



Rep. Stephanie A. Kifowit

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1 AMENDMENT TO HOUSE BILL 4100

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4100, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Health Care Violence Prevention Act.

7 Section 5. Definitions. As used in this Act:

8 "Committed person" means a person who is in the custody of  
9 or under the control of a custodial agency, including, but not  
10 limited to, a person who is incarcerated, under arrest,  
11 detained, or otherwise under the physical control of a  
12 custodial agency.

13 "Custodial agency" means the Illinois Department of  
14 Corrections, the Illinois State Police, the sheriff of a  
15 county, a county jail, a correctional institution, or any other  
16 State agency, municipality, or unit of local government that

1 employs personnel designated as police, peace officers,  
2 wardens, corrections officers, or guards or that employs  
3 personnel vested by law with the power to place or maintain a  
4 person in custody.

5 "Health care provider" means a retail health care facility,  
6 a hospital subject to the Hospital Licensing Act or the  
7 University of Illinois Hospital Act, or a veterans home as  
8 defined in the Department of Veterans' Affairs Act.

9 "Health care worker" means nursing assistants and other  
10 support personnel, any individual licensed under the laws of  
11 this State to provide health services, including but not  
12 limited to: dentists licensed under the Illinois Dental  
13 Practice Act; dental hygienists licensed under the Illinois  
14 Dental Practice Act; nurses and advanced practice registered  
15 nurses licensed under the Nurse Practice Act; occupational  
16 therapists licensed under the Illinois Occupational Therapy  
17 Practice Act; optometrists licensed under the Illinois  
18 Optometric Practice Act of 1987; pharmacists licensed under the  
19 Pharmacy Practice Act; physical therapists licensed under the  
20 Illinois Physical Therapy Act; physicians licensed under the  
21 Medical Practice Act of 1987; physician assistants licensed  
22 under the Physician Assistant Practice Act of 1987; podiatric  
23 physicians licensed under the Podiatric Medical Practice Act of  
24 1987; clinical psychologists licensed under the Clinical  
25 Psychologist Licensing Act; clinical social workers licensed  
26 under the Clinical Social Work and Social Work Practice Act;

1 speech-language pathologists and audiologists licensed under  
2 the Illinois Speech-Language Pathology and Audiology Practice  
3 Act; or hearing instrument dispensers licensed under the  
4 Hearing Instrument Consumer Protection Act, or any of their  
5 successor Acts.

6 "Nurse" means a person who is licensed to practice nursing  
7 under the Nurse Practice Act.

8 "Retail health care facility" means an institution, place,  
9 or building, or any portion thereof, that:

10 (1) is devoted to the maintenance and operation of a  
11 facility for the performance of health care services and is  
12 located within a retail store at a specific location;

13 (2) does not provide surgical services or any form of  
14 general anesthesia;

15 (3) does not provide beds or other accommodations for  
16 either the long-term or overnight stay of patients; and

17 (4) discharges individual patients in an ambulatory  
18 condition without danger to the continued well-being of the  
19 patients and transfers non-ambulatory patients to  
20 hospitals.

21 "Retail health care facility" does not include hospitals,  
22 long-term care facilities, ambulatory treatment centers, blood  
23 banks, clinical laboratories, offices of physicians, advanced  
24 practice registered nurses, podiatrists, and physician  
25 assistants, and pharmacies that provide limited health care  
26 services.

1           Section 10. Application. This Act applies to health care  
2 providers and custodial agencies as defined in Section 5.

3           This Act does not apply to an owner of an institution,  
4 place, building, or any portion of the institution, place, or  
5 building, who directly or indirectly leases space that is used  
6 by the lessee to operate a retail health care facility.

7           Section 15. Workplace safety.

8           (a) A health care worker who contacts law enforcement or  
9 files a report with law enforcement against a patient or  
10 individual because of workplace violence shall provide notice  
11 to management of the health care provider by which he or she is  
12 employed within 3 days after contacting law enforcement or  
13 filing the report.

14           (b) No management of a health care provider may discourage  
15 a health care worker from exercising his or her right to  
16 contact law enforcement or file a report with law enforcement  
17 because of workplace violence.

