



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3852

by Rep. Michael D. Unes

SYNOPSIS AS INTRODUCED:

410 ILCS 70/1a	from Ch. 111 1/2, par. 87-1a
410 ILCS 70/2	from Ch. 111 1/2, par. 87-2
410 ILCS 70/2.1	from Ch. 111 1/2, par. 87-2.1
410 ILCS 70/2.2	
410 ILCS 70/3	from Ch. 111 1/2, par. 87-3
410 ILCS 70/5	from Ch. 111 1/2, par. 87-5
410 ILCS 70/5.5	
410 ILCS 70/6.1	from Ch. 111 1/2, par. 87-6.1
410 ILCS 70/6.2	from Ch. 111 1/2, par. 87-6.2
410 ILCS 70/6.4	from Ch. 111 1/2, par. 87-6.4
410 ILCS 70/6.5	
410 ILCS 70/6.6	
410 ILCS 70/7	from Ch. 111 1/2, par. 87-7
410 ILCS 70/7.5	
410 ILCS 70/8	from Ch. 111 1/2, par. 87-8
410 ILCS 70/9	from Ch. 111 1/2, par. 87-9

Amends the Sexual Assault Survivors Emergency Treatment Act. Defines "eligible health care facility" as a hospital, emergency department, or outpatient clinic that delivers health care, including, but not limited to, care for a sexual assault survivor. Changes references from "hospital" to "eligible health care facility" and makes conforming changes. Changes references from "hospital emergency services" to "emergency services". Provides that sexual assault nurse examiners who examine pediatric patients should have completed specified training and have a specified certification. Makes other changes. Effective immediately.

LRB100 11373 MJP 21764 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Sexual Assault Survivors Emergency
5 Treatment Act is amended by changing Sections 1a, 2, 2.1, 2.2,
6 3, 5, 5.5, 6.1, 6.2, 6.4, 6.5, 6.6, 7, 7.5, 8, and 9 as follows:

7 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

8 Sec. 1a. Definitions. In this Act:

9 "Ambulance provider" means an individual or entity that
10 owns and operates a business or service using ambulances or
11 emergency medical services vehicles to transport emergency
12 patients.

13 "Areawide sexual assault treatment plan" means a plan,
14 developed by the eligible health care facilities ~~hospitals~~ in
15 the community or area to be served, which provides for ~~hospital~~
16 emergency services to sexual assault survivors that shall be
17 made available by each of the participating eligible health
18 care facilities ~~hospitals~~.

19 "Department" means the Department of Public Health.

20 "Eligible health care facility" means a hospital,
21 emergency department, or outpatient clinic that delivers
22 health care, including, but not limited to, care for a sexual
23 assault survivor.

1 "Emergency contraception" means medication as approved by
2 the federal Food and Drug Administration (FDA) that can
3 significantly reduce the risk of pregnancy if taken within 72
4 hours after sexual assault.

5 "Emergency services" means health care delivered to
6 outpatients within or under the care and supervision of
7 personnel working in a designated emergency department of a
8 hospital or outpatient clinic of an eligible health facility,
9 including, but not limited to, care ordered by such personnel
10 for a sexual assault survivor.

11 "Follow-up healthcare" means healthcare services related
12 to a sexual assault, including laboratory services and pharmacy
13 services, rendered within 90 days of the initial visit for
14 ~~hospital~~ emergency services.

15 "Forensic services" means the collection of evidence
16 pursuant to a statewide sexual assault evidence collection
17 program administered by the Department of State Police, using
18 the Illinois State Police Sexual Assault Evidence Collection
19 Kit.

20 "Health care professional" means a physician, a physician
21 assistant, or an advanced practice nurse.

22 "Hospital" has the meaning given to that term in the
23 Hospital Licensing Act.

24 ~~"Hospital emergency services" means healthcare delivered~~
25 ~~to outpatients within or under the care and supervision of~~
26 ~~personnel working in a designated emergency department of a~~

1 ~~hospital, including, but not limited to, care ordered by such~~
2 ~~personnel for a sexual assault survivor in the emergency~~
3 ~~department.~~

4 "Illinois State Police Sexual Assault Evidence Collection
5 Kit" means a prepackaged set of materials and forms to be used
6 for the collection of evidence relating to sexual assault. The
7 standardized evidence collection kit for the State of Illinois
8 shall be the Illinois State Police Sexual Assault Evidence
9 Collection Kit.

10 "Law enforcement agency having jurisdiction" means the law
11 enforcement agency in the jurisdiction where an alleged sexual
12 assault or sexual abuse occurred.

13 "Nurse" means a nurse licensed under the Nurse Practice
14 Act.

15 "Physician" means a person licensed to practice medicine in
16 all its branches.

17 "Sexual assault" means an act of nonconsensual sexual
18 conduct or sexual penetration, as defined in Section 11-0.1 of
19 the Criminal Code of 2012, including, without limitation, acts
20 prohibited under Sections 11-1.20 through 11-1.60 of the
21 Criminal Code of 2012.

22 "Sexual assault nurse examiner" means a registered nurse
23 who has completed a sexual assault nurse examiner (SANE)
24 training program that meets the Forensic Sexual Assault Nurse
25 Examiner Education Guidelines established by the International
26 Association of Forensic Nurses with separate certification for

1 adult and pediatric sexual assault care.

