



Sen. Julie A. Morrison

**Filed: 2/18/2022**

10200SB3023sam001

LRB102 22896 CPF 36623 a

1 AMENDMENT TO SENATE BILL 3023

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3023 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Sexual Assault Survivors Emergency  
5 Treatment Act is amended by changing Sections 1a, 1a-1, 2-1,  
6 5-1, 5.4, 5.5, 5.5-1, 7.5, and 9.5 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

1 care facility, other than a hospital, with a sexual assault  
2 treatment plan approved by the Department to provide medical  
3 forensic services to pediatric sexual assault survivors who  
4 present with a complaint of sexual assault within a minimum of  
5 the last 7 days or who have disclosed past sexual assault by a  
6 specific individual and were in the care of that individual  
7 within a minimum of the last 7 days.

8 "Areawide sexual assault treatment plan" means a plan,  
9 developed by hospitals or by hospitals and approved pediatric  
10 health care facilities in a community or area to be served,  
11 which 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 "Follow-up healthcare" means healthcare services related  
2 to a sexual assault, including laboratory services and  
3 pharmacy services, rendered within 180 ~~90~~ days of the initial  
4 visit for medical forensic services.

5 "Health care professional" means a physician, a physician  
6 assistant, a sexual assault forensic examiner, an advanced  
7 practice registered nurse, a registered professional nurse, a  
8 licensed practical nurse, or a sexual assault nurse examiner.

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

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

22 "Law enforcement agency having jurisdiction" means the law  
23 enforcement agency in the jurisdiction where an alleged sexual  
24 assault or sexual abuse occurred.

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

1 "Medical forensic services" means health care delivered to  
2 patients within or under the care and supervision of personnel  
3 working in a designated emergency department of a hospital or  
4 an approved pediatric health care facility. "Medical forensic  
5 services" includes, but is not limited to, taking a medical  
6 history, performing photo documentation, performing a physical  
7 and anogenital examination, assessing the patient for evidence  
8 collection, collecting evidence in accordance with a statewide  
9 sexual assault evidence collection program administered by the  
10 Illinois State Police using the Illinois State Police Sexual  
11 Assault Evidence Collection Kit, if appropriate, assessing the  
12 patient for drug-facilitated or alcohol-facilitated sexual  
13 assault, providing an evaluation of and care for sexually  
14 transmitted infection and human immunodeficiency virus (HIV),  
15 pregnancy risk evaluation and care, and discharge and  
16 follow-up healthcare planning.

17 "Pediatric health care facility" means a clinic or  
18 physician's office that provides medical services to pediatric  
19 patients.

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

24 "Photo documentation" means digital photographs or  
25 colposcope videos stored and backed up securely in the  
26 original file format.

1 "Physician" means a person licensed to practice medicine  
2 in all its branches.

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

5 "Prepubescent sexual assault survivor" means a female who  
6 is under the age of 18 years and has not had a first menstrual  
7 cycle or a male who is under the age of 18 years and has not  
8 started to develop secondary sex characteristics who presents  
9 for medical forensic services in relation to injuries or  
10 trauma resulting from a sexual assault.

11 "Qualified medical provider" means a board-certified child  
12 abuse pediatrician, board-eligible child abuse pediatrician, a  
13 sexual assault forensic examiner, or a sexual assault nurse  
14 examiner who has access to photo documentation tools, and who  
15 participates in peer review.

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

18 "Sexual assault" means:

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

22 (2) any act of sexual penetration; as used in this  
23 paragraph, "sexual penetration" has the meaning provided  
24 under Section 11-0.1 of the Criminal Code of 2012 and  
25 includes, without limitation, acts prohibited under  
26 Sections 11-1.20 through 11-1.60 of the Criminal Code of

1 2012.

2 "Sexual assault forensic examiner" means a physician or  
3 physician assistant who has completed training that meets or  
4 is substantially similar to the Sexual Assault Nurse Examiner  
5 Education Guidelines established by the International  
6 Association of Forensic Nurses.

7 "Sexual assault nurse examiner" means an advanced practice  
8 registered nurse or registered professional nurse who has  
9 completed a sexual assault nurse examiner training program  
10 that meets the Sexual Assault Nurse Examiner Education  
11 Guidelines established by the International Association of  
12 Forensic Nurses.