18           (c) A health care provider that employs a health care  
19 worker shall display a notice stating that verbal aggression  
20 will not be tolerated and physical assault will be reported to  
21 law enforcement.

22           (d) The health care provider shall offer immediate  
23 post-incident services for a health care worker directly  
24 involved in a workplace violence incident caused by patients or

1 their visitors, including acute treatment and access to  
2 psychological evaluation.

3 Section 20. Workplace violence prevention program.

4 (a) A health care provider shall create a workplace  
5 violence prevention program that complies with the  
6 Occupational Safety and Health Administration guidelines for  
7 preventing workplace violence for health care and social  
8 service workers as amended or updated by the Occupational  
9 Safety and Health Administration.

10 (a-5) In addition, the workplace violence prevention  
11 program shall include:

12 (1) the following classifications of workplace  
13 violence as one of 4 possible types:

14 (A) "Type 1 violence" means workplace violence  
15 committed by a person who has no legitimate business at  
16 the work site and includes violent acts by anyone who  
17 enters the workplace with the intent to commit a crime.

18 (B) "Type 2 violence" means workplace violence  
19 directed at employees by customers, clients, patients,  
20 students, inmates, visitors, or other individuals  
21 accompanying a patient.

22 (C) "Type 3 violence" means workplace violence  
23 against an employee by a present or former employee,  
24 supervisor, or manager.

25 (D) "Type 4 violence" means workplace violence

1 committed in the workplace by someone who does not work  
2 there, but has or is known to have had a personal  
3 relationship with an employee.

4 (2) management commitment and worker participation,  
5 including, but not limited to, nurses;

6 (3) worksite analysis and identification of potential  
7 hazards;

8 (4) hazard prevention and control;

9 (5) safety and health training with required hours  
10 determined by rule; and

11 (6) recordkeeping and evaluation of the violence  
12 prevention program.

13 (b) The Department of Public Health may by rule adopt  
14 additional criteria for workplace violence prevention  
15 programs.

16 Section 25. Whistleblower protection. The Whistleblower  
17 Act applies to health care providers and their employees with  
18 respect to actions taken to implement or enforce compliance  
19 with this Act.

20 Section 30. Medical care for committed persons.

21 (a) If a committed person receives medical care and  
22 treatment at a place other than an institution or facility of  
23 the Department of Corrections, a county, or a municipality,  
24 then the institution or facility shall:

1           (1) to the greatest extent practicable, notify the  
2 hospital or medical facility that is treating the committed  
3 person prior to the committed person's visit and notify the  
4 hospital or medical facility of any significant medical,  
5 mental health, recent violent actions, or other safety  
6 concerns regarding the patient;

7           (2) to the greatest extent practicable, ensure the  
8 transferred committed person is accompanied by the most  
9 comprehensive medical records possible;

10           (3) provide at least one guard trained in custodial  
11 escort and custody of high-risk committed persons to  
12 accompany any committed person. The custodial agency shall  
13 attest to such training for custodial escort and custody of  
14 high-risk committed persons through: (A) the training of  
15 the Department of Corrections or Department of Juvenile  
16 Justice; (B) law enforcement training that is  
17 substantially equivalent to the training of the Department  
18 of Corrections or Department of Juvenile Justice; or (C)  
19 the training described in Section 35. Under no  
20 circumstances may leg irons or shackles or waist shackles  
21 be used on any pregnant female prisoner who is in labor. In  
22 addition, restraint of a pregnant female prisoner in the  
23 custody of the Cook County shall comply with Section  
24 3-15003.6 of the Counties Code. Additionally, restraints  
25 shall not be used on a committed person if medical  
26 personnel determine that the restraints would impede

1 medical treatment; and

2 (4) ensure that only medical personnel, Department of  
3 Corrections, county, or municipality personnel, and  
4 visitors on the committed person's approved institutional  
5 visitors list may visit the committed person. Visitation by  
6 a person on the committed person's approved institutional  
7 visitors list shall be subject to the rules and procedures  
8 of the hospital or medical facility and the Department of  
9 Corrections, county, or municipality. In any situation in  
10 which a committed person is being visited:

11 (A) the name of the visitor must be listed per the  
12 facility's or institution's documentation;

13 (B) the visitor shall submit to the search of his  
14 or her person or any personal property under his or her  
15 control at any time; and

16 (C) the custodial agency may deny the committed  
17 person access to a telephone or limit the number of  
18 visitors the committed person may receive for purposes  
19 of safety.