2 "Sexual assault survivor" means a person who presents for
3 ~~hospital~~ emergency services to an eligible health care facility
4 in relation to injuries or trauma resulting from a sexual
5 assault.

6 "Sexual assault transfer plan" means a written plan
7 developed by an eligible health care facility ~~a hospital~~ and
8 approved by the Department, which describes the eligible health
9 care facility's ~~hospital's~~ procedures for transferring sexual
10 assault survivors to another eligible health care facility
11 ~~hospital~~ in order to receive emergency treatment.

12 "Sexual assault treatment plan" means a written plan
13 developed by an eligible healthcare facility ~~a hospital~~ that
14 describes the eligible health care facility's ~~hospital's~~
15 procedures and protocols for providing ~~hospital~~ emergency
16 services and forensic services to sexual assault survivors who
17 present themselves for such services, either directly or
18 through transfer from another eligible healthcare facility
19 ~~hospital~~.

20 "Transfer services" means the appropriate medical
21 screening examination and necessary stabilizing treatment
22 prior to the transfer of a sexual assault survivor to an
23 eligible healthcare facility ~~a hospital~~ that provides ~~hospital~~
24 emergency services and forensic services to sexual assault
25 survivors pursuant to a sexual assault treatment plan or
26 areawide sexual assault treatment plan.

1 "Voucher" means a document generated by an eligible health
2 care facility ~~a hospital~~ at the time the sexual assault
3 survivor receives ~~hospital~~ emergency and forensic services
4 that a sexual assault survivor may present to providers for
5 follow-up healthcare.

6 (Source: P.A. 99-454, eff. 1-1-16; 99-801, eff. 1-1-17.)

7 (410 ILCS 70/2) (from Ch. 111 1/2, par. 87-2)

8 Sec. 2. Eligible health care facility ~~Hospital~~
9 requirements. Every eligible health care facility ~~hospital~~
10 required to be licensed by the Department pursuant to the
11 Hospital Licensing Act, approved July 1, 1953, as now or
12 hereafter amended, or licensed by the Department under any
13 other applicable law, or that is regulated by a State or
14 federal agency governing outpatient facilities, which provides
15 general medical and surgical ~~hospital~~ services shall provide
16 either (i) transfer services or (ii) ~~hospital~~ emergency
17 services and forensic services, in accordance with rules and
18 regulations adopted by the Department, to all sexual assault
19 survivors who apply for either (i) transfer services or (ii)
20 ~~hospital~~ emergency services and forensic services in relation
21 to injuries or trauma resulting from the sexual assault.

22 In addition, every such eligible health care facility
23 ~~hospital~~, regardless of whether or not a request is made for
24 reimbursement, shall submit to the Department a plan to provide
25 either (i) transfer services or (ii) ~~hospital~~ emergency

1 services and forensic services to sexual assault survivors.
2 Such plan shall be submitted within 60 days after receipt of
3 the Department's request for this plan, to the Department for
4 approval prior to such plan becoming effective. The Department
5 shall approve such plan for either (i) transfer services or
6 (ii) ~~hospital~~ emergency services and forensic services to
7 sexual assault survivors if it finds that the implementation of
8 the proposed plan would provide adequate (i) transfer services
9 or (ii) ~~hospital~~ emergency services and forensic services for
10 sexual assault survivors and provide sufficient protections
11 from the risk of pregnancy to sexual assault survivors.

12 The Department shall periodically conduct on site reviews
13 of such approved plans with eligible health care facility
14 ~~hospital~~ personnel to insure that the established procedures
15 are being followed.

16 On January 1, 2007, and each January 1 thereafter, the
17 Department shall submit a report to the General Assembly
18 containing information on the eligible health care facilities
19 ~~hospitals~~ in this State that have submitted a plan to provide
20 either (i) transfer services or (ii) ~~hospital~~ emergency
21 services and forensic services to sexual assault survivors. The
22 Department shall post on its Internet website the report
23 required in this Section. The report shall include all of the
24 following:

- 25 (1) A list of all eligible health care facilities
26 ~~hospitals~~ that have submitted a plan.

1 (2) A list of eligible health care facilities ~~hospitals~~
2 whose plans have been found by the Department to be in
3 compliance with this Act.

4 (3) A list of eligible health care facilities ~~hospitals~~
5 that have failed to submit an acceptable Plan of Correction
6 within the time required by Section 2.1 of this Act.

7 (4) A list of eligible health care facilities ~~hospitals~~
8 at which the periodic site review required by this Act has
9 been conducted.

10 When an eligible health care facility ~~a hospital~~ listed as
11 noncompliant under item (3) of this Section submits and
12 implements the required Plan of Correction, the Department
13 shall immediately update the report on its Internet website to
14 reflect that eligible health care facility's ~~hospital's~~
15 compliance.

16 (Source: P.A. 94-762, eff. 5-12-06; 95-432, eff. 1-1-08.)

17 (410 ILCS 70/2.1) (from Ch. 111 1/2, par. 87-2.1)

18 Sec. 2.1. Plan of correction; penalties. If the Department
19 surveyor determines that the eligible health care facility
20 ~~hospital~~ is not in compliance with its approved plan, the
21 surveyor shall provide the eligible health care facility
22 ~~hospital~~ with a written list of the specific items of
23 noncompliance within 10 working days after the conclusion of
24 the on site review. The eligible health care facility ~~hospital~~
25 shall have 10 working days to submit to the Department a plan

1 of correction which contains the eligible health care
2 facility's ~~hospital's~~ specific proposals for correcting the
3 items of noncompliance. The Department shall review the plan of
4 correction and notify the eligible health care facility
5 ~~hospital~~ in writing within 10 working days as to whether the
6 plan is acceptable or unacceptable.