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

20 "Sexual assault survivor" means a person who presents for  
21 medical forensic services in relation to injuries or trauma  
22 resulting from a sexual assault.

23 "Sexual assault transfer plan" means a written plan  
24 developed by a hospital and approved by the Department, which  
25 describes the hospital's procedures for transferring sexual  
26 assault survivors to another hospital, and an approved

1 pediatric health care facility, if applicable, in order to  
2 receive medical forensic services.

3 "Sexual assault treatment plan" means a written plan that  
4 describes the procedures and protocols for providing medical  
5 forensic services to sexual assault survivors who present  
6 themselves for such services, either directly or through  
7 transfer from a hospital or an approved pediatric health care  
8 facility.

9 "Transfer hospital" means a hospital with a sexual assault  
10 transfer plan approved by the Department.

11 "Transfer services" means the appropriate medical  
12 screening examination and necessary stabilizing treatment  
13 prior to the transfer of a sexual assault survivor to a  
14 hospital or an approved pediatric health care facility that  
15 provides medical forensic services to sexual assault survivors  
16 pursuant to a sexual assault treatment plan or areawide sexual  
17 assault treatment plan.

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

25 "Treatment hospital with approved pediatric transfer"  
26 means a hospital with a treatment plan approved by the

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

7 (b) This Section is effective on and after January 1, 2024  
8 ~~2022~~.

9 (Source: P.A. 101-81, eff. 7-12-19; 101-634, eff. 6-5-20;  
10 102-22, eff. 6-25-21; 102-538, eff. 8-20-21; 102-674, eff.  
11 11-30-21; revised 12-16-21.)

12 (410 ILCS 70/1a-1)

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

14 Sec. 1a-1. Definitions.

15 (a) In this Act:

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

18 "Ambulance provider" means an individual or entity that  
19 owns and operates a business or service using ambulances or  
20 emergency medical services vehicles to transport emergency  
21 patients.

22 "Approved pediatric health care facility" means a health  
23 care facility, other than a hospital, with a sexual assault  
24 treatment plan approved by the Department to provide medical  
25 forensic services to pediatric 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 "Approved federally qualified health center" means a  
6 facility as defined in Section 1905(1)(2)(B) of the federal  
7 Social Security Act with a sexual assault treatment plan  
8 approved by the Department to provide medical forensic  
9 services to sexual assault survivors 13 years old or older who  
10 present with a complaint of sexual assault within a minimum of  
11 the last 7 days or who have disclosed past sexual assault by a  
12 specific individual and were in the care of that individual  
13 within a minimum of the last 7 days.

14 "Areawide sexual assault treatment plan" means a plan,  
15 developed by hospitals or by hospitals, approved pediatric  
16 health care facilities, and approved federally qualified  
17 health centers in a community or area to be served, which  
18 provides for medical forensic services to sexual assault  
19 survivors that shall be made available by each of the  
20 participating hospitals and approved pediatric health care  
21 facilities.

22 "Board-certified child abuse pediatrician" means a  
23 physician certified by the American Board of Pediatrics in  
24 child abuse pediatrics.

25 "Board-eligible child abuse pediatrician" means a  
26 physician who has completed the requirements set forth by the

1 American Board of Pediatrics to take the examination for  
2 certification in child abuse pediatrics.

3 "Department" means the Department of Public Health.

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

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

12 "Follow-up healthcare" means healthcare services related  
13 to a sexual assault, including laboratory services and  
14 pharmacy services, rendered within 180 ~~90~~ days of the initial  
15 visit for medical forensic services.

16 "Health care professional" means a physician, a physician  
17 assistant, a sexual assault forensic examiner, an advanced  
18 practice registered nurse, a registered professional nurse, a  
19 licensed practical nurse, or a sexual assault nurse examiner.

20 "Hospital" means a hospital licensed under the Hospital  
21 Licensing Act or operated under the University of Illinois  
22 Hospital Act, any outpatient center included in the hospital's  
23 sexual assault treatment plan where hospital employees provide  
24 medical forensic services, and an out-of-state hospital that  
25 has consented to the jurisdiction of the Department under  
26 Section 2.06-1.

1 "Illinois State Police Sexual Assault Evidence Collection  
2 Kit" means a prepackaged set of materials and forms to be used  
3 for the collection of evidence relating to sexual assault. The  
4 standardized evidence collection kit for the State of Illinois  
5 shall be the Illinois State Police Sexual Assault Evidence  
6 Collection Kit.