20 If a committed person receives medical care and treatment  
21 at a place other than an institution or facility of the  
22 Department of Corrections, county, or municipality, then the  
23 custodial agency shall ensure that the committed person is  
24 wearing security restraints in accordance with the custodial  
25 agency's rules and procedures if the custodial agency  
26 determines that restraints are necessary for the following



1 reasons: (i) to prevent physical harm to the committed person  
2 or another person; (ii) because the committed person has a  
3 history of disruptive behavior that has placed others in  
4 potentially harmful situations or presents a substantial risk  
5 of inflicting physical harm on himself or herself or others as  
6 evidenced by recent behavior; or (iii) there is a well-founded  
7 belief that the committed person presents a substantial risk of  
8 flight. Under no circumstances may leg irons or shackles or  
9 waist shackles be used on any pregnant female prisoner who is  
10 in labor. In addition, restraint of a pregnant female prisoner  
11 in the custody of the Cook County shall comply with Section  
12 3-15003.6 of the Counties Code.

13 The hospital or medical facility may establish protocols  
14 for the receipt of committed persons in collaboration with the  
15 Department of Corrections, county, or municipality,  
16 specifically with regard to potentially violent persons.

17 (b) If a committed person receives medical care and  
18 treatment at a place other than an institution or facility of  
19 the Department of Juvenile Justice, then the institution or  
20 facility shall:

21 (1) to the greatest extent practicable, notify the  
22 hospital or medical facility that is treating the committed  
23 person prior to the committed person's visit, and notify  
24 the hospital or medical facility of any significant  
25 medical, mental health, recent violent actions, or other  
26 safety concerns regarding the patient;

1           (2) to the greatest extent practicable, ensure the  
2 transferred committed person is accompanied by the most  
3 comprehensive medical records possible;

4           (3) provide: (A) at least one guard trained in  
5 custodial escort and custody of high-risk committed  
6 persons to accompany any committed person. The custodial  
7 agency shall attest to such training for custodial escort  
8 and custody of high-risk committed persons through: (i) the  
9 training of the Department of Corrections or Department of  
10 Juvenile Justice, (ii) law enforcement training that is  
11 substantially equivalent to the training of the Department  
12 of Corrections or Department of Juvenile Justice, or (iii)  
13 the training described in Section 35; or (B) 2 guards to  
14 accompany the committed person at all times during the  
15 visit to the hospital or medical facility; and

16           (4) ensure that only medical personnel, Department of  
17 Juvenile Justice personnel, and visitors on the committed  
18 person's approved institutional visitors list may visit  
19 the committed person. Visitation by a person on the  
20 committed person's approved institutional visitors list  
21 shall be subject to the rules and procedures of the  
22 hospital or medical facility and the Department of Juvenile  
23 Justice. In any situation in which a committed person is  
24 being visited:

25                   (A) the name of the visitor must be listed per the  
26 facility's or institution's documentation;

1           (B) the visitor shall submit to the search of his  
2           or her person or any personal property under his or her  
3           control at any time; and

4           (C) the custodial agency may deny the committed  
5           person access to a telephone or limit the number of  
6           visitors the committed person may receive for purposes  
7           of safety.

8           If a committed person receives medical care and treatment  
9           at a place other than an institution or facility of the  
10          Department of Juvenile Justice, then the Department of Juvenile  
11          Justice shall ensure that the committed person is wearing  
12          security restraints on either his or her wrists or ankles in  
13          accordance with the rules and procedures of the Department of  
14          Juvenile Justice if the Department of Juvenile Justice  
15          determines that restraints are necessary for the following  
16          reasons: (i) to prevent physical harm to the committed person  
17          or another person; (ii) because the committed person has a  
18          history of disruptive behavior that has placed others in  
19          potentially harmful situations or presents a substantial risk  
20          of inflicting physical harm on himself or herself or others as  
21          evidenced by recent behavior; or (iii) there is a well-founded  
22          belief that the committed person presents a substantial risk of  
23          flight. Any restraints used on a committed person under this  
24          paragraph shall be the least restrictive restraints necessary  
25          to prevent flight or physical harm to the committed person or  
26          another person. Restraints shall not be used on the committed