7 If the Department finds the Plan of Correction
8 unacceptable, the eligible health care facility ~~hospital~~ shall
9 have 10 working days to resubmit an acceptable Plan of
10 Correction. Upon notification that its Plan of Correction is
11 acceptable, an eligible health care facility ~~a hospital~~ shall
12 implement the Plan of Correction within 60 days.

13 The failure to submit an acceptable Plan of Correction or
14 to implement the Plan of Correction, within the time frames
15 required in this Section, will subject an eligible health care
16 facility ~~a hospital~~ to the imposition of a fine by the
17 Department. The Department may impose a fine of up to \$500 per
18 day until an eligible health care facility ~~a hospital~~ complies
19 with the requirements of this Section.

20 Before imposing a fine pursuant to this Section, the
21 Department shall provide the eligible health care facility
22 ~~hospital~~ via certified mail with written notice and an
23 opportunity for an administrative hearing. Such hearing must be
24 requested within 10 working days after receipt of the
25 Department's Notice. All hearings shall be conducted in
26 accordance with the Department's rules in administrative

1 hearings.

2 (Source: P.A. 94-762, eff. 5-12-06; 95-432, eff. 1-1-08.)

3 (410 ILCS 70/2.2)

4 Sec. 2.2. Emergency contraception.

5 (a) The General Assembly finds:

6 (1) Crimes of sexual assault and sexual abuse cause
7 significant physical, emotional, and psychological trauma
8 to the victims. This trauma is compounded by a victim's
9 fear of becoming pregnant and bearing a child as a result
10 of the sexual assault.

11 (2) Each year over 32,000 women become pregnant in the
12 United States as the result of rape and approximately 50%
13 of these pregnancies end in abortion.

14 (3) As approved for use by the Federal Food and Drug
15 Administration (FDA), emergency contraception can
16 significantly reduce the risk of pregnancy if taken within
17 72 hours after the sexual assault.

18 (4) By providing emergency contraception to rape
19 victims in a timely manner, the trauma of rape can be
20 significantly reduced.

21 (b) Within 120 days after the effective date of this
22 amendatory Act of the 92nd General Assembly, every eligible
23 health care facility ~~hospital~~ providing services to sexual
24 assault survivors in accordance with a plan approved under
25 Section 2 must develop a protocol that ensures that each

1 survivor of sexual assault will receive medically and factually
2 accurate and written and oral information about emergency
3 contraception; the indications and counter-indications and
4 risks associated with the use of emergency contraception; and a
5 description of how and when victims may be provided emergency
6 contraception upon the written order of a physician licensed to
7 practice medicine in all its branches, a licensed advanced
8 practice nurse, or a licensed physician assistant. The
9 Department shall approve the protocol if it finds that the
10 implementation of the protocol would provide sufficient
11 protection for survivors of sexual assault.

12 The eligible health care facility ~~hospital~~ shall implement
13 the protocol upon approval by the Department. The Department
14 shall adopt rules and regulations establishing one or more safe
15 harbor protocols and setting minimum acceptable protocol
16 standards that eligible health care facilities ~~hospitals~~ may
17 develop and implement. The Department shall approve any
18 protocol that meets those standards. The Department may provide
19 a sample acceptable protocol upon request.

20 (Source: P.A. 99-173, eff. 7-29-15.)

21 (410 ILCS 70/3) (from Ch. 111 1/2, par. 87-3)

22 Sec. 3. Areawide sexual assault treatment plans;
23 submission. Eligible health care facilities ~~Hospitals~~ in the
24 area to be served may develop and participate in areawide plans
25 that shall describe the ~~hospital~~ emergency services and

1 forensic services to sexual assault survivors that each
2 participating eligible health care facility ~~hospital~~ has
3 agreed to make available. Each eligible health care facility
4 ~~hospital~~ participating in such a plan shall provide such
5 services as it is designated to provide in the plan agreed upon
6 by the participants. Areawide plans may include eligible health
7 care facility ~~hospital~~ transfer plans. All areawide plans shall
8 be submitted to the Department for approval, prior to becoming
9 effective. The Department shall approve a proposed plan if it
10 finds that the implementation of the plan would provide for
11 appropriate ~~hospital~~ emergency services and forensic services
12 for the people of the area to be served.

13 (Source: P.A. 95-432, eff. 1-1-08.)

14 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

15 Sec. 5. Minimum requirements for eligible health care
16 facilities ~~hospitals~~ providing ~~hospital~~ emergency services and
17 forensic services to sexual assault survivors.