7 "Law enforcement agency having jurisdiction" means the law  
8 enforcement agency in the jurisdiction where an alleged sexual  
9 assault or sexual abuse occurred.

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

12 "Medical forensic services" means health care delivered to  
13 patients within or under the care and supervision of personnel  
14 working in a designated emergency department of a hospital,  
15 approved pediatric health care facility, or an approved  
16 federally qualified health centers.

17 "Medical forensic services" includes, but is not limited  
18 to, taking a medical history, performing photo documentation,  
19 performing a physical and anogenital examination, assessing  
20 the patient for evidence collection, collecting evidence in  
21 accordance with a statewide sexual assault evidence collection  
22 program administered by the Department of State Police using  
23 the Illinois State Police Sexual Assault Evidence Collection  
24 Kit, if appropriate, assessing the patient for  
25 drug-facilitated or alcohol-facilitated sexual assault,  
26 providing an evaluation of and care for sexually transmitted

1 infection and human immunodeficiency virus (HIV), pregnancy  
2 risk evaluation and care, and discharge and follow-up  
3 healthcare planning.

4 "Pediatric health care facility" means a clinic or  
5 physician's office that provides medical services to pediatric  
6 patients.

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

11 "Photo documentation" means digital photographs or  
12 colposcope videos stored and backed up securely in the  
13 original file format.

14 "Physician" means a person licensed to practice medicine  
15 in all its branches.

16 "Physician assistant" has the meaning provided in Section  
17 4 of the Physician Assistant Practice Act of 1987.

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19 is under the age of 18 years and has not had a first menstrual  
20 cycle or a male who is under the age of 18 years and has not  
21 started to develop secondary sex characteristics who presents  
22 for medical forensic services in relation to injuries or  
23 trauma resulting from a sexual assault.

24 "Qualified medical provider" means a board-certified child  
25 abuse pediatrician, board-eligible child abuse pediatrician, a  
26 sexual assault forensic examiner, or a sexual assault nurse

1 examiner who has access to photo documentation tools, and who  
2 participates in peer review.

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

5 "Sexual assault" means:

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

9 (2) any act of sexual penetration; as used in this  
10 paragraph, "sexual penetration" has the meaning provided  
11 under Section 11-0.1 of the Criminal Code of 2012 and  
12 includes, without limitation, acts prohibited under  
13 Sections 11-1.20 through 11-1.60 of the Criminal Code of  
14 2012.

15 "Sexual assault forensic examiner" means a physician or  
16 physician assistant who has completed training that meets or  
17 is substantially similar to the Sexual Assault Nurse Examiner  
18 Education Guidelines established by the International  
19 Association of Forensic Nurses.

20 "Sexual assault nurse examiner" means an advanced practice  
21 registered nurse or registered professional nurse who has  
22 completed a sexual assault nurse examiner training program  
23 that meets the Sexual Assault Nurse Examiner Education  
24 Guidelines established by the International Association of  
25 Forensic Nurses.

26 "Sexual assault services voucher" means a document

1 generated by a hospital or approved pediatric health care  
2 facility at the time the sexual assault survivor receives  
3 outpatient medical forensic services that may be used to seek  
4 payment for any ambulance services, medical forensic services,  
5 laboratory services, pharmacy services, and follow-up  
6 healthcare provided as a result of the sexual assault.

7 "Sexual assault survivor" means a person who presents for  
8 medical forensic services in relation to injuries or trauma  
9 resulting from a sexual assault.

10 "Sexual assault transfer plan" means a written plan  
11 developed by a hospital and approved by the Department, which  
12 describes the hospital's procedures for transferring sexual  
13 assault survivors to another hospital, and an approved  
14 pediatric health care facility, if applicable, in order to  
15 receive medical forensic services.

16 "Sexual assault treatment plan" means a written plan that  
17 describes the procedures and protocols for providing medical  
18 forensic services to sexual assault survivors who present  
19 themselves for such services, either directly or through  
20 transfer from a hospital or an approved pediatric health care  
21 facility.

22 "Transfer hospital" means a hospital with a sexual assault  
23 transfer plan approved by the Department.