1 person as provided in this paragraph if medical personnel  
2 determine that the restraints would impede medical treatment.  
3 Under no circumstances may leg irons or shackles or waist  
4 shackles be used on any pregnant female prisoner who is in  
5 labor. In addition, restraint of a pregnant female prisoner in  
6 the custody of the Cook County shall comply with Section  
7 3-15003.6 of the Counties Code.

8 The hospital or medical facility may establish protocols  
9 for the receipt of committed persons in collaboration with the  
10 Department of Juvenile Justice, specifically with regard to  
11 persons recently exhibiting violence.

12 Section 35. Custodial agency training. The Illinois Law  
13 Enforcement Training Standards Board shall establish a  
14 curriculum for custodial escort and custody of high-risk  
15 committed persons certification, which shall include, but not  
16 be limited to, the following:

17 (1) handcuffing or shackling of a high-risk committed  
18 person;

19 (2) mobile transportation of a committed person with  
20 defense from the committed person's attack;

21 (3) outside facility threat assessment;

22 (4) hands-on weapons retention training; and

23 (5) custodial considerations for a high-risk committed  
24 person in outside facilities.

1 Section 90. The State Police Act is amended by adding  
2 Section 45 as follows:

3 (20 ILCS 2610/45 new)

4 Sec. 45. Compliance with the Health Care Violence  
5 Prevention Act. The Department shall comply with the Health  
6 Care Violence Prevention Act.

7 Section 95. The Department of Veterans' Affairs Act is  
8 amended by changing Section 2.07 as follows:

9 (20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)

10 Sec. 2.07. The Department shall employ and maintain  
11 sufficient and qualified staff at the veterans' homes (i) to  
12 fill all beds, subject to appropriation, and (ii) to fulfill  
13 the requirements of this Act. The Department shall report to  
14 the General Assembly, by January 1 and July 1 of each year, the  
15 number of staff employed in providing direct patient care at  
16 their veterans' homes, the compliance or noncompliance with  
17 staffing standards established by the United States Department  
18 of Veterans Affairs for such care, and in the event of  
19 noncompliance with such standards, the number of staff required  
20 for compliance. For purposes of this Section, a nurse who has a  
21 license application pending with the State shall not be deemed  
22 unqualified by the Department if the nurse is in compliance  
23 with Section 50-15 of the Nurse Practice Act.

1       A veterans home is subject to the Health Care Violence  
2 Prevention Act.

3       (Source: P.A. 96-699, eff. 8-25-09; 97-297, eff. 1-1-12.)

4       Section 100. The University of Illinois Hospital Act is  
5 amended by adding Section 10 as follows:

6             (110 ILCS 330/10 new)

7       Sec. 10. Compliance with the Health Care Violence  
8 Prevention Act. The University of Illinois Hospital shall  
9 comply with the Health Care Violence Prevention Act.

10       Section 105. The Hospital Licensing Act is amended by  
11 adding Section 9.8 as follows:

12             (210 ILCS 85/9.8 new)

13       Sec. 9.8. Compliance with the Health Care Violence  
14 Prevention Act. A hospital licensed under this Act shall comply  
15 with the Health Care Violence Prevention Act.

16       Section 110. The Unified Code of Corrections is amended by  
17 changing Section 3-6-2 as follows:

18             (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

19       Sec. 3-6-2. Institutions and Facility Administration.

20       (a) Each institution and facility of the Department shall

1 be administered by a chief administrative officer appointed by  
2 the Director. A chief administrative officer shall be  
3 responsible for all persons assigned to the institution or  
4 facility. The chief administrative officer shall administer  
5 the programs of the Department for the custody and treatment of  
6 such persons.

7 (b) The chief administrative officer shall have such  
8 assistants as the Department may assign.