18 (a) Every eligible health care facility ~~hospital~~ providing
19 ~~hospital~~ emergency services and forensic services to sexual
20 assault survivors under this Act shall, as minimum requirements
21 for such services, provide, with the consent of the sexual
22 assault survivor, and as ordered by the attending physician, an
23 advanced practice nurse, or a physician assistant, the
24 following:

25 (1) appropriate medical examinations and laboratory

1 tests required to ensure the health, safety, and welfare of
2 a sexual assault survivor or which may be used as evidence
3 in a criminal proceeding against a person accused of the
4 sexual assault, or both; and records of the results of such
5 examinations and tests shall be maintained by the eligible
6 health care facility ~~hospital~~ and made available to law
7 enforcement officials upon the request of the sexual
8 assault survivor;

9 (2) appropriate oral and written information
10 concerning the possibility of infection, sexually
11 transmitted disease and pregnancy resulting from sexual
12 assault;

13 (3) appropriate oral and written information
14 concerning accepted medical procedures, medication, and
15 possible contraindications of such medication available
16 for the prevention or treatment of infection or disease
17 resulting from sexual assault;

18 (4) an amount of medication for treatment at the
19 eligible health care facility ~~hospital~~ and after discharge
20 as is deemed appropriate by the attending physician, an
21 advanced practice nurse, or a physician assistant and
22 consistent with the eligible health care facility's
23 ~~hospital's~~ current approved protocol for sexual assault
24 survivors;

25 (5) an evaluation of the sexual assault survivor's risk
26 of contracting human immunodeficiency virus (HIV) from the

1 sexual assault;

2 (6) written and oral instructions indicating the need
3 for follow-up examinations and laboratory tests after the
4 sexual assault to determine the presence or absence of
5 sexually transmitted disease;

6 (7) referral by eligible health care facility ~~hospital~~
7 personnel for appropriate counseling; and

8 (8) when HIV prophylaxis is deemed appropriate, an
9 initial dose or doses of HIV prophylaxis, along with
10 written and oral instructions indicating the importance of
11 timely follow-up healthcare.

12 (b) Any person who is a sexual assault survivor who seeks
13 emergency ~~hospital~~ services and forensic services or follow-up
14 healthcare under this Act shall be provided such services
15 without the consent of any parent, guardian, custodian,
16 surrogate, or agent.

17 (b-5) Every treating eligible health care facility
18 ~~hospital~~ providing ~~hospital~~ emergency and forensic services to
19 sexual assault survivors shall issue a voucher to any sexual
20 assault survivor who is eligible to receive one. The eligible
21 health care facility ~~hospital~~ shall make a copy of the voucher
22 and place it in the medical record of the sexual assault
23 survivor. The eligible health care facility ~~hospital~~ shall
24 provide a copy of the voucher to the sexual assault survivor
25 after discharge upon request.

26 (c) Nothing in this Section creates a physician-patient

1 relationship that extends beyond discharge from the hospital or
2 outpatient clinic's emergency department.

3 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;
4 99-642, eff. 7-28-16.)

5 (410 ILCS 70/5.5)

6 Sec. 5.5. Minimum reimbursement requirements for follow-up
7 healthcare.

8 (a) Every eligible health care facility ~~hospital~~, health
9 care professional, laboratory, or pharmacy that provides
10 follow-up healthcare to a sexual assault survivor, with the
11 consent of the sexual assault survivor and as ordered by the
12 attending physician, an advanced practice nurse, or physician
13 assistant shall be reimbursed for the follow-up healthcare
14 services provided. Follow-up healthcare services include, but
15 are not limited to, the following:

16 (1) a physical examination;

17 (2) laboratory tests to determine the presence or
18 absence of sexually transmitted disease; and

19 (3) appropriate medications, including HIV
20 prophylaxis.

21 (b) Reimbursable follow-up healthcare is limited to office
22 visits with a physician, advanced practice nurse, or physician
23 assistant within 90 days after an initial visit for ~~hospital~~
24 emergency services.

25 (c) Nothing in this Section requires an eligible health

1 care facility ~~a hospital~~, health care professional,
2 laboratory, or pharmacy to provide follow-up healthcare to a
3 sexual assault survivor.

4 (Source: P.A. 99-173, eff. 7-29-15.)

5 (410 ILCS 70/6.1) (from Ch. 111 1/2, par. 87-6.1)

6 Sec. 6.1. Minimum standards. The Department shall
7 prescribe minimum standards, rules, and regulations necessary
8 to implement this Act, which shall apply to every eligible
9 health care facility ~~hospital~~ required to be licensed by the
10 Department that provides general medical and surgical ~~hospital~~
11 services. Such standards shall include, but not be limited to,
12 a uniform system for recording results of medical examinations
13 and all diagnostic tests performed in connection therewith to
14 determine the condition and necessary treatment of sexual
15 assault survivors, which results shall be preserved in a
16 confidential manner as part of the eligible health care
17 facility's ~~hospital~~ record of the sexual assault survivor.

18 (Source: P.A. 95-432, eff. 1-1-08.)

19 (410 ILCS 70/6.2) (from Ch. 111 1/2, par. 87-6.2)

20 Sec. 6.2. Assistance and grants. The Department shall
21 assist in the development and operation of programs which
22 provide ~~hospital~~ emergency services and forensic services to
23 sexual assault survivors, and, where necessary, to provide
24 grants to eligible health care facilities ~~hospitals~~ for this

1 purpose.

2 (Source: P.A. 95-432, eff. 1-1-08.)

