

# SB3023



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3023

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

### SYNOPSIS AS INTRODUCED:

410 ILCS 70/1a from Ch. 111 1/2, par. 87-1a  
410 ILCS 70/1a-1  
410 ILCS 70/5.4  
410 ILCS 70/5.5  
410 ILCS 70/5.5-1

Amends the Sexual Assault Survivors Emergency Treatment Act. Changes the definition of "follow-up healthcare" to mean specified healthcare services within 180 (instead of 90) days of the initial visit for medical forensic services. Makes corresponding changes.

LRB102 22896 CPF 32049 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Sexual Assault Survivors Emergency  
5 Treatment Act is amended by changing Sections 1a, 1a-1, 5.4,  
6 5.5, and 5.5-1 as follows:

7 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

8 Sec. 1a. Definitions.

9 (a) In this Act:

10 "Advanced practice registered nurse" has the meaning  
11 provided in Section 50-10 of the Nurse Practice Act.

12 "Ambulance provider" means an individual or entity that  
13 owns and operates a business or service using ambulances or  
14 emergency medical services vehicles to transport emergency  
15 patients.

16 "Approved pediatric health care facility" means a health  
17 care facility, other than a hospital, with a sexual assault  
18 treatment plan approved by the Department to provide medical  
19 forensic services to pediatric sexual assault survivors who  
20 present with a complaint of sexual assault within a minimum of  
21 the last 7 days or who have disclosed past sexual assault by a  
22 specific individual and were in the care of that individual  
23 within a minimum of the last 7 days.

1 "Areawide sexual assault treatment plan" means a plan,  
2 developed by hospitals or by hospitals and approved pediatric  
3 health care facilities in a community or area to be served,  
4 which provides for medical forensic services to sexual assault  
5 survivors that shall be made available by each of the  
6 participating hospitals and approved pediatric health care  
7 facilities.

8 "Board-certified child abuse pediatrician" means a  
9 physician certified by the American Board of Pediatrics in  
10 child abuse pediatrics.

11 "Board-eligible child abuse pediatrician" means a  
12 physician who has completed the requirements set forth by the  
13 American Board of Pediatrics to take the examination for  
14 certification in child abuse pediatrics.

15 "Department" means the Department of Public Health.

16 "Emergency contraception" means medication as approved by  
17 the federal Food and Drug Administration (FDA) that can  
18 significantly reduce the risk of pregnancy if taken within 72  
19 hours after sexual assault.

20 "Follow-up healthcare" means healthcare services related  
21 to a sexual assault, including laboratory services and  
22 pharmacy services, rendered within 180 ~~90~~ days of the initial  
23 visit for medical forensic services.

24 "Health care professional" means a physician, a physician  
25 assistant, a sexual assault forensic examiner, an advanced  
26 practice registered nurse, a registered professional nurse, a

1 licensed practical nurse, or a sexual assault nurse examiner.

2 "Hospital" means a hospital licensed under the Hospital  
3 Licensing Act or operated under the University of Illinois  
4 Hospital Act, any outpatient center included in the hospital's  
5 sexual assault treatment plan where hospital employees provide  
6 medical forensic services, and an out-of-state hospital that  
7 has consented to the jurisdiction of the Department under  
8 Section 2.06.

9 "Illinois State Police Sexual Assault Evidence Collection  
10 Kit" means a prepackaged set of materials and forms to be used  
11 for the collection of evidence relating to sexual assault. The  
12 standardized evidence collection kit for the State of Illinois  
13 shall be the Illinois State Police Sexual Assault Evidence  
14 Collection Kit.

15 "Law enforcement agency having jurisdiction" means the law  
16 enforcement agency in the jurisdiction where an alleged sexual  
17 assault or sexual abuse occurred.

18 "Licensed practical nurse" has the meaning provided in  
19 Section 50-10 of the Nurse Practice Act.

