**Section 545.64 Out-of-State Hospitals**

a) *An out-of-state hospital that submits an areawide treatment plan to the Department in accordance with Section 5.4(b) of the Act* and Section 545.90 of this Part *consents to the jurisdiction and oversight of the Department, including, but not limited to, inspections, investigations, and evaluations arising out of complaints, relevant to the Act, made to the Department.* (Section 2.06 of the Act)

b) *An out-of-state hospital that submits an areawide treatment plan to the Department in accordance with Section 5.4(b)* *of the Act* and Section 545.90 of this Part *shall be deemed to have given consent to annual inspections, surveys, or evaluations relevant to the Act by properly identified personnel of the Department or by such other properly identified persons, including local health department staff, as the Department may designate.* (Section 2.06 of the Act)

c) *Representatives of the Department shall have access to and may reproduce or photocopy any books, records, and other documents maintained by the out-of-state hospital or the out-of-state hospital's representative to the extent necessary to carry out the Act* and this Part. (Section 2.06 of the Act)

d) *No representative, agent, or person acting on behalf of the out-of-state hospital in any manner shall intentionally prevent, interfere with, or attempt to impede in any way any duly authorized investigation and enforcement of the Act* and this Part. (Section 2.06 of the Act)

e) *Each* out-of-state *treatment hospital shall enter into a memorandum of understanding with* an Illinois *rape crisis center for medical advocacy services, if these services are available to the* out-of-state *treatment hospital. 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)

f) *Every* out-of-state *treatment hospital'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)

g) An out-of-state hospital shall comply with Section 545.60.

h) Out-of-state Hospitals Designated as Trauma Centers

1) *Nothing in the Act* or this Part *shall prohibit the transfer of a patient in need of medical services* to *a hospital that has been designated as a trauma center by the Department in accordance with Section 3.90 of the Emergency Medical Services (EMS) Systems Act.*

2) *A transfer hospital, treatment hospital with approved pediatric transfer, or approved pediatric health care facility may transfer a sexual assault survivor to an out-of-state hospital that is located in a county that borders Illinois if the out-of-state hospital*:

A) *Submits an areawide treatment plan approved by the Department; and*

B) *Has certified to the Department, in a form and manner prescribed by the Department, that the out-of-state hospital will*:

i) *Consent to the jurisdiction of the Department in accordance with Section 2.06 of the Act* and this Section;

ii) *Comply with* Section 545.60 and *all* *requirements of* *the* *Act applicable to treatment hospitals, including, but not limited to, offering evidence collection to any Illinois sexual assault survivor who presents with a complaint of sexual assault within seven* *days* after the assault, *who has disclosed past sexual assault by a specific individual and was in the care of that individual within the last seven days,* or who has a clinical indication for medical forensic services beyond seven days, *and not billing the sexual assault survivor for medical forensic services or 180 days of follow-up healthcare*;

iii) *Use a Sexual Assault Evidence Collection Kit to collect forensic evidence from an Illinois sexual assault survivor*;

iv) *Ensure its staff cooperates with Illinois law enforcement agencies and is responsive to subpoenas issued by Illinois courts; and*

v) *Provide appropriate transportation, upon the completion of medical forensic services, back to the transfer hospital, treatment hospital with pediatric transfer, or approved pediatric health care facility where the sexual assault survivor initially presented seeking medical forensic services, unless the sexual assault survivor chooses to arrange his or her own transportation*. (Section 5.4 of the Act)

i) *In carrying out oversight of an out-of-state hospital, the Department will respect the confidentiality of all patient records, including by complying with the patient record confidentiality requirements set out in Section 6.14b of the Hospital Licensing Act*. (Section 2.06 of the Act)

(Source: Amended at 47 Ill. Reg. 14538, effective September 26, 2023)