

SB3217



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3217

Introduced 2/6/2024, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

210 ILCS 85/7

from Ch. 111 1/2, par. 148

Amends the Hospital Licensing Act. Increases the fine for a hospital that fails to implement a written staffing plan for nursing services from a fine of up to \$500 per occurrence to a fine of up to \$5,000 per occurrence. Increases the fine for a hospital that demonstrates a pattern or practice of failing to substantially comply with a plan of correction within 60 days from a fine of up to \$500 per occurrence to a fine of up to \$10,000 per occurrence. Specifies that the Department of Public Health may revoke or suspend a license under the Act for the second or subsequent time that a hospital demonstrates a pattern or practice of failing to substantially comply with a plan of correction within 60 days (now, the hospital is issued a fine of up to \$1,000 per occurrence for such a violation).

LRB103 36641 CES 66750 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Hospital Licensing Act is amended by
5 changing Section 7 as follows:

6 (210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

7 Sec. 7. (a) The Director after notice and opportunity for
8 hearing to the applicant or licensee may deny, suspend, or
9 revoke a permit to establish a hospital or deny, suspend, or
10 revoke a license to open, conduct, operate, and maintain a
11 hospital in any case in which he finds that there has been a
12 substantial failure to comply with the provisions of this Act,
13 the Hospital Report Card Act, or the Illinois Adverse Health
14 Care Events Reporting Law of 2005 or the standards, rules, and
15 regulations established by virtue of any of those Acts. The
16 Department may impose fines on hospitals, not to exceed \$500
17 per occurrence, for failing to (1) initiate a criminal
18 background check on a patient that meets the criteria for
19 hospital-initiated background checks or (2) report the death
20 of a person known to be a resident of a facility licensed under
21 the ID/DD Community Care Act or the MC/DD Act to the coroner or
22 medical examiner within 24 hours as required by Section 6.09a
23 of this Act. In assessing whether to impose such a fine for

1 failure to initiate a criminal background check, the
2 Department shall consider various factors including, but not
3 limited to, whether the hospital has engaged in a pattern or
4 practice of failing to initiate criminal background checks.
5 Money from fines shall be deposited into the Long Term Care
6 Provider Fund.

7 (a-5) If a hospital demonstrates a pattern or practice of
8 failing to substantially comply with the requirements of
9 Section 10.10 or the hospital's written staffing plan, the
10 hospital shall provide a plan of correction to the Department
11 within 60 days. The Department may impose fines as follows:
12 (i) if a hospital fails to implement a written staffing plan
13 for nursing services, a fine not to exceed \$5,000 ~~\$500~~ per
14 occurrence may be imposed; (ii) if a hospital demonstrates a
15 pattern or practice of failing to substantially comply with a
16 plan of correction within 60 days after the plan takes effect,
17 a fine not to exceed \$10,000 ~~\$500~~ per occurrence may be
18 imposed; and (iii) if a hospital demonstrates for a second or
19 subsequent time a pattern or practice of failing to
20 substantially comply with a plan of correction within 60 days
21 after the plan takes effect, the Department may revoke or
22 suspend a license issued to a hospital under this Act ~~a fine~~
23 ~~not to exceed \$1,000 per occurrence may be imposed~~. Reports of
24 violations of Section 10.10 shall be subject to public
25 disclosure under Section 6.14a. Money from fines within this
26 subsection (a-5) shall be deposited into the Hospital

1 Licensure Fund, and money from fines for violations of Section
2 10.10 shall be used for scholarships under the Nursing
3 Education Scholarship Law.

4 (b) Such notice shall be effected by registered mail or by
5 personal service setting forth the particular reasons for the
6 proposed action and fixing a date, not less than 15 days from
7 the date of such mailing or service, at which time the
8 applicant or licensee shall be given an opportunity for a
9 hearing. Such hearing shall be conducted by the Director or by
10 an employee of the Department designated in writing by the
11 Director as Hearing Officer to conduct the hearing. On the
12 basis of any such hearing, or upon default of the applicant or
13 licensee, the Director shall make a determination specifying
14 his findings and conclusions. In case of a denial to an
15 applicant of a permit to establish a hospital, such
16 determination shall specify the subsection of Section 6 under
17 which the permit was denied and shall contain findings of fact
18 forming the basis of such denial. A copy of such determination
19 shall be sent by registered mail or served personally upon the
20 applicant or licensee. The decision denying, suspending, or
21 revoking a permit or a license shall become final 35 days after
22 it is so mailed or served, unless the applicant or licensee,
23 within such 35 day period, petitions for review pursuant to
24 Section 13.

25 (c) The procedure governing hearings authorized by this
26 Section shall be in accordance with rules promulgated by the

1 Department and approved by the Hospital Licensing Board. A
2 full and complete record shall be kept of all proceedings,
3 including the notice of hearing, complaint, and all other
4 documents in the nature of pleadings, written motions filed in
5 the proceedings, and the report and orders of the Director and
6 Hearing Officer. All testimony shall be reported but need not
7 be transcribed unless the decision is appealed pursuant to
8 Section 13. A copy or copies of the transcript may be obtained
9 by any interested party on payment of the cost of preparing
10 such copy or copies.

11 (d) The Director or Hearing Officer shall upon his own
12 motion, or on the written request of any party to the
13 proceeding, issue subpoenas requiring the attendance and the
14 giving of testimony by witnesses, and subpoenas duces tecum
15 requiring the production of books, papers, records, or
16 memoranda. All subpoenas and subpoenas duces tecum issued
17 under the terms of this Act may be served by any person of full
18 age. The fees of witnesses for attendance and travel shall be
19 the same as the fees of witnesses before the Circuit Court of
20 this State, such fees to be paid when the witness is excused
21 from further attendance. When the witness is subpoenaed at the
22 instance of the Director, or Hearing Officer, such fees shall
23 be paid in the same manner as other expenses of the Department,
24 and when the witness is subpoenaed at the instance of any other
25 party to any such proceeding the Department may require that
26 the cost of service of the subpoena or subpoena duces tecum and

1 the fee of the witness be borne by the party at whose instance
2 the witness is summoned. In such case, the Department in its
3 discretion, may require a deposit to cover the cost of such
4 service and witness fees. A subpoena or subpoena duces tecum
5 issued as aforesaid shall be served in the same manner as a
6 subpoena issued out of a court.

7 (e) Any Circuit Court of this State upon the application
8 of the Director, or upon the application of any other party to
9 the proceeding, may, in its discretion, compel the attendance
10 of witnesses, the production of books, papers, records, or
11 memoranda and the giving of testimony before the Director or
12 Hearing Officer conducting an investigation or holding a
13 hearing authorized by this Act, by an attachment for contempt,
14 or otherwise, in the same manner as production of evidence may
15 be compelled before the court.

16 (f) The Director or Hearing Officer, or any party in an
17 investigation or hearing before the Department, may cause the
18 depositions of witnesses within the State to be taken in the
19 manner prescribed by law for like depositions in civil actions
20 in courts of this State, and to that end compel the attendance
21 of witnesses and the production of books, papers, records, or
22 memoranda.

23 (Source: P.A. 102-641, eff. 8-27-21.)