3 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

4 Sec. 6.4. Sexual assault evidence collection program.

5 (a) There is created a statewide sexual assault evidence
6 collection program to facilitate the prosecution of persons
7 accused of sexual assault. This program shall be administered
8 by the Illinois State Police. The program shall consist of the
9 following: (1) distribution of sexual assault evidence
10 collection kits which have been approved by the Illinois State
11 Police to eligible health care facilities ~~hospitals~~ that
12 request them, or arranging for such distribution by the
13 manufacturer of the kits, (2) collection of the kits from
14 eligible health care facilities ~~hospitals~~ after the kits have
15 been used to collect evidence, (3) analysis of the collected
16 evidence and conducting of laboratory tests, (4) maintaining
17 the chain of custody and safekeeping of the evidence for use in
18 a legal proceeding, and (5) the comparison of the collected
19 evidence with the genetic marker grouping analysis information
20 maintained by the Department of State Police under Section
21 5-4-3 of the Unified Code of Corrections and with the
22 information contained in the Federal Bureau of Investigation's
23 National DNA database; provided the amount and quality of
24 genetic marker grouping results obtained from the evidence in
25 the sexual assault case meets the requirements of both the

1 Department of State Police and the Federal Bureau of
2 Investigation's Combined DNA Index System (CODIS) policies.
3 The standardized evidence collection kit for the State of
4 Illinois shall be the Illinois State Police Sexual Assault
5 Evidence Kit and shall include a written consent form
6 authorizing law enforcement to test the sexual assault evidence
7 and to provide law enforcement with details of the sexual
8 assault.

9 (a-5) (Blank).

10 (b) The Illinois State Police shall administer a program to
11 train eligible health care facilities ~~hospitals~~ and eligible
12 health care facility ~~hospital~~ personnel participating in the
13 sexual assault evidence collection program, in the correct use
14 and application of the sexual assault evidence collection kits.
15 A sexual assault nurse examiner may conduct examinations using
16 the sexual assault evidence collection kits, without the
17 presence or participation of a physician. The Department shall
18 cooperate with the Illinois State Police in this program as it
19 pertains to medical aspects of the evidence collection.

20 (c) Sexual assault nurse examiners who examine pediatric
21 patients should have completed pediatric sexual assault nurse
22 examiner training and be certified by the International
23 Association of Forensic Nurses. ~~In this Section, "sexual~~
24 ~~assault nurse examiner" means a registered nurse who has~~
25 ~~completed a sexual assault nurse examiner (SANE) training~~
26 ~~program that meets the Forensic Sexual Assault Nurse Examiner~~

1 ~~Education Guidelines established by the International~~
2 ~~Association of Forensic Nurses.~~

3 (Source: P.A. 99-801, eff. 1-1-17.)

4 (410 ILCS 70/6.5)

5 Sec. 6.5. Written consent to the release of sexual assault
6 evidence for testing.

7 (a) Upon the completion of ~~hospital~~ emergency services and
8 forensic services, the health care professional providing the
9 forensic services shall provide the patient the opportunity to
10 sign a written consent to allow law enforcement to submit the
11 sexual assault evidence for testing. The written consent shall
12 be on a form included in the sexual assault evidence collection
13 kit and shall include whether the survivor consents to the
14 release of information about the sexual assault to law
15 enforcement.

16 (1) A survivor 13 years of age or older may sign the
17 written consent to release the evidence for testing.

18 (2) If the survivor is a minor who is under 13 years of
19 age, the written consent to release the sexual assault
20 evidence for testing may be signed by the parent, guardian,
21 investigating law enforcement officer, or Department of
22 Children and Family Services.

23 (3) If the survivor is an adult who has a guardian of
24 the person, a health care surrogate, or an agent acting
25 under a health care power of attorney, the consent of the

1 guardian, surrogate, or agent is not required to release
2 evidence and information concerning the sexual assault or
3 sexual abuse. If the adult is unable to provide consent for
4 the release of evidence and information and a guardian,
5 surrogate, or agent under a health care power of attorney
6 is unavailable or unwilling to release the information,
7 then an investigating law enforcement officer may
8 authorize the release.

9 (4) Any health care professional, including any
10 physician, advanced practice nurse, physician assistant,
11 or nurse, sexual assault nurse examiner, and any health
12 care institution, including any eligible health care
13 facility ~~hospital~~, who provides evidence or information to
14 a law enforcement officer under a written consent as
15 specified in this Section is immune from any civil or
16 professional liability that might arise from those
17 actions, with the exception of willful or wanton
18 misconduct. The immunity provision applies only if all of
19 the requirements of this Section are met.

20 (b) The eligible health care facility ~~hospital~~ shall keep a
21 copy of a signed or unsigned written consent form in the
22 patient's medical record.

23 (c) If a written consent to allow law enforcement to test
24 the sexual assault evidence is not signed at the completion of
25 ~~hospital~~ emergency services and forensic services, the
26 eligible health care facility ~~hospital~~ shall include the

1 following information in its discharge instructions:

2 (1) the sexual assault evidence will be stored for 5
3 years from the completion of an Illinois State Police
4 Sexual Assault Evidence Collection Kit, or 5 years from the
5 age of 18 years, whichever is longer;

6 (2) a person authorized to consent to the testing of
7 the sexual assault evidence may sign a written consent to
8 allow law enforcement to test the sexual assault evidence
9 at any time during that 5-year period for an adult victim,
10 or until a minor victim turns 23 years of age by (A)
11 contacting the law enforcement agency having jurisdiction,
12 or if unknown, the law enforcement agency contacted by the
13 eligible health care facility ~~hospital~~ under Section 3.2 of
14 the Criminal Identification Act; or (B) by working with an
15 advocate at a rape crisis center or child advocacy center;

16 (3) the name, address, and phone number of the law
17 enforcement agency having jurisdiction, or if unknown the
18 name, address, and phone number of the law enforcement
19 agency contacted by the eligible health care facility
20 ~~hospital~~ under Section 3.2 of the Criminal Identification
21 Act; and

22 (4) the name and phone number of a local rape crisis
23 center or child advocacy center.