24 "Transfer services" means the appropriate medical  
25 screening examination and necessary stabilizing treatment  
26 prior to the transfer of a sexual assault survivor to a

1 hospital or an approved pediatric health care facility that  
2 provides medical forensic services to sexual assault survivors  
3 pursuant to a sexual assault treatment plan or areawide sexual  
4 assault treatment plan.

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

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

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

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

23 (410 ILCS 70/2-1)

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

25 Sec. 2-1. Hospital, approved pediatric health care

1 facility, and approved federally qualified health center  
2 requirements for sexual assault plans.

3 (a) Every hospital required to be licensed by the  
4 Department pursuant to the Hospital Licensing Act, or operated  
5 under the University of Illinois Hospital Act that provides  
6 general medical and surgical hospital services shall provide  
7 either (i) transfer services to all sexual assault survivors,  
8 (ii) medical forensic services to all sexual assault  
9 survivors, or (iii) transfer services to pediatric sexual  
10 assault survivors and medical forensic services to sexual  
11 assault survivors 13 years old or older, in accordance with  
12 rules adopted by the Department.

13 In addition, every such hospital, regardless of whether or  
14 not a request is made for reimbursement, shall submit to the  
15 Department a plan to provide either (i) transfer services to  
16 all sexual assault survivors, (ii) medical forensic services  
17 to all sexual assault survivors, or (iii) transfer services to  
18 pediatric sexual assault survivors and medical forensic  
19 services to sexual assault survivors 13 years old or older.  
20 The Department shall approve such plan for either (i) transfer  
21 services to all sexual assault survivors, (ii) medical  
22 forensic services to all sexual assault survivors, or (iii)  
23 transfer services to pediatric sexual assault survivors and  
24 medical forensic services to sexual assault survivors 13 years  
25 old or older, if it finds that the implementation of the  
26 proposed plan would provide (i) transfer services or (ii)



1 medical forensic services for sexual assault survivors in  
2 accordance with the requirements of this Act and provide  
3 sufficient protections from the risk of pregnancy to sexual  
4 assault survivors. Notwithstanding anything to the contrary in  
5 this paragraph, the Department may approve a sexual assault  
6 transfer plan for the provision of medical forensic services  
7 if:

8 (1) a treatment hospital with approved pediatric  
9 transfer has agreed, as part of an areawide treatment  
10 plan, to accept sexual assault survivors 13 years of age  
11 or older from the proposed transfer hospital, if the  
12 treatment hospital with approved pediatric transfer is  
13 geographically closer to the transfer hospital than a  
14 treatment hospital or another treatment hospital with  
15 approved pediatric transfer and such transfer is not  
16 unduly burdensome on the sexual assault survivor; and

17 (2) a treatment hospital has agreed, as a part of an  
18 areawide treatment plan, to accept sexual assault  
19 survivors under 13 years of age from the proposed transfer  
20 hospital and transfer to the treatment hospital would not  
21 unduly burden the sexual assault survivor.

22 The Department may not approve a sexual assault transfer  
23 plan unless a treatment hospital has agreed, as a part of an  
24 areawide treatment plan, to accept sexual assault survivors  
25 from the proposed transfer hospital and a transfer to the  
26 treatment hospital would not unduly burden the sexual assault

1 survivor.

2 In counties with a population of less than 1,000,000, the  
3 Department may not approve a sexual assault transfer plan for  
4 a hospital located within a 20-mile radius of a 4-year public  
5 university, not including community colleges, unless there is  
6 a treatment hospital with a sexual assault treatment plan  
7 approved by the Department within a 20-mile radius of the  
8 4-year public university.

9 A transfer must be in accordance with federal and State  
10 laws and local ordinances.

11 A treatment hospital with approved pediatric transfer must  
12 submit an areawide treatment plan under Section 3-1 of this  
13 Act that includes a written agreement with a treatment  
14 hospital stating that the treatment hospital will provide  
15 medical forensic services to pediatric sexual assault  
16 survivors transferred from the treatment hospital with  
17 approved pediatric transfer. The areawide treatment plan may  
18 also include an approved pediatric health care facility.

