



## **2018 AND 2019 CHANGES TO ILLINOIS WORKERS' COMPENSATION ACT**

**(Public Act 100-1117 and Public Act 100-1175)**

The Workers' Compensation Act (820 ILCS 305/1 *et seq.*) was recently amended to address issues regarding payment of medical providers. On November 27, 2018, SB 904 became law (Public Act 100-1117). The General Assembly also passed an additional amendment, HB 3452, which became Public Act 100-1175 on January 11, 2019. Below are the major changes:

### **Effective**

- Applies to procedures, treatments, and services rendered on or after November 27, 2018

### **Billing and Records**

- Requires direct billing to the employer/carrier/self-insured
- Requires payment by the employer/carrier/self-insured to the provider or its designated third-party billing entity
- Requires written notification in the form of an explanation of benefits (EOB) to the provider when a bill is denied in whole or part
- Requires health care providers to comply with requests for records which are minimally necessary
- Requires electronic billing
- Creates administrative fine up to \$1,000 for failure to comply with electronic bills acceptance and response process

### **Interest**

- Imposes interest at 1% per month when a "substantially" complete bill for treatment provided pursuant to the Workers' Compensation Act, in whole or in part, is not paid within 30 days
- Imposes interest at 1% per month when the provider has not been issued an explanation of benefits (EOB)
- Requires interest due shall also be paid no later than 30 days after payment of the bill
- Provides that only the employer, not the employee, is responsible for interest owed

### **Providers May Sue in Circuit Court for Interest**

- Providers allowed to file a direct action in circuit court to enforce payment of interest
- The circuit court's jurisdiction "shall be" limited to enforcing payment of interest

### **Expected Impact to Travelers and its Customers**

Travelers currently complies with the Act's requirements regarding billing, records, interest and related time frames. Therefore, there should not be a significant impact because of these amendments.

However, we expect that medical providers will litigate the interest issue and may also attempt to litigate their right to recover payment of the bills themselves in circuit court. This will likely result in increased litigation expenses.

Customers who receive suit papers should promptly share those documents with Travelers for review and response by visiting our website at <https://www.travelers.com/claims/report-claim/business> or contacting us by phone at the number listed on the site.