20 "Medical forensic services" means health care delivered to  
21 patients within or under the care and supervision of personnel  
22 working in a designated emergency department of a hospital or  
23 an approved pediatric health care facility. "Medical forensic  
24 services" includes, but is not limited to, taking a medical  
25 history, performing photo documentation, performing a physical  
26 and anogenital examination, assessing the patient for evidence

1 collection, collecting evidence in accordance with a statewide  
2 sexual assault evidence collection program administered by the  
3 Illinois State Police using the Illinois State Police Sexual  
4 Assault Evidence Collection Kit, if appropriate, assessing the  
5 patient for drug-facilitated or alcohol-facilitated sexual  
6 assault, providing an evaluation of and care for sexually  
7 transmitted infection and human immunodeficiency virus (HIV),  
8 pregnancy risk evaluation and care, and discharge and  
9 follow-up healthcare planning.

10 "Pediatric health care facility" means a clinic or  
11 physician's office that provides medical services to pediatric  
12 patients.

13 "Pediatric sexual assault survivor" means a person under  
14 the age of 13 who presents for medical forensic services in  
15 relation to injuries or trauma resulting from a sexual  
16 assault.

17 "Photo documentation" means digital photographs or  
18 colposcope videos stored and backed up securely in the  
19 original file format.

20 "Physician" means a person licensed to practice medicine  
21 in all its branches.

22 "Physician assistant" has the meaning provided in Section  
23 4 of the Physician Assistant Practice Act of 1987.

24 "Prepubescent sexual assault survivor" means a female who  
25 is under the age of 18 years and has not had a first menstrual  
26 cycle or a male who is under the age of 18 years and has not

1 started to develop secondary sex characteristics who presents  
2 for medical forensic services in relation to injuries or  
3 trauma resulting from a sexual assault.

4 "Qualified medical provider" means a board-certified child  
5 abuse pediatrician, board-eligible child abuse pediatrician, a  
6 sexual assault forensic examiner, or a sexual assault nurse  
7 examiner who has access to photo documentation tools, and who  
8 participates in peer review.

9 "Registered Professional Nurse" has the meaning provided  
10 in Section 50-10 of the Nurse Practice Act.

11 "Sexual assault" means:

12 (1) an act of sexual conduct; as used in this  
13 paragraph, "sexual conduct" has the meaning provided under  
14 Section 11-0.1 of the Criminal Code of 2012; or

15 (2) any act of sexual penetration; as used in this  
16 paragraph, "sexual penetration" has the meaning provided  
17 under Section 11-0.1 of the Criminal Code of 2012 and  
18 includes, without limitation, acts prohibited under  
19 Sections 11-1.20 through 11-1.60 of the Criminal Code of  
20 2012.

21 "Sexual assault forensic examiner" means a physician or  
22 physician assistant who has completed training that meets or  
23 is substantially similar to the Sexual Assault Nurse Examiner  
24 Education Guidelines established by the International  
25 Association of Forensic Nurses.

26 "Sexual assault nurse examiner" means an advanced practice

1 registered nurse or registered professional nurse who has  
2 completed a sexual assault nurse examiner training program  
3 that meets the Sexual Assault Nurse Examiner Education  
4 Guidelines established by the International Association of  
5 Forensic Nurses.

6 "Sexual assault services voucher" means a document  
7 generated by a hospital or approved pediatric health care  
8 facility at the time the sexual assault survivor receives  
9 outpatient medical forensic services that may be used to seek  
10 payment for any ambulance services, medical forensic services,  
11 laboratory services, pharmacy services, and follow-up  
12 healthcare provided as a result of the sexual assault.

13 "Sexual assault survivor" means a person who presents for  
14 medical forensic services in relation to injuries or trauma  
15 resulting from a sexual assault.

16 "Sexual assault transfer plan" means a written plan  
17 developed by a hospital and approved by the Department, which  
18 describes the hospital's procedures for transferring sexual  
19 assault survivors to another hospital, and an approved  
20 pediatric health care facility, if applicable, in order to  
21 receive medical forensic services.

22 "Sexual assault treatment plan" means a written plan that  
23 describes the procedures and protocols for providing medical  
24 forensic services to sexual assault survivors who present  
25 themselves for such services, either directly or through  
26 transfer from a hospital or an approved pediatric health care

1 facility.