9 (c) The Director or Assistant Director shall have the  
10 emergency powers to temporarily transfer individuals without  
11 formal procedures to any State, county, municipal or regional  
12 correctional or detention institution or facility in the State,  
13 subject to the acceptance of such receiving institution or  
14 facility, or to designate any reasonably secure place in the  
15 State as such an institution or facility and to make transfers  
16 thereto. However, transfers made under emergency powers shall  
17 be reviewed as soon as practicable under Article 8, and shall  
18 be subject to Section 5-905 of the Juvenile Court Act of 1987.  
19 This Section shall not apply to transfers to the Department of  
20 Human Services which are provided for under Section 3-8-5 or  
21 Section 3-10-5.

22 (d) The Department shall provide educational programs for  
23 all committed persons so that all persons have an opportunity  
24 to attain the achievement level equivalent to the completion of  
25 the twelfth grade in the public school system in this State.  
26 Other higher levels of attainment shall be encouraged and

1 professional instruction shall be maintained wherever  
2 possible. The Department may establish programs of mandatory  
3 education and may establish rules and regulations for the  
4 administration of such programs. A person committed to the  
5 Department who, during the period of his or her incarceration,  
6 participates in an educational program provided by or through  
7 the Department and through that program is awarded or earns the  
8 number of hours of credit required for the award of an  
9 associate, baccalaureate, or higher degree from a community  
10 college, college, or university located in Illinois shall  
11 reimburse the State, through the Department, for the costs  
12 incurred by the State in providing that person during his or  
13 her incarceration with the education that qualifies him or her  
14 for the award of that degree. The costs for which reimbursement  
15 is required under this subsection shall be determined and  
16 computed by the Department under rules and regulations that it  
17 shall establish for that purpose. However, interest at the rate  
18 of 6% per annum shall be charged on the balance of those costs  
19 from time to time remaining unpaid, from the date of the  
20 person's parole, mandatory supervised release, or release  
21 constituting a final termination of his or her commitment to  
22 the Department until paid.

23 (d-5) A person committed to the Department is entitled to  
24 confidential testing for infection with human immunodeficiency  
25 virus (HIV) and to counseling in connection with such testing,  
26 with no copay to the committed person. A person committed to



1 the Department who has tested positive for infection with HIV  
2 is entitled to medical care while incarcerated, counseling, and  
3 referrals to support services, in connection with that positive  
4 test result. Implementation of this subsection (d-5) is subject  
5 to appropriation.

6 (e) A person committed to the Department who becomes in  
7 need of medical or surgical treatment but is incapable of  
8 giving consent thereto shall receive such medical or surgical  
9 treatment by the chief administrative officer consenting on the  
10 person's behalf. Before the chief administrative officer  
11 consents, he or she shall obtain the advice of one or more  
12 physicians licensed to practice medicine in all its branches in  
13 this State. If such physician or physicians advise:

14 (1) that immediate medical or surgical treatment is  
15 required relative to a condition threatening to cause  
16 death, damage or impairment to bodily functions, or  
17 disfigurement; and

18 (2) that the person is not capable of giving consent to  
19 such treatment; the chief administrative officer may give  
20 consent for such medical or surgical treatment, and such  
21 consent shall be deemed to be the consent of the person for  
22 all purposes, including, but not limited to, the authority  
23 of a physician to give such treatment.

24 (e-5) If a physician providing medical care to a committed  
25 person on behalf of the Department advises the chief  
26 administrative officer that the committed person's mental or

1 physical health has deteriorated as a result of the cessation  
2 of ingestion of food or liquid to the point where medical or  
3 surgical treatment is required to prevent death, damage, or  
4 impairment to bodily functions, the chief administrative  
5 officer may authorize such medical or surgical treatment.

