



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3925

Introduced 2/22/2021, 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.

LRB102 10858 CPF 16188 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  
9 is in the custody of or under the control of a custodial  
10 agency, including, but not limited to, a person who is  
11 incarcerated, under arrest, detained, or otherwise under the  
12 physical control 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  
16 other State agency, municipality, or unit of local government  
17 that 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  
22 facility, a hospital subject to the Hospital Licensing Act or  
23 the 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  
12 the Pharmacy Practice Act; physical therapists licensed under  
13 the Illinois Physical Therapy Act; physicians licensed under  
14 the Medical Practice Act of 1987; physician assistants  
15 licensed under the Physician Assistant Practice Act of 1987;  
16 podiatric physicians licensed under the Podiatric Medical  
17 Practice Act of 1987; clinical psychologists licensed under  
18 the Clinical Psychologist Licensing Act; clinical social  
19 workers licensed under the Clinical Social Work and Social  
20 Work Practice Act; speech-language pathologists and  
21 audiologists licensed under the Illinois Speech-Language  
22 Pathology and Audiology Practice Act; or hearing instrument  
23 dispensers licensed under the Hearing Instrument Consumer  
24 Protection Act, or any of their 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  
5 is 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  
12 the 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  
15 or 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  
23 institution or facility of the Department of Corrections, a  
24 county, or a municipality, then the institution or facility  
25 shall:

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

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

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

18 (A) the training of the Department of Corrections,  
19 Department of Juvenile Justice, or Department of State  
20 Police; (B) law enforcement training that is substantially  
21 equivalent to the training of the Department of  
22 Corrections, Department of Juvenile Justice, or Department  
23 of State Police; or (C) the training described in Section  
24 35. Under no circumstances may leg irons or shackles or  
25 waist shackles be used on any pregnant female prisoner who  
26 is in labor. In addition, restraint of a pregnant female

1 prisoner in the custody of the Cook County shall comply  
2 with Section 3-15003.6 of the Counties Code. Additionally,  
3 restraints shall not be used on a custodial detainee  
4 ~~committed person~~ if medical personnel determine that the  
5 restraints would impede medical treatment; and

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

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

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

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

26 If a custodial detainee ~~committed person~~ receives medical

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

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

26 (b) If a custodial detainee ~~committed person~~ receives



1 medical care and treatment at a place other than an  
2 institution or facility of the Department of Juvenile Justice,  
3 then the institution or facility shall:

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

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

15 (3) provide: (A) at least one guard trained in  
16 custodial escort and custody of high-risk custodial  
17 detainees ~~committed persons~~ to accompany any custodial  
18 detainee ~~committed person~~. The custodial agency shall  
19 attest to such training for custodial escort and custody  
20 of high-risk custodial detainees ~~committed persons~~  
21 through: (i) the training of the Department of  
22 Corrections, Department of Juvenile Justice, or Department  
23 of State Police, (ii) law enforcement training that is  
24 substantially equivalent to the training of the Department  
25 of Corrections, Department of Juvenile Justice, or  
26 Department of State Police, or (iii) the training

1 described in Section 35; or (B) 2 guards to accompany the  
2 custodial detainee ~~committed person~~ at all times during  
3 the visit to the hospital or medical facility; and

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

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

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

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

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

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

25 The hospital or medical facility may establish protocols  
26 for the receipt of custodial detainees ~~committed persons~~ in

1 collaboration with the Department of Juvenile Justice,  
2 specifically with regard to persons recently exhibiting  
3 violence.

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

5 (210 ILCS 160/35)

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

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

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

16 (3) outside facility threat assessment;

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

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

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