2 "Transfer hospital" means a hospital with a sexual assault  
3 transfer plan approved by the Department.

4 "Transfer services" means the appropriate medical  
5 screening examination and necessary stabilizing treatment  
6 prior to the transfer of a sexual assault survivor to a  
7 hospital or an approved pediatric health care facility that  
8 provides medical forensic services to sexual assault survivors  
9 pursuant to a sexual assault treatment plan or areawide sexual  
10 assault treatment plan.

11 "Treatment hospital" means a hospital with a sexual  
12 assault treatment plan approved by the Department to provide  
13 medical forensic services to all sexual assault survivors who  
14 present with a complaint of sexual assault within a minimum of  
15 the last 7 days or who have disclosed past sexual assault by a  
16 specific individual and were in the care of that individual  
17 within a minimum of the last 7 days.

18 "Treatment hospital with approved pediatric transfer"  
19 means a hospital with a treatment plan approved by the  
20 Department to provide medical forensic services to sexual  
21 assault survivors 13 years old or older who present with a  
22 complaint of sexual assault within a minimum of the last 7 days  
23 or who have disclosed past sexual assault by a specific  
24 individual and were in the care of that individual within a  
25 minimum of the last 7 days.

26 (b) This Section is effective on and after January 1,



1 2022.

2 (Source: P.A. 101-81, eff. 7-12-19; 101-634, eff. 6-5-20;  
3 102-22, eff. 6-25-21; 102-538, eff. 8-20-21; revised  
4 10-14-21.)

5 (410 ILCS 70/1a-1)

6 (Section scheduled to be repealed on December 31, 2023)

7 Sec. 1a-1. Definitions.

8 (a) In this Act:

9 "Advanced practice registered nurse" has the meaning  
10 provided in Section 50-10 of the Nurse Practice Act.

11 "Ambulance provider" means an individual or entity that  
12 owns and operates a business or service using ambulances or  
13 emergency medical services vehicles to transport emergency  
14 patients.

15 "Approved pediatric health care facility" means a health  
16 care facility, other than a hospital, with a sexual assault  
17 treatment plan approved by the Department to provide medical  
18 forensic services to pediatric sexual assault survivors who  
19 present with a complaint of sexual assault within a minimum of  
20 the last 7 days or who have disclosed past sexual assault by a  
21 specific individual and were in the care of that individual  
22 within a minimum of the last 7 days.

23 "Approved federally qualified health center" means a  
24 facility as defined in Section 1905(1)(2)(B) of the federal  
25 Social Security Act with a sexual assault treatment plan

1 approved by the Department to provide medical forensic  
2 services to sexual assault survivors 13 years old or older who  
3 present with a complaint of sexual assault within a minimum of  
4 the last 7 days or who have disclosed past sexual assault by a  
5 specific individual and were in the care of that individual  
6 within a minimum of the last 7 days.

7 "Areawide sexual assault treatment plan" means a plan,  
8 developed by hospitals or by hospitals, approved pediatric  
9 health care facilities, and approved federally qualified  
10 health centers in a community or area to be served, which  
11 provides for medical forensic services to sexual assault  
12 survivors that shall be made available by each of the  
13 participating hospitals and approved pediatric health care  
14 facilities.

15 "Board-certified child abuse pediatrician" means a  
16 physician certified by the American Board of Pediatrics in  
17 child abuse pediatrics.

18 "Board-eligible child abuse pediatrician" means a  
19 physician who has completed the requirements set forth by the  
20 American Board of Pediatrics to take the examination for  
21 certification in child abuse pediatrics.

22 "Department" means the Department of Public Health.

23 "Emergency contraception" means medication as approved by  
24 the federal Food and Drug Administration (FDA) that can  
25 significantly reduce the risk of pregnancy if taken within 72  
26 hours after sexual assault.

1 "Federally qualified health center" means a facility as  
2 defined in Section 1905(1)(2)(B) of the federal Social  
3 Security Act that provides primary care or sexual health  
4 services.