24 (Source: P.A. 99-801, eff. 1-1-17.)

25 (410 ILCS 70/6.6)

1 Sec. 6.6. Submission of sexual assault evidence.

2 (a) As soon as practicable, but in no event more than 4
3 hours after the completion of ~~hospital~~ emergency services and
4 forensic services, the eligible health care facility ~~hospital~~
5 shall make reasonable efforts to determine the law enforcement
6 agency having jurisdiction where the sexual assault occurred.
7 The eligible health care facility ~~hospital~~ may obtain the name
8 of the law enforcement agency with jurisdiction from the local
9 law enforcement agency.

10 (b) Within 4 hours after the completion of ~~hospital~~
11 emergency services and forensic services, the eligible health
12 care facility ~~hospital~~ shall notify the law enforcement agency
13 having jurisdiction that the eligible health care facility
14 ~~hospital~~ is in possession of sexual assault evidence and the
15 date and time the collection of evidence was completed. The
16 eligible health care facility ~~hospital~~ shall document the
17 notification in the patient's medical records and shall include
18 the agency notified, the date and time of the notification and
19 the name of the person who received the notification. This
20 notification to the law enforcement agency having jurisdiction
21 satisfies the eligible health care facility ~~hospital's~~
22 requirement to contact its local law enforcement agency under
23 Section 3.2 of the Criminal Identification Act.

24 (c) If the law enforcement agency having jurisdiction has
25 not taken physical custody of sexual assault evidence within 5
26 days of the first contact by the eligible health care facility

1 ~~hospital~~, the eligible health care facility ~~hospital~~ shall
2 renotify ~~re-notify~~ the law enforcement agency having
3 jurisdiction that the eligible health care facility ~~hospital~~ is
4 in possession of sexual assault evidence and the date the
5 sexual assault evidence was collected. The eligible health care
6 facility ~~hospital~~ shall document the renotification
7 ~~re-notification~~ in the patient's medical records and shall
8 include the agency notified, the date and time of the
9 notification and the name of the person who received the
10 notification.

11 (d) If the law enforcement agency having jurisdiction has
12 not taken physical custody of the sexual assault evidence
13 within 10 days of the first contact by the eligible health care
14 facility ~~hospital~~ and the eligible health care facility
15 ~~hospital~~ has provided renotification under subsection (c) of
16 this Section, the eligible health care facility ~~hospital~~ shall
17 contact the State's Attorney of the county where the law
18 enforcement agency having jurisdiction is located. The
19 eligible health care facility ~~hospital~~ shall inform the State's
20 Attorney that the eligible health care facility ~~hospital~~ is in
21 possession of sexual assault evidence, the date the sexual
22 assault evidence was collected, the law enforcement agency
23 having jurisdiction, the dates, times and names of persons
24 notified under subsections (b) and (c) of this Section. The
25 notification shall be made within 14 days of the collection of
26 the sexual assault evidence.

1 (Source: P.A. 99-801, eff. 1-1-17; revised 10-26-16.)

2 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

3 Sec. 7. Reimbursement.

4 (a) An eligible health care facility ~~A hospital~~ or health
5 care professional furnishing ~~hospital~~ emergency services or
6 forensic services, an ambulance provider furnishing
7 transportation to a sexual assault survivor, an eligible health
8 care facility ~~a hospital~~, health care professional, or
9 laboratory providing follow-up healthcare, or a pharmacy
10 dispensing prescribed medications to any sexual assault
11 survivor shall furnish such services or medications to that
12 person without charge and shall seek payment as follows:

13 (1) If a sexual assault survivor is eligible to receive
14 benefits under the medical assistance program under
15 Article V of the Illinois Public Aid Code, the ambulance
16 provider, eligible health care facility ~~hospital~~, health
17 care professional, laboratory, or pharmacy must submit the
18 bill to the Department of Healthcare and Family Services or
19 the appropriate Medicaid managed care organization and
20 accept the amount paid as full payment.

21 (2) If a sexual assault survivor is covered by one or
22 more policies of health insurance or is a beneficiary under
23 a public or private health coverage program, the ambulance
24 provider, eligible health care facility ~~hospital~~, health
25 care professional, laboratory, or pharmacy shall bill the

1 insurance company or program. With respect to such insured
2 patients, applicable deductible, co-pay, co-insurance,
3 denial of claim, or any other out-of-pocket
4 insurance-related expense may be submitted to the Illinois
5 Sexual Assault Emergency Treatment Program of the
6 Department of Healthcare and Family Services in accordance
7 with 89 Ill. Adm. Code 148.510 for payment at the
8 Department of Healthcare and Family Services' allowable
9 rates under the Illinois Public Aid Code. The ambulance
10 provider, eligible health care facility ~~hospital~~, health
11 care professional, laboratory, or pharmacy shall accept
12 the amounts paid by the insurance company or health
13 coverage program and the Illinois Sexual Assault Treatment
14 Program as full payment.

