**Section 545.35 Development and Approval of Plans**

a) *Every hospital required to be licensed by the Department, pursuant to the Hospital Licensing Act* or operated under the University of Illinois Hospital Act that *provides general medical and surgical hospital services shall provide either transfer services to all sexual assault survivors, medical forensic services to all sexual assault survivors, or transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years old or older, in accordance with* this Part*.* (Section 2(a) of the Act)

b) *Every hospital, regardless of whether or not a request is made for reimbursement, shall submit to the Department a plan to provide either transfer services to all sexual assault survivors, medical forensic services* *to all sexual assault survivors, or transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years or older within the time frame established by the Department.* (Section 2(a) of the Act)

c) The plan shall be submitted to the Department for approval prior to becoming effective. The hospital or approved pediatric health care facility shall submit the plan to the Department within 60 days after receiving the Department's request for the plan.

d) A sexual assault treatment plan, transfer plan, pediatric transfer plan, approved pediatric health care facility treatment plan, or out-of-state hospital treatment plan shall be completed using the respective forms provided by the Department. An emergency contraception protocol consistent with the sample protocols in Appendix C shall be completed. *The Department will approve* a *plan for either transfer services to all sexual assault survivors, medical forensic services to all sexual assault survivors, or transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years old or older, if it finds that the implementation of the proposed plan would provide transfer services or medical forensic services for sexual assault survivors in accordance with the Act* and this Part, *and provide sufficient protections from the risk of pregnancy to sexual assault survivors.* (Section 2(a) of the Act)

e) Every hospital and approved pediatric health care facility shall submit an updated treatment plan, transfer plan, pediatric transfer plan, approved pediatric health care facility treatment plan, or out-of-state hospital treatment plan to the Department every three years. A transfer or treatment plan may be part of an areawide plan pursuant to Section 545.50.

1) *The Department will not approve a sexual assault transfer plan unless a treatment hospital has agreed, as a part of an areawide treatment plan, to accept sexual assault survivors from the proposed transfer hospital and a transfer to the treatment hospital would not unduly burden the sexual assault survivor*.

2) *In counties with a population of less than 1,000,000, the Department will not approve a sexual assault transfer plan for a hospital located within a 20-mile radius of a 4-year public university, not including community colleges, unless there is a treatment hospital with a sexual assault treatment plan approved by the Department within a 20-mile radius of the 4-year public university.*

3) *A transfer shall be in accordance with federal and State laws and local ordinances.*

4) *A treatment hospital with approved pediatric transfer shall submit an areawide treatment plan under Section 3 of the Act* and Section 545.50 of this Part *that includes a written agreement with a treatment hospital stating that the treatment hospital will provide medical forensic services to pediatric sexual assault survivors transferred from the treatment hospital with approved pediatric transfer. The areawide treatment plan may also include an approved pediatric health care facility. The Department may approve a sexual assault transfer plan for the provision of medical forensic services if:*

A) *A treatment hospital with approved pediatric transfer has agreed, as part of an areawide treatment plan, to accept sexual assault survivors 13 years of age or older from the proposed transfer hospital; and*

B) *If the treatment hospital with approved pediatric transfer is geographically closer to the transfer hospital than a treatment hospital or another treatment hospital with approved pediatric transfer and the transfer is not unduly burdensome on the sexual assault survivor.*

5) *A transfer hospital shall submit an areawide treatment plan under Section 3 of the Act* and Section 545.50 of this Part *that includes a written agreement with a treatment hospital stating that the treatment hospital will provide medical forensic services to all sexual assault survivors transferred from the transfer hospital. The areawide treatment plan may also include an approved pediatric health care facility. The Department may approve a sexual assault transfer plan for the provision of medical forensic services if:*

A) *A treatment hospital with approved pediatric transfer has agreed, as part of an areawide treatment plan, to accept sexual assault survivors 13 years of age or older from the proposed transfer hospital, if the treatment hospital with approved pediatric transfer is geographically closer to the transfer hospital than a treatment hospital or another treatment hospital with approved pediatric transfer and the transfer is not unduly burdensome on the sexual assault survivor; and*

B) *A treatment hospital has agreed, as a part of an areawide treatment plan, to accept sexual assault survivors under 13 years of age from the proposed transfer hospital and transfer to the treatment hospital would not unduly burden the sexual assault survivor.* (Section 2(a) of the Act)

f) *A hospital* shall *submit a plan to provide either transfer services to all sexual assault survivors, medical forensic services to all sexual assault survivors, or transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years old or older as required in subsection* 2(a) of the Act and this Section *within 60 days* after *the Department's request. Failure to submit a plan as described in* this subsection will *subject a hospital to the imposition of a fine by the Department. The Department* will *impose a fine of up to $500 per day until the hospital submits a plan as described in this* subsection. (Section (2)(a-5) of the Act)

g) *Upon receipt of a plan as described in* subsection (f)*, the Department* will review the plan to determine if adequate medical forensic services for the sexual assault survivor is met and will *notify the hospital whether or not the plan is acceptable. If the Department determines that the plan is unacceptable, the hospital shall submit a modified plan within 10 days* after *service of the notification. If the Department determines that the modified plan is unacceptable, or if the hospital fails to submit a modified plan within 10 days, the Department* will *impose a fine of up to $500 per day until an acceptable plan has been submitted, as determined by the Department*. (Section (2)(a-10) of the Act)

h) *No fine shall be taken or assessed until* January 1, 2024. (Sections (2-1)(a-5) and (a-10) of the Act)

i) *Each treatment hospital, treatment hospital with approved pediatric transfer, and approved pediatric health care facility shall enter into a memorandum of understanding with a rape crisis center for medical advocacy services, if these services are available to the treatment hospital, treatment hospital with approved pediatric transfer, or approved pediatric health care facility. With the consent of the sexual assault survivor, a rape crisis counselor shall remain in the exam room during the collection for forensic evidence.* (Section 2(c) of the Act)

j) *Every treatment hospital, treatment hospital with approved pediatric transfer, and approved pediatric health care facility's sexual assault treatment plan shall include procedures for complying with mandatory reporting requirements pursuant to the:*

1) *Abused and Neglected Child Reporting Act;*

2) *Abused and Neglected Long Term Care Facility Residents Reporting Act;*

3) *Adult Protective Services Act; and*

4) *Criminal Identification Act.* (Section 2(d) of the Act)

k) Questions regarding a hospital's or approved pediatric health care facility's compliance with its approved plan and this Part should be directed to:

Illinois Department of Public Health

Division of Health Care Facilities and Programs

525 West Jefferson St., 4th Floor

Springfield, Illinois 62761

(217) 782-7412

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