

815 ILCS 505/2QQ Insurance Cards; Social Security Number

Sec. 2QQ. Insurance cards; social security number.

(a) As used in this Section, "insurance card" means a card that a person or entity provides to an individual so that the individual may present the card to establish the eligibility of the individual or his or her dependents to receive health, dental, optical, or accident insurance benefits, prescription drug benefits, or benefits under a managed care plan or a plan provided by a health maintenance organization, a health services plan corporation, or a similar entity.

(b) A person or entity may not print an individual's social security number on an insurance card. A person or entity that provides an insurance card must print on the card an identification number unique to the holder of the card in the format prescribed by Section 15 of the Uniform Prescription Drug Information Card Act.

(c) An insurance card issued to an individual before the effective date of this amendatory Act of the 93rd General Assembly that does not comply with subsection (b) must be replaced by January 1, 2006 with an insurance card that complies with subsection (b) if the individual's eligibility for benefits continues after the effective date of this amendatory Act of the 93rd General Assembly.

(d) A violation of this Section constitutes an unlawful practice within the meaning of this Act.

Section 99. Effective date. This Act takes effect January 1, 2005.

Effective Date: 1/1/2005

815 ILCS 505/2QQ Social Security Numbers

Sec. 2QQ. Use of Social Security numbers.

(a) Except as otherwise provided in this Section, a person may not do any of the following:

(1) Publicly post or publicly display in any manner an individual's social security number. As used in this Section, "publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

(2) Print an individual's social security number on any card required for the individual to access products or services provided by the person or entity; however, a person or entity that provides an insurance card must print on the card an identification number unique to the holder of the card in the format prescribed by Section 15 of the

Uniform Prescription Drug Information Card Act.

(3) Require an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted.

(4) Require an individual to use his or her social security number to access an Internet web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet Web site.

(5) Print an individual's social security number on any materials that are mailed to the individual, unless State or federal law requires the social security number to be on the document to be mailed. Notwithstanding any provision in this Section to the contrary, social security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may permissibly be mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope or visible without the envelope having been opened.

(b) A person that used, before July 1, 2005, an individual's social security number in a manner inconsistent with subsection (a) may continue using that individual's social security number in the same manner on or after July 1, 2005 if all of the following conditions are met:

(1) The use of the social security number is continuous. If the use is stopped for any reason, subsection (a) shall apply.

(2) The individual is provided an annual disclosure that informs the individual that he or she has the right to stop the use of his or her social security number in a manner prohibited by subsection (a).

A written request by an individual to stop the use of his or her social security number in a manner prohibited by subsection (a) shall be implemented within 30 days of the receipt of the request. There shall be no fee or charge for implementing the request. A person shall not deny services to an individual because the individual makes such a written request.

(c) This Section does not apply to the collection, use, or release of a social security number as required by State or federal law or the use of a social security number for internal verification or administrative purposes. This Section does not apply to the collection, use, or release of a social security

number by the State, a subdivision of the State, or an individual in the employ of the State or a subdivision of the State in connection with his or her official duties.

(d) This Section does not apply to documents that are recorded or required to be open to the public under State or federal law, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

(e) If a federal law takes effect requiring the United States Department of Health and Human Services to establish a national unique patient health identifier program, any person who complies with the federal law shall be deemed to be in compliance with this Section.

(f) A person may not encode or embed a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, or other technology, in place of removing the social security number as required by this Section.

(g) Any person who violates this Section commits an unlawful practice within the meaning of this Act.

Section 99. Effective date. This Act takes effect July 1, 2006.

Effective Date: 7/1/2006

The following is Division of Insurance legal opinion regarding the two pieces of legislation on this matter.

MEMORANDUM

TO: Bill McAndrew

FROM: Glen Gasiorek

DATE August 10, 2004

RE: HB4712 and SB2S45

Inasmuch as SB 2545 becomes effective on January 1, 2005, there cannot be any conflict with HB 4712 which becomes effective on July 1, 2006. Section 3 of the Effective Date of Laws Act (5 ILCS 75/0.01 et seq.) states that:

...For purposes of determining the effective dates of laws, a bill is "passed" at the time of its final legislative action prior to presentation to the Governor pursuant to paragraph (a) of Section 9 of Article IV of the Constitution.

And Section 2(b) of the Effective Date of Laws Act (supra) states, in pertinent part, that:

A bill passed prior to June 1 of a calendar year that does provide

for an effective date in the terms of the bill shall become effective on that date if that date is the same as or subsequent to the date the bill becomes a law:

SB 2545 became a law on July 14, 2004 while HB 4712 became a law on July 15, 2004. Accordingly, the mandates set forth in SB 2545 must be complied with by the July 1, 2005 deadline established in the bill. Any agreement that was reached with industry on an alternative deadline date is vitiated by the deadline date established by SB 2545.

After HB 4712 becomes effective on July 1, 2006, any of its provisions that may conflict with those enacted by SB 2545 would be given deference under the statutory construction principle that the most recently enacted of two conflicting statutes is to be controlling provided that the later statute is not more general in its application to the issue under consideration than the older statute and that an absurdity or inconsistency does not result from the application of the *new* law.

G.R.G.
byz