15 (3) If a sexual assault survivor is neither eligible to
16 receive benefits under the medical assistance program
17 under Article V of the Public Aid Code nor covered by a
18 policy of insurance or a public or private health coverage
19 program, the ambulance provider, eligible health care
20 facility ~~hospital~~, health care professional, laboratory,
21 or pharmacy shall submit the request for reimbursement to
22 the Illinois Sexual Assault Emergency Treatment Program
23 under the Department of Healthcare and Family Services in
24 accordance with 89 Ill. Adm. Code 148.510 at the Department
25 of Healthcare and Family Services' allowable rates under
26 the Illinois Public Aid Code.

1 (4) If a sexual assault survivor presents a voucher for
2 follow-up healthcare, the healthcare professional or
3 laboratory that provides follow-up healthcare or the
4 pharmacy that dispenses prescribed medications to a sexual
5 assault survivor shall submit the request for
6 reimbursement for follow-up healthcare, laboratory, or
7 pharmacy services to the Illinois Sexual Assault Emergency
8 Treatment Program under the Department of Healthcare and
9 Family Services in accordance with 89 Ill. Adm. Code
10 148.510 at the Department of Healthcare and Family
11 Services' allowable rates under the Illinois Public Aid
12 Code. Nothing in this subsection (a) precludes eligible
13 health care facilities ~~hospitals~~ from providing follow-up
14 healthcare and receiving reimbursement under this Section.

15 (b) Nothing in this Section precludes an eligible health
16 care facility ~~a hospital~~, health care provider, ambulance
17 provider, laboratory, or pharmacy from billing the sexual
18 assault survivor or any applicable health insurance or coverage
19 for inpatient services.

20 (c) (Blank).

21 (d) On and after July 1, 2012, the Department shall reduce
22 any rate of reimbursement for services or other payments or
23 alter any methodologies authorized by this Act or the Illinois
24 Public Aid Code to reduce any rate of reimbursement for
25 services or other payments in accordance with Section 5-5e of
26 the Illinois Public Aid Code.

1 (e) The Department of Healthcare and Family Services shall
2 establish standards, rules, and regulations to implement this
3 Section.

4 (Source: P.A. 98-463, eff. 8-16-13; 99-454, eff. 1-1-16.)

5 (410 ILCS 70/7.5)

6 Sec. 7.5. Prohibition on billing sexual assault survivors
7 directly for certain services; written notice; billing
8 protocols.

9 (a) An eligible health care facility ~~A hospital~~, health
10 care professional, ambulance provider, laboratory, or pharmacy
11 furnishing ~~hospital~~ emergency services, forensic services,
12 transportation, follow-up healthcare, or medication to a
13 sexual assault survivor shall not:

14 (1) charge or submit a bill for any portion of the
15 costs of the services, transportation, or medications to
16 the sexual assault survivor, including any insurance
17 deductible, co-pay, co-insurance, denial of claim by an
18 insurer, spenddown, or any other out-of-pocket expense;

19 (2) communicate with, harass, or intimidate the sexual
20 assault survivor for payment of services, including, but
21 not limited to, repeatedly calling or writing to the sexual
22 assault survivor and threatening to refer the matter to a
23 debt collection agency or to an attorney for collection,
24 enforcement, or filing of other process;

25 (3) refer a bill to a collection agency or attorney for

1 collection action against the sexual assault survivor;

2 (4) contact or distribute information to affect the
3 sexual assault survivor's credit rating; or

4 (5) take any other action adverse to the sexual assault
5 survivor or his or her family on account of providing
6 services to the sexual assault survivor.

7 (b) Nothing in this Section precludes an eligible health
8 care facility ~~a hospital~~, health care provider, ambulance
9 provider, laboratory, or pharmacy from billing the sexual
10 assault survivor or any applicable health insurance or coverage
11 for inpatient services.

12 (c) Within 60 days after the effective date of this
13 amendatory Act of the 99th General Assembly, every eligible
14 health care facility ~~hospital~~ providing treatment services to
15 sexual assault survivors in accordance with a plan approved
16 under Section 2 of this Act shall provide a written notice to a
17 sexual assault survivor. The written notice must include, but
18 is not limited to, the following:

19 (1) a statement that the sexual assault survivor should
20 not be directly billed by any ambulance provider providing
21 transportation services, or by any eligible health care
22 facility ~~hospital~~, health care professional, laboratory,
23 or pharmacy for the services the sexual assault survivor
24 received as an outpatient at the eligible health care
25 facility ~~hospital~~;

26 (2) a statement that a sexual assault survivor who is

1 admitted to a hospital may be billed for inpatient services
2 provided by a hospital, health care professional,
3 laboratory, or pharmacy;

4 (3) a statement that prior to leaving the emergency
5 department of the treating facility, the eligible health
6 care facility ~~hospital~~ will give the sexual assault
7 survivor a voucher for follow-up healthcare if the sexual
8 assault survivor is eligible to receive a voucher;

9 (4) the definition of "follow-up healthcare" as set
10 forth in Section 1a of this Act;

11 (5) a phone number the sexual assault survivor may call
12 should the sexual assault survivor receive a bill from the
13 eligible health care facility ~~hospital~~ for ~~hospital~~
14 emergency services and forensic services;

15 (6) the toll-free phone number of the Office of the
16 Illinois Attorney General, Crime Victim Services Division,
17 which the sexual assault survivor may call should the
18 sexual assault survivor receive a bill from an ambulance
19 provider, a health care professional, a laboratory, or a
20 pharmacy.