5 "Follow-up healthcare" means healthcare services related  
6 to a sexual assault, including laboratory services and  
7 pharmacy services, rendered within 180 ~~90~~ days of the initial  
8 visit for medical forensic services.

9 "Health care professional" means a physician, a physician  
10 assistant, a sexual assault forensic examiner, an advanced  
11 practice registered nurse, a registered professional nurse, a  
12 licensed practical nurse, or a sexual assault nurse examiner.

13 "Hospital" means a hospital licensed under the Hospital  
14 Licensing Act or operated under the University of Illinois  
15 Hospital Act, any outpatient center included in the hospital's  
16 sexual assault treatment plan where hospital employees provide  
17 medical forensic services, and an out-of-state hospital that  
18 has consented to the jurisdiction of the Department under  
19 Section 2.06-1.

20 "Illinois State Police Sexual Assault Evidence Collection  
21 Kit" means a prepackaged set of materials and forms to be used  
22 for the collection of evidence relating to sexual assault. The  
23 standardized evidence collection kit for the State of Illinois  
24 shall be the Illinois State Police Sexual Assault Evidence  
25 Collection Kit.

26 "Law enforcement agency having jurisdiction" means the law

1 enforcement agency in the jurisdiction where an alleged sexual  
2 assault or sexual abuse occurred.

3 "Licensed practical nurse" has the meaning provided in  
4 Section 50-10 of the Nurse Practice Act.

5 "Medical forensic services" means health care delivered to  
6 patients within or under the care and supervision of personnel  
7 working in a designated emergency department of a hospital,  
8 approved pediatric health care facility, or an approved  
9 federally qualified health centers.

10 "Medical forensic services" includes, but is not limited  
11 to, taking a medical history, performing photo documentation,  
12 performing a physical and anogenital examination, assessing  
13 the patient for evidence collection, collecting evidence in  
14 accordance with a statewide sexual assault evidence collection  
15 program administered by the Department of State Police using  
16 the Illinois State Police Sexual Assault Evidence Collection  
17 Kit, if appropriate, assessing the patient for  
18 drug-facilitated or alcohol-facilitated sexual assault,  
19 providing an evaluation of and care for sexually transmitted  
20 infection and human immunodeficiency virus (HIV), pregnancy  
21 risk evaluation and care, and discharge and follow-up  
22 healthcare planning.

23 "Pediatric health care facility" means a clinic or  
24 physician's office that provides medical services to pediatric  
25 patients.

26 "Pediatric sexual assault survivor" means a person under

1 the age of 13 who presents for medical forensic services in  
2 relation to injuries or trauma resulting from a sexual  
3 assault.

4 "Photo documentation" means digital photographs or  
5 colposcope videos stored and backed up securely in the  
6 original file format.

7 "Physician" means a person licensed to practice medicine  
8 in all its branches.

9 "Physician assistant" has the meaning provided in Section  
10 4 of the Physician Assistant Practice Act of 1987.

11 "Prepubescent sexual assault survivor" means a female who  
12 is under the age of 18 years and has not had a first menstrual  
13 cycle or a male who is under the age of 18 years and has not  
14 started to develop secondary sex characteristics who presents  
15 for medical forensic services in relation to injuries or  
16 trauma resulting from a sexual assault.

17 "Qualified medical provider" means a board-certified child  
18 abuse pediatrician, board-eligible child abuse pediatrician, a  
19 sexual assault forensic examiner, or a sexual assault nurse  
20 examiner who has access to photo documentation tools, and who  
21 participates in peer review.

22 "Registered Professional Nurse" has the meaning provided  
23 in Section 50-10 of the Nurse Practice Act.

24 "Sexual assault" means:

25 (1) an act of sexual conduct; as used in this  
26 paragraph, "sexual conduct" has the meaning provided under

1 Section 11-0.1 of the Criminal Code of 2012; or

2 (2) any act of sexual penetration; as used in this  
3 paragraph, "sexual penetration" has the meaning provided  
4 under Section 11-0.1 of the Criminal Code of 2012 and  
5 includes, without limitation, acts prohibited under  
6 Sections 11-1.20 through 11-1.60 of the Criminal Code of  
7 2012.