19 A transfer hospital must submit an areawide treatment plan  
20 under Section 3-1 of this Act that includes a written  
21 agreement with a treatment hospital stating that the treatment  
22 hospital will provide medical forensic services to all sexual  
23 assault survivors transferred from the transfer hospital. The  
24 areawide treatment plan may also include an approved pediatric  
25 health care facility. Notwithstanding anything to the contrary  
26 in this paragraph, the areawide treatment plan may include a

1 written agreement with a treatment hospital with approved  
2 pediatric transfer that is geographically closer than other  
3 hospitals providing medical forensic services to sexual  
4 assault survivors 13 years of age or older stating that the  
5 treatment hospital with approved pediatric transfer will  
6 provide medical services to sexual assault survivors 13 years  
7 of age or older who are transferred from the transfer  
8 hospital. If the areawide treatment plan includes a written  
9 agreement with a treatment hospital with approved pediatric  
10 transfer, it must also include a written agreement with a  
11 treatment hospital stating that the treatment hospital will  
12 provide medical forensic services to sexual assault survivors  
13 under 13 years of age who are transferred from the transfer  
14 hospital.

15 Beginning January 1, 2019, each treatment hospital and  
16 treatment hospital with approved pediatric transfer shall  
17 ensure that emergency department attending physicians,  
18 physician assistants, advanced practice registered nurses, and  
19 registered professional nurses providing clinical services,  
20 who do not meet the definition of a qualified medical provider  
21 in Section 1a-1 of this Act, receive a minimum of 2 hours of  
22 sexual assault training by July 1, 2020 or until the treatment  
23 hospital or treatment hospital with approved pediatric  
24 transfer certifies to the Department, in a form and manner  
25 prescribed by the Department, that it employs or contracts  
26 with a qualified medical provider in accordance with

1 subsection (a-7) of Section 5-1, whichever occurs first.

2 After July 1, 2020 or once a treatment hospital or a  
3 treatment hospital with approved pediatric transfer certifies  
4 compliance with subsection (a-7) of Section 5-1, whichever  
5 occurs first, each treatment hospital and treatment hospital  
6 with approved pediatric transfer shall ensure that emergency  
7 department attending physicians, physician assistants,  
8 advanced practice registered nurses, and registered  
9 professional nurses providing clinical services, who do not  
10 meet the definition of a qualified medical provider in Section  
11 1a-1 of this Act, receive a minimum of 2 hours of continuing  
12 education on responding to sexual assault survivors every 2  
13 years. Protocols for training shall be included in the  
14 hospital's sexual assault treatment plan.

15 Sexual assault training provided under this subsection may  
16 be provided in person or online and shall include, but not be  
17 limited to:

18 (1) information provided on the provision of medical  
19 forensic services;

20 (2) information on the use of the Illinois Sexual  
21 Assault Evidence Collection Kit;

22 (3) information on sexual assault epidemiology,  
23 neurobiology of trauma, drug-facilitated sexual assault,  
24 child sexual abuse, and Illinois sexual assault-related  
25 laws; and

26 (4) information on the hospital's sexual

1 assault-related policies and procedures.

2 The online training made available by the Office of the  
3 Attorney General under subsection (b) of Section 10-1 may be  
4 used to comply with this subsection.

5 (b) An approved pediatric health care facility may provide  
6 medical forensic services, in accordance with rules adopted by  
7 the Department, to all pediatric sexual assault survivors who  
8 present for medical forensic services in relation to injuries  
9 or trauma resulting from a sexual assault. These services  
10 shall be provided by a qualified medical provider.

11 A pediatric health care facility must participate in or  
12 submit an areawide treatment plan under Section 3-1 of this  
13 Act that includes a treatment hospital. If a pediatric health  
14 care facility does not provide certain medical or surgical  
15 services that are provided by hospitals, the areawide sexual  
16 assault treatment plan must include a procedure for ensuring a  
17 sexual assault survivor in need of such medical or surgical  
18 services receives the services at the treatment hospital. The  
19 areawide treatment plan may also include a treatment hospital  
20 with approved pediatric transfer.