6 (f) In the event that the person requires medical care and  
7 treatment at a place other than the institution or facility,  
8 the person may be removed therefrom under conditions prescribed  
9 by the Department. The Department shall require the committed  
10 person receiving medical or dental services on a non-emergency  
11 basis to pay a \$5 co-payment to the Department for each visit  
12 for medical or dental services. The amount of each co-payment  
13 shall be deducted from the committed person's individual  
14 account. A committed person who has a chronic illness, as  
15 defined by Department rules and regulations, shall be exempt  
16 from the \$5 co-payment for treatment of the chronic illness. A  
17 committed person shall not be subject to a \$5 co-payment for  
18 follow-up visits ordered by a physician, who is employed by, or  
19 contracts with, the Department. A committed person who is  
20 indigent is exempt from the \$5 co-payment and is entitled to  
21 receive medical or dental services on the same basis as a  
22 committed person who is financially able to afford the  
23 co-payment. For purposes of this Section only, "indigent" means  
24 a committed person who has \$20 or less in his or her Inmate  
25 Trust Fund at the time of such services and for the 30 days  
26 prior to such services. Notwithstanding any other provision in

1 this subsection (f) to the contrary, any person committed to  
2 any facility operated by the Department of Juvenile Justice, as  
3 set forth in Section 3-2.5-15 of this Code, is exempt from the  
4 co-payment requirement for the duration of confinement in those  
5 facilities.

6 (f-5) The Department shall comply with the Health Care  
7 Violence Prevention Act.

8 (g) Any person having sole custody of a child at the time  
9 of commitment or any woman giving birth to a child after her  
10 commitment, may arrange through the Department of Children and  
11 Family Services for suitable placement of the child outside of  
12 the Department of Corrections. The Director of the Department  
13 of Corrections may determine that there are special reasons why  
14 the child should continue in the custody of the mother until  
15 the child is 6 years old.

16 (h) The Department may provide Family Responsibility  
17 Services which may consist of, but not be limited to the  
18 following:

19 (1) family advocacy counseling;

20 (2) parent self-help group;

21 (3) parenting skills training;

22 (4) parent and child overnight program;

23 (5) parent and child reunification counseling, either  
24 separately or together, preceding the inmate's release;  
25 and

26 (6) a prerelease reunification staffing involving the

1 family advocate, the inmate and the child's counselor, or  
2 both and the inmate.

3 (i) (Blank).

4 (j) Any person convicted of a sex offense as defined in the  
5 Sex Offender Management Board Act shall be required to receive  
6 a sex offender evaluation prior to release into the community  
7 from the Department of Corrections. The sex offender evaluation  
8 shall be conducted in conformance with the standards and  
9 guidelines developed under the Sex Offender Management Board  
10 Act and by an evaluator approved by the Board.

11 (k) Any minor committed to the Department of Juvenile  
12 Justice for a sex offense as defined by the Sex Offender  
13 Management Board Act shall be required to undergo sex offender  
14 treatment by a treatment provider approved by the Board and  
15 conducted in conformance with the Sex Offender Management Board  
16 Act.

17 (l) Prior to the release of any inmate committed to a  
18 facility of the Department or the Department of Juvenile  
19 Justice, the Department must provide the inmate with  
20 appropriate information verbally, in writing, by video, or  
21 other electronic means, concerning HIV and AIDS. The Department  
22 shall develop the informational materials in consultation with  
23 the Department of Public Health. At the same time, the  
24 Department must also offer the committed person the option of  
25 testing for infection with human immunodeficiency virus (HIV),  
26 with no copayment for the test. Pre-test information shall be

1 provided to the committed person and informed consent obtained  
2 as required in subsection (d) of Section 3 and Section 5 of the  
3 AIDS Confidentiality Act. The Department may conduct opt-out  
4 HIV testing as defined in Section 4 of the AIDS Confidentiality  
5 Act. If the Department conducts opt-out HIV testing, the  
6 Department shall place signs in English, Spanish and other  
7 languages as needed in multiple, highly visible locations in  
8 the area where HIV testing is conducted informing inmates that  
9 they will be tested for HIV unless they refuse, and refusal or  
10 acceptance of testing shall be documented in the inmate's  
11 medical record. The Department shall follow procedures  
12 established by the Department of Public Health to conduct HIV  
13 testing and testing to confirm positive HIV test results. All  
14 testing must be conducted by medical personnel, but pre-test  
15 and other information may be provided by committed persons who  
16 have received appropriate training. The Department, in  
17 conjunction with the Department of Public Health, shall develop  
18 a plan that complies with the AIDS Confidentiality Act to  
19 deliver confidentially all positive or negative HIV test  
20 results to inmates or former inmates. Nothing in this Section  
21 shall require the Department to offer HIV testing to an inmate  
22 who is known to be infected with HIV, or who has been tested  
23 for HIV within the previous 180 days and whose documented HIV  
24 test result is available to the Department electronically. The  
25 testing provided under this subsection (1) shall consist of a  
26 test approved by the Illinois Department of Public Health to

1 determine the presence of HIV infection, based upon  
2 recommendations of the United States Centers for Disease  
3 Control and Prevention. If the test result is positive, a  
4 reliable supplemental test based upon recommendations of the  
5 United States Centers for Disease Control and Prevention shall  
6 be administered.

