



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5213

by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

210 ILCS 160/5
210 ILCS 160/15
210 ILCS 160/30
210 ILCS 160/35

Amends the Health Care Violence Prevention Act. Removes the term "committed person" and replaces it with "custodial detainee" throughout the Act. Requires health care providers that employ a health care worker to display a notice stating that physical battery (rather than physical assault) will be reported to law enforcement.

LRB101 17526 CPF 66941 b

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 Health Care Violence Prevention Act is
5 amended by changing Sections 5, 15, 30, and 35 as follows:

6 (210 ILCS 160/5)

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

8 "Custodial detainee ~~Committed person~~" means a person who is
9 in the custody of or under the control of a custodial agency,
10 including, but not limited to, a person who is incarcerated,
11 under arrest, detained, or otherwise under the physical control
12 of a 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
17 employs personnel designated as police, peace officers,
18 wardens, corrections officers, or guards or that employs
19 personnel vested by law with the power to place or maintain a
20 person in custody.

21 "Health care provider" means a retail health care facility,
22 a hospital subject to the Hospital Licensing Act or the
23 University of Illinois Hospital Act, or a veterans home as

1 defined in the Department of Veterans' Affairs Act.

2 "Health care worker" means nursing assistants and other
3 support personnel, any individual licensed under the laws of
4 this State to provide health services, including but not
5 limited to: dentists licensed under the Illinois Dental
6 Practice Act; dental hygienists licensed under the Illinois
7 Dental Practice Act; nurses and advanced practice registered
8 nurses licensed under the Nurse Practice Act; occupational
9 therapists licensed under the Illinois Occupational Therapy
10 Practice Act; optometrists licensed under the Illinois
11 Optometric Practice Act of 1987; pharmacists licensed under the
12 Pharmacy Practice Act; physical therapists licensed under the
13 Illinois Physical Therapy Act; physicians licensed under the
14 Medical Practice Act of 1987; physician assistants licensed
15 under the Physician Assistant Practice Act of 1987; podiatric
16 physicians licensed under the Podiatric Medical Practice Act of
17 1987; clinical psychologists licensed under the Clinical
18 Psychologist Licensing Act; clinical social workers licensed
19 under the Clinical Social Work and Social Work Practice Act;
20 speech-language pathologists and audiologists licensed under
21 the Illinois Speech-Language Pathology and Audiology Practice
22 Act; or hearing instrument dispensers licensed under the
23 Hearing Instrument Consumer Protection Act, or any of their
24 successor Acts.

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

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

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

6 (2) does not provide surgical services or any form of
7 general anesthesia;

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

10 (4) discharges individual patients in an ambulatory
11 condition without danger to the continued well-being of the
12 patients and transfers non-ambulatory patients to
13 hospitals.

14 "Retail health care facility" does not include hospitals,
15 long-term care facilities, ambulatory treatment centers, blood
16 banks, clinical laboratories, offices of physicians, advanced
17 practice registered nurses, podiatrists, and physician
18 assistants, and pharmacies that provide limited health care
19 services.

20 (Source: P.A. 100-1051, eff. 1-1-19.)

21 (210 ILCS 160/15)

22 Sec. 15. Workplace safety.

23 (a) A health care worker who contacts law enforcement or
24 files a report with law enforcement against a patient or
25 individual because of workplace violence shall provide notice

1 to management of the health care provider by which he or she is
2 employed within 3 days after contacting law enforcement or
3 filing the report.

4 (b) No management of a health care provider may discourage
5 a health care worker from exercising his or her right to
6 contact law enforcement or file a report with law enforcement
7 because of workplace violence.

8 (c) A health care provider that employs a health care
9 worker shall display a notice stating that verbal aggression
10 will not be tolerated and physical battery ~~assault~~ will be
11 reported to law enforcement.

12 (d) The health care provider shall offer immediate
13 post-incident services for a health care worker directly
14 involved in a workplace violence incident caused by patients or
15 their visitors, including acute treatment and access to
16 psychological evaluation.

17 (Source: P.A. 100-1051, eff. 1-1-19.)

18 (210 ILCS 160/30)

19 Sec. 30. Medical care for custodial detainees ~~committed~~
20 ~~persons~~.

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

25 (1) to the greatest extent practicable, notify the

1 hospital or medical facility that is treating the custodial
2 detainee ~~committed person~~ prior to the custodial
3 detainee's ~~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 custodial detainee ~~committed person~~ is
9 accompanied by the most comprehensive medical records
10 possible;

11 (3) provide at least one guard trained in custodial
12 escort and custody of high-risk custodial detainees
13 ~~committed persons~~ to accompany any custodial detainee
14 ~~committed person~~. The custodial agency shall attest to such
15 training for custodial escort and custody of high-risk
16 custodial detainees ~~committed persons~~ through: (A) the
17 training of the Department of Corrections, Department of
18 Juvenile Justice, or Department of State Police; (B) law
19 enforcement training that is substantially equivalent to
20 the training of the Department of Corrections, Department
21 of Juvenile Justice, or Department of State Police; or (C)
22 the training described in Section 35. Under no
23 circumstances may leg irons or shackles or waist shackles
24 be used on any pregnant female prisoner who is in labor. In
25 addition, restraint of a pregnant female prisoner in the
26 custody of the Cook County shall comply with Section

1 3-15003.6 of the Counties Code. Additionally, restraints
2 shall not be used on a custodial detainee ~~committed person~~
3 if medical personnel determine that the restraints would
4 impede medical treatment; and

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

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

18 (B) the visitor shall submit to the search of his
19 or her person or any personal property under his or her
20 control at any time; and

21 (C) the custodial agency may deny the custodial
22 detainee ~~committed person~~ access to a telephone or
23 limit the number of visitors the custodial detainee
24 ~~committed person~~ may receive for purposes of safety.