21 The Department shall review a proposed sexual assault  
22 treatment plan submitted by a pediatric health care facility  
23 within 60 days after receipt of the plan. If the Department  
24 finds that the proposed plan meets the minimum requirements  
25 set forth in Section 5-1 of this Act and that implementation of  
26 the proposed plan would provide medical forensic services for

1 pediatric sexual assault survivors, then the Department shall  
2 approve the plan. If the Department does not approve a plan,  
3 then the Department shall notify the pediatric health care  
4 facility that the proposed plan has not been approved. The  
5 pediatric health care facility shall have 30 days to submit a  
6 revised plan. The Department shall review the revised plan  
7 within 30 days after receipt of the plan and notify the  
8 pediatric health care facility whether the revised plan is  
9 approved or rejected. A pediatric health care facility may not  
10 provide medical forensic services to pediatric sexual assault  
11 survivors who present with a complaint of sexual assault  
12 within a minimum of the last 7 days or who have disclosed past  
13 sexual assault by a specific individual and were in the care of  
14 that individual within a minimum of the last 7 days until the  
15 Department has approved a treatment plan.

16 If an approved pediatric health care facility is not open  
17 24 hours a day, 7 days a week, it shall post signage at each  
18 public entrance to its facility that:

19 (1) is at least 14 inches by 14 inches in size;

20 (2) directs those seeking services as follows: "If  
21 closed, call 911 for services or go to the closest  
22 hospital emergency department, (insert name) located at  
23 (insert address).";

24 (3) lists the approved pediatric health care  
25 facility's hours of operation;

26 (4) lists the street address of the building;

1           (5) has a black background with white bold capital  
2           lettering in a clear and easy to read font that is at least  
3           72-point type, and with "call 911" in at least 125-point  
4           type;

5           (6) is posted clearly and conspicuously on or adjacent  
6           to the door at each entrance and, if building materials  
7           allow, is posted internally for viewing through glass; if  
8           posted externally, the sign shall be made of  
9           weather-resistant and theft-resistant materials,  
10          non-removable, and adhered permanently to the building;  
11          and

12          (7) has lighting that is part of the sign itself or is  
13          lit with a dedicated light that fully illuminates the  
14          sign.

15          (b-5) An approved federally qualified health center may  
16          provide medical forensic services, in accordance with rules  
17          adopted by the Department, to all sexual assault survivors 13  
18          years old or older who present for medical forensic services  
19          in relation to injuries or trauma resulting from a sexual  
20          assault during the duration, and 90 days thereafter, of a  
21          proclamation issued by the Governor declaring a disaster, or a  
22          successive proclamation regarding the same disaster, in all  
23          102 counties due to a public health emergency. These services  
24          shall be provided by (i) a qualified medical provider,  
25          physician, physician assistant, or advanced practice  
26          registered nurse who has received a minimum of 10 hours of

1 sexual assault training provided by a qualified medical  
2 provider on current Illinois legislation, how to properly  
3 perform a medical forensic examination, evidence collection,  
4 drug and alcohol facilitated sexual assault, and forensic  
5 photography and has all documentation and photos peer reviewed  
6 by a qualified medical provider or (ii) until the federally  
7 qualified health care center certifies to the Department, in a  
8 form and manner prescribed by the Department, that it employs  
9 or contracts with a qualified medical provider in accordance  
10 with subsection (a-7) of Section 5-1, whichever occurs first.

11 A federally qualified health center must participate in or  
12 submit an areawide treatment plan under Section 3-1 of this  
13 Act that includes a treatment hospital. If a federally  
14 qualified health center does not provide certain medical or  
15 surgical services that are provided by hospitals, the areawide  
16 sexual assault treatment plan must include a procedure for  
17 ensuring a sexual assault survivor in need of such medical or  
18 surgical services receives the services at the treatment  
19 hospital. The areawide treatment plan may also include a  
20 treatment hospital with approved pediatric transfer or an  
21 approved pediatric health care facility.

22 The Department shall review a proposed sexual assault  
23 treatment plan submitted by a federally qualified health  
24 center within 14 days after receipt of the plan. If the  
25 Department finds that the proposed plan meets the minimum  
26 requirements set forth in Section 5-1 and that implementation



1 of the proposed plan would provide medical forensic services  
2 for sexual assault survivors 13 years old or older, then the  
3 Department shall approve the plan. The Department shall not  
4 approve sexual assault treatment plans for more than 6  
5 federally qualified health centers, which must be located in  
6 geographically diverse areas of the State. If the Department  
7 does not approve a plan, then the Department shall notify the  
8 federally qualified health center that the proposed plan has  
9 not been approved. The federally qualified health center shall  
10 have 14 days to submit a revised plan. The Department shall  
11 review the revised plan within 14 days after receipt of the  
12 plan and notify the federally qualified health center whether  
13 the revised plan is approved or rejected. A federally  
14 qualified health center may not (i) provide medical forensic  
15 services to sexual assault survivors 13 years old or older who  
16 present with a complaint of sexual assault within a minimum of  
17 the previous 7 days or (ii) who have disclosed past sexual  
18 assault by a specific individual and were in the care of that  
19 individual within a minimum of the previous 7 days until the  
20 Department has approved a treatment plan.

