

SB2977



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2977

Introduced 1/5/2022, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

210 ILCS 85/9.6

Amends the Hospital Licensing Act. In provisions regarding patient protection from abuse, provides that no patient, administrator, agent, or employee (rather than administrator, agent, or employee) of a hospital or a member of its medical staff may abuse a patient in the hospital. Provides that "abuse" in the provisions means any physical or mental injury or sexual abuse intentionally inflicted by, among other specified persons, a patient.

LRB102 22444 CPF 31584 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 Hospital Licensing Act is amended by
5 changing Section 9.6 as follows:

6 (210 ILCS 85/9.6)

7 Sec. 9.6. Patient protection from abuse.

8 (a) No patient, administrator, agent, or employee of a
9 hospital or a member of its medical staff may abuse a patient
10 in the hospital.

11 (b) Any hospital administrator, agent, employee, or
12 medical staff member who has reasonable cause to believe that
13 any patient with whom he or she has direct contact has been
14 subjected to abuse in the hospital shall promptly report or
15 cause a report to be made to a designated hospital
16 administrator responsible for providing such reports to the
17 Department as required by this Section.

18 (c) Retaliation against a person who lawfully and in good
19 faith makes a report under this Section is prohibited.

20 (d) Upon receiving a report under subsection (b) of this
21 Section, the hospital shall submit the report to the
22 Department within 24 hours of obtaining such report. In the
23 event that the hospital receives multiple reports involving a

1 single alleged instance of abuse, the hospital shall submit
2 one report to the Department.

3 (e) Upon receiving a report under this Section, the
4 hospital shall promptly conduct an internal review to ensure
5 the alleged victim's safety. Measures to protect the alleged
6 victim shall be taken as deemed necessary by the hospital's
7 administrator and may include, but are not limited to,
8 removing suspected violators from further patient contact
9 during the hospital's internal review. If the alleged victim
10 lacks decision-making capacity under the Health Care Surrogate
11 Act and no health care surrogate is available, the hospital
12 may contact the Illinois Guardianship and Advocacy Commission
13 to determine the need for a temporary guardian of that person.

14 (f) All internal hospital reviews shall be conducted by a
15 designated hospital employee or agent who is qualified to
16 detect abuse and is not involved in the alleged victim's
17 treatment. All internal review findings must be documented and
18 filed according to hospital procedures and shall be made
19 available to the Department upon request.

20 (g) Any other person may make a report of patient abuse to
21 the Department if that person has reasonable cause to believe
22 that a patient has been abused in the hospital.

23 (h) The report required under this Section shall include:
24 the name of the patient; the name and address of the hospital
25 treating the patient; the age of the patient; the nature of the
26 patient's condition, including any evidence of previous

1 injuries or disabilities; and any other information that the
2 reporter believes might be helpful in establishing the cause
3 of the reported abuse and the identity of the person believed
4 to have caused the abuse.

5 (i) Except for willful or wanton misconduct, any
6 individual, person, institution, or agency participating in
7 good faith in the making of a report under this Section, or in
8 the investigation of such a report or in making a disclosure of
9 information concerning reports of abuse under this Section,
10 shall have immunity from any liability, whether civil,
11 professional, or criminal, that otherwise might result by
12 reason of such actions. For the purpose of any proceedings,
13 whether civil, professional, or criminal, the good faith of
14 any persons required to report cases of suspected abuse under
15 this Section or who disclose information concerning reports of
16 abuse in compliance with this Section, shall be presumed.

17 (j) No administrator, agent, or employee of a hospital
18 shall adopt or employ practices or procedures designed to
19 discourage good faith reporting of patient abuse under this
20 Section.

21 (k) Every hospital shall ensure that all new and existing
22 employees are trained in the detection and reporting of abuse
23 of patients and retrained at least every 2 years thereafter.

24 (l) The Department shall investigate each report of
25 patient abuse made under this Section according to the
26 procedures of the Department, except that a report of abuse

1 which indicates that a patient's life or safety is in imminent
2 danger shall be investigated within 24 hours of such report.
3 Under no circumstances may a hospital's internal review of an
4 allegation of abuse replace an investigation of the allegation
5 by the Department.

6 (m) The Department shall keep a continuing record of all
7 reports made pursuant to this Section, including indications
8 of the final determination of any investigation and the final
9 disposition of all reports. The Department shall inform the
10 investigated hospital and any other person making a report
11 under subsection (g) of its final determination or disposition
12 in writing.

13 (n) The Department shall not disclose to the public any
14 information regarding any reports and investigations under
15 this Section unless and until the report of abuse is
16 substantiated following a full and proper investigation.

17 (o) All patient identifiable information in any report or
18 investigation under this Section shall be confidential and
19 shall not be disclosed except as authorized by this Act or
20 other applicable law.

21 (p) Nothing in this Section relieves a hospital
22 administrator, employee, agent, or medical staff member from
23 contacting appropriate law enforcement authorities as required
24 by law.

25 (q) Nothing in this Section shall be construed to mean
26 that a patient is a victim of abuse because of health care

1 services provided or not provided by health care
2 professionals.

3 (r) Nothing in this Section shall require a hospital,
4 including its employees, agents, and medical staff members, to
5 provide any services to a patient in contravention of his or
6 her stated or implied objection thereto upon grounds that such
7 services conflict with his or her religious beliefs or
8 practices, nor shall such a patient be considered abused under
9 this Section for the exercise of such beliefs or practices.

10 (s) The Department's implementation of this Section is
11 subject to appropriations to the Department for that purpose.

12 (t) As used in this Section, the following terms have the
13 following meanings:

14 "Abuse" means any physical or mental injury or sexual
15 abuse intentionally inflicted by a hospital employee, agent,
16 patient, or medical staff member on a patient of the hospital
17 and does not include any hospital, medical, health care, or
18 other personal care services done in good faith in the
19 interest of the patient according to established medical and
20 clinical standards of care.

21 "Mental injury" means intentionally caused emotional
22 distress in a patient from words or gestures that would be
23 considered by a reasonable person to be humiliating,
24 harassing, or threatening and which causes observable and
25 substantial impairment.

26 "Sexual abuse" means any intentional act of sexual contact

1 or sexual penetration of a patient in the hospital.

2 "Substantiated", with respect to a report of abuse, means
3 that a preponderance of the evidence indicates that abuse
4 occurred.

5 (Source: P.A. 96-692, eff. 1-1-10.)