14 and wellness. Subject to appropriation, the Department shall
15 undertake a public educational campaign to bring broad public
16 awareness to communities across this State on the importance
17 of mental health and wellness, including the expanded coverage
18 of mental health treatment, and consistent with the
19 recommendations of the Illinois Children's Mental Health
20 Partnership's Children's Mental Health Plan of 2022 and Public
21 Act 102-899. The Department shall look to other successful
22 public educational campaigns to guide this effort, such as the
23 public educational campaign related to Get Covered Illinois.
24 Additionally, the Department shall work with the Department of

1 Insurance, the Illinois State Board of Education, the
2 Department of Human Services, the Department of Healthcare and
3 Family Services, the Department of Juvenile Justice, the
4 Department of Children and Family Services, and other State
5 agencies as necessary to promote consistency in messaging and
6 distribution methods between this campaign and other
7 concurrent public educational campaigns related to mental
8 health and mental wellness. Public messaging for this campaign
9 shall be simple, be easy to understand, and include culturally
10 competent messaging for different communities and regions
11 throughout this State.

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

14 (55 ILCS 5/5-1069.3)

15 Sec. 5-1069.3. Required health benefits. If a county,
16 including a home rule county, is a self-insurer for purposes
17 of providing health insurance coverage for its employees, the
18 coverage shall include coverage for the post-mastectomy care
19 benefits required to be covered by a policy of accident and
20 health insurance under Section 356t and the coverage required
21 under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356w, 356x,
22 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11,
23 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,
24 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40,

1 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53,
2 356z.54, 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and 356z.61
3 of the Illinois Insurance Code. The coverage shall comply with
4 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois
5 Insurance Code. The Department of Insurance shall enforce the
6 requirements of this Section. The requirement that health
7 benefits be covered as provided in this Section is an
8 exclusive power and function of the State and is a denial and
9 limitation under Article VII, Section 6, subsection (h) of the
10 Illinois Constitution. A home rule county to which this
11 Section applies must comply with every provision of this
12 Section.

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

19 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
20 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
21 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
22 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;
23 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
24 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,
25 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;
26 102-1117, eff. 1-13-23.)

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

3 (65 ILCS 5/10-4-2.3)

4 Sec. 10-4-2.3. Required health benefits. If a
5 municipality, including a home rule municipality, is a
6 self-insurer for purposes of providing health insurance
7 coverage for its employees, the coverage shall include
8 coverage for the post-mastectomy care benefits required to be
9 covered by a policy of accident and health insurance under
10 Section 356t and the coverage required under Sections 356g,
11 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.4, 356z.4a,
12 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,
13 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,
14 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,
15 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53, 356z.54,
16 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and 356z.61 of the
17 Illinois Insurance Code. The coverage shall comply with
18 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois
19 Insurance Code. The Department of Insurance shall enforce the
20 requirements of this Section. The requirement that health
21 benefits be covered as provided in this is an exclusive power
22 and function of the State and is a denial and limitation under
23 Article VII, Section 6, subsection (h) of the Illinois
24 Constitution. A home rule municipality to which this Section

1 applies must comply with every provision of this Section.

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

8 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
9 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
10 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
11 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;
12 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
13 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,
14 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;
15 102-1117, eff. 1-13-23.)

16 Section 30. The School Code is amended by changing Section
17 10-22.3f as follows:

18 (105 ILCS 5/10-22.3f)

19 Sec. 10-22.3f. Required health benefits. Insurance
20 protection and benefits for employees shall provide the
21 post-mastectomy care benefits required to be covered by a
22 policy of accident and health insurance under Section 356t and
23 the coverage required under Sections 356g, 356g.5, 356g.5-1,
24 356q, 356u, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8,

1 356z.9, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,
2 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
3 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,
4 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, ~~and~~ 356z.60, and
5 356z.61 of the Illinois Insurance Code. Insurance policies
6 shall comply with Section 356z.19 of the Illinois Insurance
7 Code. The coverage shall comply with Sections 155.22a, 355b,
8 and 370c of the Illinois Insurance Code. The Department of
9 Insurance shall enforce the requirements 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. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
17 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
18 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
19 eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22;
20 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804, eff.
21 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860,
22 eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23.)

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

1 (215 ILCS 5/356z.61 new)

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

4 (a) A group or individual policy of accident and health
5 insurance or managed care plan that is amended, delivered,
6 issued, or renewed on or after January 1, 2025 shall provide
7 coverage for 2 annual mental health prevention and wellness
8 visits for children and for adults.

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

20 (c) A mental health prevention and wellness visit shall be
21 covered for up to 60 minutes and may be performed by a
22 physician licensed to practice medicine in all of its
23 branches, a licensed clinical psychologist, a licensed
24 clinical social worker, a licensed clinical professional
25 counselor, a licensed marriage and family therapist, a
26 licensed social worker, or a licensed professional counselor.

1 (d) A policy subject to this Section shall not impose a
2 deductible, coinsurance, copayment, or other cost-sharing
3 requirement for mental health prevention and wellness visits.
4 The cost-sharing prohibition in this subsection (d) does not
5 apply to coverage of mental health prevention and wellness
6 visits to the extent such coverage would disqualify a
7 high-deductible health plan from eligibility from a health
8 savings account pursuant to Section 223 of the Internal
9 Revenue Code.

10 (e) A mental health prevention and wellness visit shall be
11 in addition to an annual physical examination and shall not
12 replace a well-child visit or a general health or medical
13 visit.

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

23 (g) Reimbursement of any of the current procedural
24 terminology codes listed in this Section shall comply with the
25 following:

26 (1) reimbursement may be adjusted for payment of

1 claims that are billed by a nonphysician clinician so long
2 as the methodology to determine the adjustments are
3 comparable to and applied no more stringently than the
4 methodology for adjustments made for reimbursement of
5 claims billed by nonphysician clinicians for other medical
6 care, in accordance with 45 CFR 146.136(c)(4); and

7 (2) for a mental health prevention and wellness visit
8 and for a service other than a mental health prevention
9 and wellness visit, reimbursement shall not be denied if
10 they occur on the same date by the same provider and the
11 provider is a primary care provider.

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

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

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".