21 This subsection (c) shall not apply to eligible health care
22 facilities ~~hospitals~~ that provide transfer services as defined
23 under Section 1a of this Act.

24 (d) Within 60 days after the effective date of this
25 amendatory Act of the 99th General Assembly, every health care
26 professional, except for those employed by an eligible health

1 care facility ~~a hospital~~ or hospital affiliate, as defined in
2 the Hospital Licensing Act, or those employed by a hospital
3 operated under the University of Illinois Hospital Act, who
4 bills separately for ~~hospital~~ emergency services or forensic
5 services must develop a billing protocol that ensures that no
6 survivor of sexual assault will be sent a bill for any ~~hospital~~
7 emergency services or forensic services and submit the billing
8 protocol to the Crime Victim Services Division of the Office of
9 the Attorney General for approval. Health care professionals
10 who bill as a legal entity may submit a single billing protocol
11 for the billing entity. The billing protocol must include at a
12 minimum:

13 (1) a description of training for persons who prepare
14 bills for ~~hospital~~ emergency services and forensic
15 services;

16 (2) a written acknowledgement signed by a person who
17 has completed the training that the person will not bill
18 survivors of sexual assault;

19 (3) prohibitions on submitting any bill for any portion
20 of ~~hospital~~ emergency services or forensic services
21 provided to a survivor of sexual assault to a collection
22 agency;

23 (4) prohibitions on taking any action that would
24 adversely affect the credit of the survivor of sexual
25 assault;

26 (5) the termination of all collection activities if the

1 protocol is violated; and

2 (6) the actions to be taken if a bill is sent to a
3 collection agency or the failure to pay is reported to any
4 credit reporting agency.

5 The Crime Victim Services Division of the Office of the
6 Attorney General may provide a sample acceptable billing
7 protocol upon request.

8 The Office of the Attorney General shall approve a proposed
9 protocol if it finds that the implementation of the protocol
10 would result in no survivor of sexual assault being billed or
11 sent a bill for ~~hospital~~ emergency services or forensic
12 services.

13 If the Office of the Attorney General determines that
14 implementation of the protocol could result in the billing of a
15 survivor of sexual assault for ~~hospital~~ emergency services or
16 forensic services, the Office of the Attorney General shall
17 provide the health care professional with a written statement
18 of the deficiencies in the protocol. The health care
19 professional shall have 30 days to submit a revised billing
20 protocol addressing the deficiencies to the Office of the
21 Attorney General. The health care professional shall implement
22 the protocol upon approval by the Crime Victim Services
23 Division of the Office of the Attorney General.

24 The health care professional shall submit any proposed
25 revision to or modification of an approved billing protocol to
26 the Crime Victim Services Division of the Office of the

1 Attorney General for approval. The health care professional
2 shall implement the revised or modified billing protocol upon
3 approval by the Crime Victim Services Division of the Office of
4 the Illinois Attorney General.

5 (Source: P.A. 99-454, eff. 1-1-16.)

6 (410 ILCS 70/8) (from Ch. 111 1/2, par. 87-8)

7 Sec. 8. Penalties.

8 (a) Any eligible health care facility ~~hospital~~ violating
9 any provisions of this Act other than Section 7.5 shall be
10 guilty of a petty offense for each violation, and any fine
11 imposed shall be paid into the general corporate funds of the
12 city, incorporated town or village in which the eligible health
13 care facility ~~hospital~~ is located, or of the county, in case
14 such eligible health care facility ~~hospital~~ is outside the
15 limits of any incorporated municipality.

16 (b) The Attorney General may seek the assessment of one or
17 more of the following civil monetary penalties in any action
18 filed under this Act where the eligible health care facility
19 ~~hospital~~, health care professional, ambulance provider,
20 laboratory, or pharmacy knowingly violates Section 7.5 of the
21 Act:

22 (1) For willful violations of paragraphs (1), (2), (4),
23 or (5) of subsection (a) of Section 7.5 or subsection (c)
24 of Section 7.5, the civil monetary penalty shall not exceed
25 \$500 per violation.

1 (2) For violations of paragraphs (1), (2), (4), or (5)
2 of subsection (a) of Section 7.5 or subsection (c) of
3 Section 7.5 involving a pattern or practice, the civil
4 monetary penalty shall not exceed \$500 per violation.

5 (3) For violations of paragraph (3) of subsection (a)
6 of Section 7.5, the civil monetary penalty shall not exceed
7 \$500 for each day the bill is with a collection agency.

8 (4) For violations involving the failure to submit
9 billing protocols within the time period required under
10 subsection (d) of Section 7.5, the civil monetary penalty
11 shall not exceed \$100 per day until the health care
12 professional complies with subsection (d) of Section 7.5.

13 All civil monetary penalties shall be deposited into the
14 Violent Crime Victims Assistance Fund.

15 (Source: P.A. 99-454, eff. 1-1-16.)

16 (410 ILCS 70/9) (from Ch. 111 1/2, par. 87-9)

17 Sec. 9. Nothing in this Act shall be construed to require a
18 eligible health care facility ~~hospital~~ to provide any services
19 which relate to an abortion.

20 (Source: P.A. 79-564.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.