



Sen. Julie A. Morrison

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10100SB1291sam001

LRB101 04037 CPF 56472 a

1 AMENDMENT TO SENATE BILL 1291

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1291 by replacing  
3 everything after the enacting clause with the following:

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

1 the conviction of a misdemeanor by a court not of record,  
2 as shown by other evidence, if the Director determines,  
3 after investigation, that such person has not been  
4 sufficiently rehabilitated to warrant the public trust; or  
5 other satisfactory evidence that the moral character of the  
6 applicant, or manager, or supervisor of the facility is not  
7 reputable;

8 (2) The licensure status or record of the applicant, or  
9 if the applicant is a firm, partnership or association, of  
10 any of its members, or if a corporation, of any of its  
11 officers or directors, or of the person designated to  
12 manage or supervise the facility, from any other state  
13 where the applicant has done business in a similar capacity  
14 indicates that granting a license to the applicant would be  
15 detrimental to the interests of the public; or

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

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

23 (a) is under the medical supervision of one or more  
24 physicians;

25 (b) permits a surgical procedure to be performed only  
26 by a physician, podiatric physician, or dentist who at the

1 time is privileged to have his patients admitted by himself  
2 or an associated physician and is himself privileged to  
3 perform surgical procedures in at least one Illinois  
4 hospital. A dentist may be privileged at the ambulatory  
5 surgical treatment center if it is determined that the  
6 patient under the care of the dentist requires sedation  
7 beyond the training that the dentist possesses. The  
8 determination of need for sedation shall be made by the  
9 medical director of the facility where the procedure is to  
10 be performed. A dentist performing a surgical procedure  
11 requiring sedation at a facility must either have admitting  
12 privileges at a nearby hospital where patients would  
13 receive care in the event of an emergency arising during a  
14 dental surgical procedure or have a memorandum of  
15 understanding with a physician who has admitting  
16 privileges at such a hospital; and

17 (c) maintains adequate medical records for each  
18 patient.

19 A license, unless sooner suspended or revoked, shall be  
20 renewable annually upon approval by the Department and payment  
21 of a license fee of \$300. Each license shall be issued only for  
22 the premises and persons named in the application and shall not  
23 be transferable or assignable. The licenses shall be posted in  
24 a conspicuous place on the licensed premises. A placard or  
25 registry of all physicians on staff in the facility shall be  
26 centrally located and available for inspection to any

1 interested person. The Department may, either before or after  
2 the issuance of a license, request the cooperation of the State  
3 Fire Marshal. The report and recommendations of this agency  
4 shall be in writing and shall state with particularity its  
5 findings with respect to compliance or noncompliance with such  
6 minimum standards, rules and regulations.

7 The Director may issue a provisional license to any  
8 ambulatory surgical treatment center which does not  
9 substantially comply with the provisions of this Act and the  
10 standards, rules and regulations promulgated by virtue thereof  
11 provided that he finds that such ambulatory surgical treatment  
12 center will undertake changes and corrections which upon  
13 completion will render the ambulatory surgical treatment  
14 center in substantial compliance with the provisions of this  
15 Act, and the standards, rules and regulations adopted  
16 hereunder, and provided that the health and safety of the  
17 patients of the ambulatory surgical treatment center will be  
18 protected during the period for which such provisional license  
19 is issued. The Director shall advise the licensee of the  
20 conditions under which such provisional license is issued,  
21 including the manner in which the facilities fail to comply  
22 with the provisions of the Act, standards, rules and  
23 regulations, and the time within which the changes and  
24 corrections necessary for such ambulatory surgical treatment  
25 center to substantially comply with this Act, and the  
26 standards, rules and regulations of the Department relating

1 thereto shall be completed.

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

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

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law."