



Rep. Michael J. Zalewski

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10200SB2153ham001

LRB102 11387 HLH 26167 a

1 AMENDMENT TO SENATE BILL 2153

2 AMENDMENT NO. _____. Amend Senate Bill 2153 by replacing
3 everything from line 9 on page 1 through line 24 on page 5 with
4 the following:

5 "(210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

6 Sec. 7. (a) The Director after notice and opportunity for
7 hearing to the applicant or licensee may deny, suspend, or
8 revoke a permit to establish a hospital or deny, suspend, or
9 revoke a license to open, conduct, operate, and maintain a
10 hospital in any case in which he finds that there has been a
11 substantial failure to comply with the provisions of this Act,
12 the Hospital Report Card Act, or the Illinois Adverse Health
13 Care Events Reporting Law of 2005 or the standards, rules, and
14 regulations established by virtue of any of those Acts. The
15 Department may impose fines on hospitals, not to exceed \$500
16 per occurrence, for failing to (1) initiate a criminal
17 background check on a patient that meets the criteria for

1 hospital-initiated background checks or (2) report the death
2 of a person known to be a resident of a facility licensed under
3 the ID/DD Community Care Act or the MC/DD Act to the coroner or
4 medical examiner within 24 hours as required by Section 6.09a
5 of this Act. In assessing whether to impose such a fine for
6 failure to initiate a criminal background check, the
7 Department shall consider various factors including, but not
8 limited to, whether the hospital has engaged in a pattern or
9 practice of failing to initiate criminal background checks.
10 Money from fines shall be deposited into the Long Term Care
11 Provider Fund.

12 (a-5) If a hospital demonstrates a pattern or practice of
13 failing to substantially comply with the requirements of
14 Section 10.10 or the hospital's written staffing plan, the
15 hospital shall provide a plan of correction to the Department
16 within 60 days. The Department may impose fines as follows:
17 (i) if a hospital fails to implement a written staffing plan
18 for nursing services, a fine not to exceed \$500 per occurrence
19 may be imposed; (ii) if a hospital demonstrates a pattern or
20 practice of failing to substantially comply with a plan of
21 correction within 60 days after the plan takes effect, a fine
22 not to exceed \$500 per occurrence may be imposed; and (iii) if
23 a hospital demonstrates for a second or subsequent time a
24 pattern or practice of failing to substantially comply with a
25 plan of correction within 60 days after the plan takes effect,
26 a fine not to exceed \$1,000 per occurrence may be imposed.

1 Reports of violations of Section 10.10 shall be subject to
2 public disclosure under Section 6.14a. Money from fines within
3 this subsection (a-5) shall be deposited into the Hospital
4 Licensure Fund, and money from fines for violations of Section
5 10.10 shall be used for scholarships under the Nursing
6 Education Scholarship Law.

7 (b) Such notice shall be effected by registered mail or by
8 personal service setting forth the particular reasons for the
9 proposed action and fixing a date, not less than 15 days from
10 the date of such mailing or service, at which time the
11 applicant or licensee shall be given an opportunity for a
12 hearing. Such hearing shall be conducted by the Director or by
13 an employee of the Department designated in writing by the
14 Director as Hearing Officer to conduct the hearing. On the
15 basis of any such hearing, or upon default of the applicant or
16 licensee, the Director shall make a determination specifying
17 his findings and conclusions. In case of a denial to an
18 applicant of a permit to establish a hospital, such
19 determination shall specify the subsection of Section 6 under
20 which the permit was denied and shall contain findings of fact
21 forming the basis of such denial. A copy of such determination
22 shall be sent by registered mail or served personally upon the
23 applicant or licensee. The decision denying, suspending, or
24 revoking a permit or a license shall become final 35 days after
25 it is so mailed or served, unless the applicant or licensee,
26 within such 35 day period, petitions for review pursuant to

1 Section 13.

2 (c) The procedure governing hearings authorized by this
3 Section shall be in accordance with rules promulgated by the
4 Department and approved by the Hospital Licensing Board. A
5 full and complete record shall be kept of all proceedings,
6 including the notice of hearing, complaint, and all other
7 documents in the nature of pleadings, written motions filed in
8 the proceedings, and the report and orders of the Director and
9 Hearing Officer. All testimony shall be reported but need not
10 be transcribed unless the decision is appealed pursuant to
11 Section 13. A copy or copies of the transcript may be obtained
12 by any interested party on payment of the cost of preparing
13 such copy or copies.

14 (d) The Director or Hearing Officer shall upon his own
15 motion, or on the written request of any party to the
16 proceeding, issue subpoenas requiring the attendance and the
17 giving of testimony by witnesses, and subpoenas duces tecum
18 requiring the production of books, papers, records, or
19 memoranda. All subpoenas and subpoenas duces tecum issued
20 under the terms of this Act may be served by any person of full
21 age. The fees of witnesses for attendance and travel shall be
22 the same as the fees of witnesses before the Circuit Court of
23 this State, such fees to be paid when the witness is excused
24 from further attendance. When the witness is subpoenaed at the
25 instance of the Director, or Hearing Officer, such fees shall
26 be paid in the same manner as other expenses of the Department,

1 and when the witness is subpoenaed at the instance of any other
2 party to any such proceeding the Department may require that
3 the cost of service of the subpoena or subpoena duces tecum and
4 the fee of the witness be borne by the party at whose instance
5 the witness is summoned. In such case, the Department in its
6 discretion, may require a deposit to cover the cost of such
7 service and witness fees. A subpoena or subpoena duces tecum
8 issued as aforesaid shall be served in the same manner as a
9 subpoena issued out of a court.

10 (e) Any Circuit Court of this State upon the application
11 of the Director, or upon the application of any other party to
12 the proceeding, may, in its discretion, compel the attendance
13 of witnesses, the production of books, papers, records, or
14 memoranda and the giving of testimony before the Director or
15 Hearing Officer conducting an investigation or holding a
16 hearing authorized by this Act, by an attachment for contempt,
17 or otherwise, in the same manner as production of evidence may
18 be compelled before the court.

19 (f) The Director or Hearing Officer, or any party in an
20 investigation or hearing before the Department, may cause the
21 depositions of witnesses within the State to be taken in the
22 manner prescribed by law for like depositions in civil actions
23 in courts of this State, and to that end compel the attendance
24 of witnesses and the production of books, papers, records, or
25 memoranda.

26 (Source: P.A. 99-180, eff. 7-29-15.)"; and

1 by deleting everything from line 25 on page 17 through line 23
2 on page 18.