8 "Sexual assault forensic examiner" means a physician or  
9 physician assistant who has completed training that meets or  
10 is substantially similar to the Sexual Assault Nurse Examiner  
11 Education Guidelines established by the International  
12 Association of Forensic Nurses.

13 "Sexual assault nurse examiner" means an advanced practice  
14 registered nurse or registered professional nurse who has  
15 completed a sexual assault nurse examiner training program  
16 that meets the Sexual Assault Nurse Examiner Education  
17 Guidelines established by the International Association of  
18 Forensic Nurses.

19 "Sexual assault services voucher" means a document  
20 generated by a hospital or approved pediatric health care  
21 facility at the time the sexual assault survivor receives  
22 outpatient medical forensic services that may be used to seek  
23 payment for any ambulance services, medical forensic services,  
24 laboratory services, pharmacy services, and follow-up  
25 healthcare provided as a result of the sexual assault.

26 "Sexual assault survivor" means a person who presents for

1 medical forensic services in relation to injuries or trauma  
2 resulting from a sexual assault.

3 "Sexual assault transfer plan" means a written plan  
4 developed by a hospital and approved by the Department, which  
5 describes the hospital's procedures for transferring sexual  
6 assault survivors to another hospital, and an approved  
7 pediatric health care facility, if applicable, in order to  
8 receive medical forensic services.

9 "Sexual assault treatment plan" means a written plan that  
10 describes the procedures and protocols for providing medical  
11 forensic services to sexual assault survivors who present  
12 themselves for such services, either directly or through  
13 transfer from a hospital or an approved pediatric health care  
14 facility.

15 "Transfer hospital" means a hospital with a sexual assault  
16 transfer plan approved by the Department.

17 "Transfer services" means the appropriate medical  
18 screening examination and necessary stabilizing treatment  
19 prior to the transfer of a sexual assault survivor to a  
20 hospital or an approved pediatric health care facility that  
21 provides medical forensic services to sexual assault survivors  
22 pursuant to a sexual assault treatment plan or areawide sexual  
23 assault treatment plan.

24 "Treatment hospital" means a hospital with a sexual  
25 assault treatment plan approved by the Department to provide  
26 medical forensic services to all sexual assault survivors who

1 present with a complaint of sexual assault within a minimum of  
2 the last 7 days or who have disclosed past sexual assault by a  
3 specific individual and were in the care of that individual  
4 within a minimum of the last 7 days.

5 "Treatment hospital with approved pediatric transfer"  
6 means a hospital with a treatment plan approved by the  
7 Department to provide medical forensic services to sexual  
8 assault survivors 13 years old or older who present with a  
9 complaint of sexual assault within a minimum of the last 7 days  
10 or who have disclosed past sexual assault by a specific  
11 individual and were in the care of that individual within a  
12 minimum of the last 7 days.

13 (b) This Section is repealed on December 31, 2023.

14 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;  
15 102-674, eff. 11-30-21.)

16 (410 ILCS 70/5.4)

17 Sec. 5.4. Out-of-state hospitals.

18 (a) Nothing in this Section shall prohibit the transfer of  
19 a patient in need of medical services from a hospital that has  
20 been designated as a trauma center by the Department in  
21 accordance with Section 3.90 of the Emergency Medical Services  
22 (EMS) Systems Act.

23 (b) A transfer hospital, treatment hospital with approved  
24 pediatric transfer, or approved pediatric health care facility  
25 may transfer a sexual assault survivor to an out-of-state



1 hospital that has been designated as a trauma center by the  
2 Department under Section 3.90 of the Emergency Medical  
3 Services (EMS) Systems Act if the out-of-state hospital: (1)  
4 submits an areawide treatment plan approved by the Department;  
5 and (2) has certified the following to the Department in a form  
6 and manner prescribed by the Department that the out-of-state  
7 hospital will:

8 (i) consent to the jurisdiction of the Department in  
9 accordance with Section 2.06 of this Act;