25 If a custodial detainee ~~committed person~~ receives medical
26 care and treatment at a place other than an institution or

1 facility of the Department of Corrections, county, or
2 municipality, then the custodial agency shall ensure that the
3 custodial detainee ~~committed person~~ is wearing security
4 restraints in accordance with the custodial agency's rules and
5 procedures if the custodial agency determines that restraints
6 are necessary for the following reasons: (i) to prevent
7 physical harm to the custodial detainee ~~committed person~~ or
8 another person; (ii) because the custodial detainee ~~committed~~
9 ~~person~~ has a history of disruptive behavior that has placed
10 others in potentially harmful situations or presents a
11 substantial risk of inflicting physical harm on himself or
12 herself or others as evidenced by recent behavior; or (iii)
13 there is a well-founded belief that the custodial detainee
14 ~~committed person~~ presents a substantial risk of flight. Under
15 no circumstances may leg irons or shackles or waist shackles be
16 used on any pregnant female prisoner who is in labor. In
17 addition, restraint of a pregnant female prisoner in the
18 custody of the Cook County shall comply with Section 3-15003.6
19 of the Counties Code.

20 The hospital or medical facility may establish protocols
21 for the receipt of custodial detainees ~~committed persons~~ in
22 collaboration with the Department of Corrections, county, or
23 municipality, specifically with regard to potentially violent
24 persons.

25 (b) If a custodial detainee ~~committed person~~ receives
26 medical care and treatment at a place other than an institution

1 or facility of the Department of Juvenile Justice, then the
2 institution or facility shall:

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

10 (2) to the greatest extent practicable, ensure the
11 transferred custodial detainee ~~committed person~~ is
12 accompanied by the most comprehensive medical records
13 possible;

14 (3) provide: (A) at least one guard trained in
15 custodial escort and custody of high-risk custodial
16 detainees ~~committed persons~~ to accompany any custodial
17 detainee ~~committed person~~. The custodial agency shall
18 attest to such training for custodial escort and custody of
19 high-risk custodial detainees ~~committed persons~~ through:

20 (i) the training of the Department of Corrections,
21 Department of Juvenile Justice, or Department of State
22 Police, (ii) law enforcement training that is
23 substantially equivalent to the training of the Department
24 of Corrections, Department of Juvenile Justice, or
25 Department of State Police, or (iii) the training described
26 in Section 35; or (B) 2 guards to accompany the custodial

1 detainee ~~committed person~~ at all times during the visit to
2 the hospital or medical facility; and

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

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

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

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

22 If a custodial detainee ~~committed person~~ receives medical
23 care and treatment at a place other than an institution or
24 facility of the Department of Juvenile Justice, then the
25 Department of Juvenile Justice shall ensure that the custodial
26 detainee ~~committed person~~ is wearing security restraints on

1 either his or her wrists or ankles in accordance with the rules
2 and procedures of the Department of Juvenile Justice if the
3 Department of Juvenile Justice determines that restraints are
4 necessary for the following reasons: (i) to prevent physical
5 harm to the custodial detainee ~~committed person~~ or another
6 person; (ii) because the custodial detainee ~~committed person~~
7 has a history of disruptive behavior that has placed others in
8 potentially harmful situations or presents a substantial risk
9 of inflicting physical harm on himself or herself or others as
10 evidenced by recent behavior; or (iii) there is a well-founded
11 belief that the custodial detainee ~~committed person~~ presents a
12 substantial risk of flight. Any restraints used on a custodial
13 detainee ~~committed person~~ under this paragraph shall be the
14 least restrictive restraints necessary to prevent flight or
15 physical harm to the custodial detainee ~~committed person~~ or
16 another person. Restraints shall not be used on the custodial
17 detainee ~~committed person~~ as provided in this paragraph if
18 medical personnel determine that the restraints would impede
19 medical treatment. Under no circumstances may leg irons or
20 shackles or waist shackles be used on any pregnant female
21 prisoner who is in labor. In addition, restraint of a pregnant
22 female prisoner in the custody of the Cook County shall comply
23 with Section 3-15003.6 of the Counties Code.

24 The hospital or medical facility may establish protocols
25 for the receipt of custodial detainees ~~committed persons~~ in
26 collaboration with the Department of Juvenile Justice,

1 specifically with regard to persons recently exhibiting
2 violence.

3 (Source: P.A. 100-1051, eff. 1-1-19; 100-1186, eff. 4-5-19.)

4 (210 ILCS 160/35)

5 Sec. 35. Custodial agency training. The Illinois Law
6 Enforcement Training Standards Board shall establish a
7 curriculum for custodial escort and custody of high-risk
8 custodial detainees ~~committed persons~~ certification, which
9 shall include, but not be limited to, the following:

10 (1) handcuffing or shackling of a high-risk custodial
11 detainee ~~committed person~~;

12 (2) mobile transportation of a custodial detainee
13 ~~committed person~~ with defense from the custodial
14 detainee's ~~committed person's~~ attack;

15 (3) outside facility threat assessment;

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

17 (5) custodial considerations for a high-risk custodial
18 detainee ~~committed person~~ in outside facilities.

19 (Source: P.A. 100-1051, eff. 1-1-19.)