21 If an approved federally qualified health center is not  
22 open 24 hours a day, 7 days a week, it shall post signage at  
23 each public entrance to its facility that:

24 (1) is at least 14 inches by 14 inches in size;

25 (2) directs those seeking services as follows: "If  
26 closed, call 911 for services or go to the closest

1 hospital emergency department, (insert name) located at  
2 (insert address).";

3 (3) lists the approved federally qualified health  
4 center's hours of operation;

5 (4) lists the street address of the building;

6 (5) has a black background with white bold capital  
7 lettering in a clear and easy to read font that is at least  
8 72-point type, and with "call 911" in at least 125-point  
9 type;

10 (6) is posted clearly and conspicuously on or adjacent  
11 to the door at each entrance and, if building materials  
12 allow, is posted internally for viewing through glass; if  
13 posted externally, the sign shall be made of  
14 weather-resistant and theft-resistant materials,  
15 non-removable, and adhered permanently to the building;  
16 ~~and~~

17 (7) has lighting that is part of the sign itself or is  
18 lit with a dedicated light that fully illuminates the  
19 sign;

20 (8) directs those seeking services as follows: "Call  
21 the local rape crisis center for support."; and

22 (9) includes the name and hotline number, available 24  
23 hours a day, 7 days a week, of the local rape crisis  
24 center.

25 A copy of the proposed sign must be submitted to the  
26 Department and approved as part of the approved federally

1 qualified health center's sexual assault treatment plan.

2 (c) Each treatment hospital, treatment hospital with  
3 approved pediatric transfer, approved pediatric health care  
4 facility, and approved federally qualified health center must  
5 enter into a memorandum of understanding with a rape crisis  
6 center for medical advocacy services, if these services are  
7 available to the treatment hospital, treatment hospital with  
8 approved pediatric transfer, approved pediatric health care  
9 facility, or approved federally qualified health center. With  
10 the consent of the sexual assault survivor, a rape crisis  
11 counselor shall remain in the exam room during the collection  
12 for forensic evidence.

13 (d) Every treatment hospital, treatment hospital with  
14 approved pediatric transfer, approved pediatric health care  
15 facility, and approved federally qualified health center's  
16 sexual assault treatment plan shall include procedures for  
17 complying with mandatory reporting requirements pursuant to  
18 (1) the Abused and Neglected Child Reporting Act; (2) the  
19 Abused and Neglected Long Term Care Facility Residents  
20 Reporting Act; (3) the Adult Protective Services Act; and (iv)  
21 the Criminal Identification Act.

22 (e) Each treatment hospital, treatment hospital with  
23 approved pediatric transfer, approved pediatric health care  
24 facility, and approved federally qualified health center shall  
25 submit to the Department every 6 months, in a manner  
26 prescribed by the Department, the following information:

1           (1) The total number of patients who presented with a  
2           complaint of sexual assault.

3           (2) The total number of Illinois Sexual Assault  
4           Evidence Collection Kits:

5                   (A) offered to (i) all sexual assault survivors  
6                   and (ii) pediatric sexual assault survivors pursuant  
7                   to paragraph (1.5) of subsection (a-5) of Section 5-1;

8                   (B) completed for (i) all sexual assault survivors  
9                   and (ii) pediatric sexual assault survivors; and

10                   (C) declined by (i) all sexual assault survivors  
11                   and (ii) pediatric sexual assault survivors.

12           This information shall be made available on the  
13           Department's website.

14           (f) This Section is repealed on December 31, 2023.

15           (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;  
16           102-674, eff. 11-30-21.)

17           (410 ILCS 70/5-1)

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

19           Sec. 5-1. Minimum requirements for medical forensic  
20           services provided to sexual assault survivors by hospitals,  
21           approved pediatric health care facilities, and approved  
22           federally qualified health centers.

