

Illinois General Assembly passes telehealth parity bill



Rick L. Hindmand | Tuesday, June 8, 2021

Illinois Governor J.B. Pritzker signed HB 3308 into law on July 22. [Click here for an updated version of this article.](#)

On May 31, the Illinois General Assembly passed a [telehealth coverage and payment parity bill](#), which will, if signed into law by Gov. J.B. Pritzker, permanently expand access to and coverage for telehealth services.

HB 3308 will require individual and group accident or health insurance policies to cover clinically appropriate and medically necessary telehealth services, e-visits, and virtual check-ins in the same manner as any other covered benefits. The policies will be required to reimburse in-network professionals and facilities for telehealth services on the same basis, in the same manner, and at the same reimbursement rate that would apply if the same services were delivered through an in-person encounter. The bill, however, will allow insurers and providers to voluntarily negotiate alternate reimbursement rates for telehealth services, taking into consideration investments necessary to maintain, update and integrate telehealth platforms with electronic medical records.

The legislation will allow increased flexibility for patients and providers regarding the use of telehealth, e-visits and virtual check-ins. Individual and group accident or health insurance policies will be **prohibited** from:

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- Requiring in-person contact between a health care provider and patient before the telehealth service is provided
- Requiring patients or providers to prove hardship or access barriers as a condition for coverage of telehealth services, e-visits or virtual check-ins
- Requiring the use of telehealth services, e-visits or virtual check-ins that a health care professional determines are not appropriate
- Requiring a health care professional to be physically present in the same room as the patient at the originating site, unless deemed medically necessary by the health care professional providing the telehealth service
- Creating geographic or facility restrictions or requirements for telehealth services, e-visits, or virtual check-ins (this change will allow patients to be in their homes)
- Requiring health care professionals or facilities to offer or provide telehealth services, e-visits, or virtual check-ins
- Requiring patients to use telehealth services, e-visits, or virtual check-ins
- Requiring patients to use a separate panel of health care professionals or facilities in order to receive telehealth service, e-visit, or virtual check-in coverage and reimbursement
- Imposing telehealth, e-visit or virtual check-in utilization review requirements that are unnecessary, duplicative, or unwarranted
- Imposing treatment limitations, prior authorization, documentation, or recordkeeping requirements that are more stringent than the requirements that apply to the same health care service when rendered in-person, except that procedure code modifiers may be required
- Imposing higher cost sharing (e.g., deductibles, copayments or coinsurance) for telehealth services than for the same in-person services.

Each individual or group accident or health insurance policy will be required to notify health care professionals and facilities of instructions as necessary to facilitate billing of telehealth services, e-visits and virtual check-ins.

The legislation will allow health care professionals and facilities to determine appropriate telehealth sites, platforms and vendors, subject to complying with privacy, security and confidentiality laws, rules or regulations, including HIPAA.

Individual and group accident or health insurance policies will be required to provide coverage for licensed dietitian nutritionists and certified diabetes educators to counsel senior diabetes patients in the patients' homes.

This legislation will amend the Illinois Early Intervention Services System Act to allow early intervention providers to deliver early intervention services via telehealth to the extent of the provider's scope of practice and the standards of care for in-person services.

Some similar flexibilities are temporarily in place during the COVID-19 through executive order by Illinois Gov. Pritzker. SB 3308 sets forth more detailed terms that will be permanent.

For more information on this legislation or other virtual health care issues please contact the attorney below.



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