



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5247

Introduced 1/31/2022, 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 22805 CPF 31955 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, either by physical or
10 electronic means, stating that verbal aggression will not be
11 tolerated and physical battery ~~assault~~ will be reported to law
12 enforcement.

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

18 (Source: P.A. 102-4, eff. 4-27-21.)

19 (210 ILCS 160/30)

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

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

1 shall:

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

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

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

19 (A) the training of the Department of Corrections,
20 Department of Juvenile Justice, or Illinois State Police;

21 (B) law enforcement training that is substantially
22 equivalent to the training of the Department of
23 Corrections, Department of Juvenile Justice, or Illinois
24 State Police; or (C) the training described in Section 35.

25 Under no circumstances may leg irons or shackles or waist
26 shackles be used on any pregnant female prisoner who is in

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

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

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

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

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

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

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

1 (b) If a custodial detainee ~~committed person~~ receives
2 medical care and treatment at a place other than an
3 institution or facility of the Department of Juvenile Justice,
4 then the institution or facility shall:

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

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

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

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

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

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

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

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

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

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

26 The hospital or medical facility may establish protocols

1 for the receipt of custodial detainees ~~committed persons~~ in
2 collaboration with the Department of Juvenile Justice,
3 specifically with regard to persons recently exhibiting
4 violence.

5 (Source: P.A. 102-538, eff. 8-20-21.)

6 (210 ILCS 160/35)

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

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

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

17 (3) outside facility threat assessment;

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

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

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