7 Prior to the release of an inmate who the Department knows  
8 has tested positive for infection with HIV, the Department in a  
9 timely manner shall offer the inmate transitional case  
10 management, including referrals to other support services.

11 (m) The chief administrative officer of each institution or  
12 facility of the Department shall make a room in the institution  
13 or facility available for addiction recovery services to be  
14 provided to committed persons on a voluntary basis. The  
15 services shall be provided for one hour once a week at a time  
16 specified by the chief administrative officer of the  
17 institution or facility if the following conditions are met:

18 (1) the addiction recovery service contacts the chief  
19 administrative officer to arrange the meeting;

20 (2) the committed person may attend the meeting for  
21 addiction recovery services only if the committed person  
22 uses pre-existing free time already available to the  
23 committed person;

24 (3) all disciplinary and other rules of the institution  
25 or facility remain in effect;

26 (4) the committed person is not given any additional

1 privileges to attend addiction recovery services;

2 (5) if the addiction recovery service does not arrange  
3 for scheduling a meeting for that week, no addiction  
4 recovery services shall be provided to the committed person  
5 in the institution or facility for that week;

6 (6) the number of committed persons who may attend an  
7 addiction recovery meeting shall not exceed 40 during any  
8 session held at the correctional institution or facility;

9 (7) a volunteer seeking to provide addiction recovery  
10 services under this subsection (m) must submit an  
11 application to the Department of Corrections under  
12 existing Department rules and the Department must review  
13 the application within 60 days after submission of the  
14 application to the Department; and

15 (8) each institution and facility of the Department  
16 shall manage the addiction recovery services program  
17 according to its own processes and procedures.

18 For the purposes of this subsection (m), "addiction  
19 recovery services" means recovery services for alcoholics and  
20 addicts provided by volunteers of recovery support services  
21 recognized by the Department of Human Services.

22 (Source: P.A. 96-284, eff. 1-1-10; 97-244, eff. 8-4-11; 97-323,  
23 eff. 8-12-11; 97-562, eff. 1-1-12; 97-802, eff. 7-13-12;  
24 97-813, eff. 7-13-12.)

25 Section 115. The County Jail Act is amended by changing

1 Section 17.5 and by adding Section 17.15 as follows:

2 (730 ILCS 125/17.5)

3 Sec. 17.5. Pregnant female prisoners. Notwithstanding any  
4 other statute, directive, or administrative regulation, when a  
5 pregnant female prisoner is brought to a hospital from a county  
6 jail for the purpose of delivering her baby, no handcuffs,  
7 shackles, or restraints of any kind may be used during her  
8 transport to a medical facility for the purpose of delivering  
9 her baby. Under no circumstances may leg irons or shackles or  
10 waist shackles be used on any pregnant female prisoner who is  
11 in labor. In addition, restraint of a pregnant female prisoner  
12 in the custody of the Cook County shall comply with Section  
13 3-15003.6 of the Counties Code. Upon the pregnant female  
14 prisoner's entry to the hospital delivery room, 2 ~~a~~ county  
15 correctional officers ~~officer~~ must be posted immediately  
16 outside the delivery room. The Sheriff must provide for  
17 adequate personnel to monitor the pregnant female prisoner  
18 during her transport to and from the hospital and during her  
19 stay at the hospital.

20 (Source: P.A. 91-253, eff. 1-1-00.)

21 (730 ILCS 125/17.15 new)

22 Sec. 17.15. Compliance with the Health Care Violence  
23 Prevention Act. The sheriff or warden of the jail shall comply  
24 with the Health Care Violence Prevention Act."