

SB1291



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1291

Introduced 2/7/2019, by Sen. Julie A. Morrison - Laura Fine

SYNOPSIS AS INTRODUCED:

210 ILCS 5/6

from Ch. 111 1/2, par. 157-8.6

Amends the Ambulatory Surgical Treatment Center Act. Adds a provision allowing an applicant facility to receive a license if the physician, podiatric physician, or dentist that performs surgery at an applicant facility does not have surgery privileges with at least one Illinois hospital, so long as that physician, podiatric physician, or dentist is credentialed by the ambulatory surgical treatment center where the procedures are to be performed. Effective immediately.

LRB101 04037 CPF 49045 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 Ambulatory Surgical Treatment Center Act is
5 amended by changing Section 6 as follows:

6 (210 ILCS 5/6) (from Ch. 111 1/2, par. 157-8.6)

7 Sec. 6. Upon receipt of an application for a license, the
8 Director may deny the application for any of the following
9 reasons:

10 (1) Conviction of the applicant, or if the applicant is
11 a firm, partnership or association, of any of its members,
12 or if a corporation, of any of its officers or directors,
13 or of the person designated to manage or supervise the
14 facility, of a felony, or of 2 or more misdemeanors
15 involving moral turpitude, as shown by a certified copy of
16 the record of the court of conviction, or, in the case of
17 the conviction of a misdemeanor by a court not of record,
18 as shown by other evidence, if the Director determines,
19 after investigation, that such person has not been
20 sufficiently rehabilitated to warrant the public trust; or
21 other satisfactory evidence that the moral character of the
22 applicant, or manager, or supervisor of the facility is not
23 reputable;

1 (2) The licensure status or record of the applicant, or
2 if the applicant is a firm, partnership or association, of
3 any of its members, or if a corporation, of any of its
4 officers or directors, or of the person designated to
5 manage or supervise the facility, from any other state
6 where the applicant has done business in a similar capacity
7 indicates that granting a license to the applicant would be
8 detrimental to the interests of the public; or

9 (3) The applicant has insufficient financial or other
10 resources to operate and conduct the facility in accordance
11 with the requirements of this Act and the minimum
12 standards, rules and regulations promulgated thereunder.

13 The Director shall only issue a license if he finds that
14 the applicant facility complies with this Act and the rules,
15 regulations and standards promulgated pursuant thereto and:

16 (a) is under the medical supervision of one or more
17 physicians;

18 (b) permits a surgical procedure to be performed only
19 by a physician, podiatric physician, or dentist who at the
20 time is privileged to have his patients admitted by himself
21 or an associated physician and is himself privileged to
22 perform surgical procedures in at least one Illinois
23 hospital or is credentialed by the ambulatory surgical
24 treatment center where the procedures are to be performed;
25 and

26 (c) maintains adequate medical records for each

1 patient.

2 A license, unless sooner suspended or revoked, shall be
3 renewable annually upon approval by the Department and payment
4 of a license fee of \$300. Each license shall be issued only for
5 the premises and persons named in the application and shall not
6 be transferable or assignable. The licenses shall be posted in
7 a conspicuous place on the licensed premises. A placard or
8 registry of all physicians on staff in the facility shall be
9 centrally located and available for inspection to any
10 interested person. The Department may, either before or after
11 the issuance of a license, request the cooperation of the State
12 Fire Marshal. The report and recommendations of this agency
13 shall be in writing and shall state with particularity its
14 findings with respect to compliance or noncompliance with such
15 minimum standards, rules and regulations.

16 The Director may issue a provisional license to any
17 ambulatory surgical treatment center which does not
18 substantially comply with the provisions of this Act and the
19 standards, rules and regulations promulgated by virtue thereof
20 provided that he finds that such ambulatory surgical treatment
21 center will undertake changes and corrections which upon
22 completion will render the ambulatory surgical treatment
23 center in substantial compliance with the provisions of this
24 Act, and the standards, rules and regulations adopted
25 hereunder, and provided that the health and safety of the
26 patients of the ambulatory surgical treatment center will be

1 protected during the period for which such provisional license
2 is issued. The Director shall advise the licensee of the
3 conditions under which such provisional license is issued,
4 including the manner in which the facilities fail to comply
5 with the provisions of the Act, standards, rules and
6 regulations, and the time within which the changes and
7 corrections necessary for such ambulatory surgical treatment
8 center to substantially comply with this Act, and the
9 standards, rules and regulations of the Department relating
10 thereto shall be completed.

11 A person or facility not licensed under this Act or the
12 Hospital Licensing Act shall not hold itself out to the public
13 as a "surgery center" or as a "center for surgery".

14 (Source: P.A. 98-214, eff. 8-9-13.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.