10 (ii) comply with all requirements of this Act  
11 applicable to treatment hospitals, including, but not  
12 limited to, offering evidence collection to any Illinois  
13 sexual assault survivor who presents with a complaint of  
14 sexual assault within a minimum of the last 7 days or who  
15 has disclosed past sexual assault by a specific individual  
16 and was in the care of that individual within a minimum of  
17 the last 7 days and not billing the sexual assault  
18 survivor for medical forensic services or 180 ~~90~~ days of  
19 follow-up healthcare;

20 (iii) use an Illinois State Police Sexual Assault  
21 Evidence Collection Kit to collect forensic evidence from  
22 an Illinois sexual assault survivor;

23 (iv) ensure its staff cooperates with Illinois law  
24 enforcement agencies and are responsive to subpoenas  
25 issued by Illinois courts; and

26 (v) provide appropriate transportation upon the

1 completion of medical forensic services back to the  
2 transfer hospital or treatment hospital with pediatric  
3 transfer where the sexual assault survivor initially  
4 presented seeking medical forensic services, unless the  
5 sexual assault survivor chooses to arrange his or her own  
6 transportation.

7 (c) Subsection (b) of this Section is inoperative on and  
8 after January 1, 2024.

9 (Source: P.A. 100-775, eff. 1-1-19.)

10 (410 ILCS 70/5.5)

11 Sec. 5.5. Minimum reimbursement requirements for follow-up  
12 healthcare.

13 (a) Every hospital, pediatric health care facility, health  
14 care professional, laboratory, or pharmacy that provides  
15 follow-up healthcare to a sexual assault survivor, with the  
16 consent of the sexual assault survivor and as ordered by the  
17 attending physician, an advanced practice registered nurse, or  
18 physician assistant shall be reimbursed for the follow-up  
19 healthcare services provided. Follow-up healthcare services  
20 include, but are not limited to, the following:

21 (1) a physical examination;

22 (2) laboratory tests to determine the presence or  
23 absence of sexually transmitted infection; and

24 (3) appropriate medications, including HIV  
25 prophylaxis, in accordance with the Centers for Disease

1 Control and Prevention's guidelines.

2 (b) Reimbursable follow-up healthcare is limited to office  
3 visits with a physician, advanced practice registered nurse,  
4 or physician assistant within 180 ~~90~~ days after an initial  
5 visit for hospital medical forensic services.

6 (c) Nothing in this Section requires a hospital, pediatric  
7 health care facility, health care professional, laboratory, or  
8 pharmacy to provide follow-up healthcare to a sexual assault  
9 survivor.

10 (d) This Section is effective on and after January 1,  
11 2024.

12 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;  
13 102-674, eff. 11-30-21.)

14 (410 ILCS 70/5.5-1)

15 (Section scheduled to be repealed on December 31, 2023)

16 Sec. 5.5-1. Minimum reimbursement requirements for  
17 follow-up healthcare.

18 (a) Every hospital, pediatric health care facility,  
19 federally qualified health center, health care professional,  
20 laboratory, or pharmacy that provides follow-up healthcare to  
21 a sexual assault survivor, with the consent of the sexual  
22 assault survivor and as ordered by the attending physician, an  
23 advanced practice registered nurse, or physician assistant  
24 shall be reimbursed for the follow-up healthcare services  
25 provided. Follow-up healthcare services include, but are not

1 limited to, the following:

2 (1) a physical examination;

3 (2) laboratory tests to determine the presence or  
4 absence of sexually transmitted infection; and

5 (3) appropriate medications, including HIV  
6 prophylaxis, in accordance with the Centers for Disease  
7 Control and Prevention's guidelines.

8 (b) Reimbursable follow-up healthcare is limited to office  
9 visits with a physician, advanced practice registered nurse,  
10 or physician assistant within 180 ~~90~~ days after an initial  
11 visit for hospital medical forensic services.

12 (c) Nothing in this Section requires a hospital, pediatric  
13 health care facility, federally qualified health center,  
14 health care professional, laboratory, or pharmacy to provide  
15 follow-up healthcare to a sexual assault survivor.

16 (d) This Section is repealed on December 31, 2023.

17 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;  
18 102-674, eff. 11-30-21.)