23           (a) Every hospital, approved pediatric health care  
24           facility, and approved federally qualified health center  
25           providing medical forensic services to sexual assault

1 survivors under this Act shall, as minimum requirements for  
2 such services, provide, with the consent of the sexual assault  
3 survivor, and as ordered by the attending physician, an  
4 advanced practice registered nurse, or a physician assistant,  
5 the services set forth in subsection (a-5).

6 Beginning January 1, 2023, a qualified medical provider  
7 must provide the services set forth in subsection (a-5).

8 (a-5) A treatment hospital, a treatment hospital with  
9 approved pediatric transfer, ~~or~~ an approved pediatric health  
10 care facility, or an approved federally qualified health  
11 center shall provide the following services in accordance with  
12 subsection (a):

13 (1) Appropriate medical forensic services without  
14 delay, in a private, age-appropriate or  
15 developmentally-appropriate space, required to ensure the  
16 health, safety, and welfare of a sexual assault survivor  
17 and which may be used as evidence in a criminal proceeding  
18 against a person accused of the sexual assault, in a  
19 proceeding under the Juvenile Court Act of 1987, or in an  
20 investigation under the Abused and Neglected Child  
21 Reporting Act.

22 Records of medical forensic services, including  
23 results of examinations and tests, the Illinois State  
24 Police Medical Forensic Documentation Forms, the Illinois  
25 State Police Patient Discharge Materials, and the Illinois  
26 State Police Patient Consent: Collect and Test Evidence or

1 Collect and Hold Evidence Form, shall be maintained by the  
2 hospital or approved pediatric health care facility as  
3 part of the patient's electronic medical record.

4 Records of medical forensic services of sexual assault  
5 survivors under the age of 18 shall be retained by the  
6 hospital for a period of 60 years after the sexual assault  
7 survivor reaches the age of 18. Records of medical  
8 forensic services of sexual assault survivors 18 years of  
9 age or older shall be retained by the hospital for a period  
10 of 20 years after the date the record was created.

11 Records of medical forensic services may only be  
12 disseminated in accordance with Section 6.5-1 of this Act  
13 and other State and federal law.

14 (1.5) An offer to complete the Illinois Sexual Assault  
15 Evidence Collection Kit for any sexual assault survivor  
16 who presents within a minimum of the last 7 days of the  
17 assault or who has disclosed past sexual assault by a  
18 specific individual and was in the care of that individual  
19 within a minimum of the last 7 days.

20 (A) Appropriate oral and written information  
21 concerning evidence-based guidelines for the  
22 appropriateness of evidence collection depending on  
23 the sexual development of the sexual assault survivor,  
24 the type of sexual assault, and the timing of the  
25 sexual assault shall be provided to the sexual assault  
26 survivor. Evidence collection is encouraged for

1           prepubescent sexual assault survivors who present to a  
2           hospital or approved pediatric health care facility  
3           with a complaint of sexual assault within a minimum of  
4           96 hours after the sexual assault.

5           Before January 1, 2023, the information required  
6           under this subparagraph shall be provided in person by  
7           the health care professional providing medical  
8           forensic services directly to the sexual assault  
9           survivor.

10          On and after January 1, 2023, the information  
11          required under this subparagraph shall be provided in  
12          person by the qualified medical provider providing  
13          medical forensic services directly to the sexual  
14          assault survivor.

15          The written information provided shall be the  
16          information created in accordance with Section 10-1 of  
17          this Act.

18          (B) Following the discussion regarding the  
19          evidence-based guidelines for evidence collection in  
20          accordance with subparagraph (A), evidence collection  
21          must be completed at the sexual assault survivor's  
22          request. A sexual assault nurse examiner conducting an  
23          examination using the Illinois State Police Sexual  
24          Assault Evidence Collection Kit may do so without the  
25          presence or participation of a physician.

26          (2) Appropriate oral and written information

1 concerning the possibility of infection, sexually  
2 transmitted infection, including an evaluation of the  
3 sexual assault survivor's risk of contracting human  
4 immunodeficiency virus (HIV) from sexual assault, and  
5 pregnancy resulting from sexual assault.

6 (3) Appropriate oral and written information  
7 concerning accepted medical procedures, laboratory tests,  
8 medication, and possible contraindications of such  
9 medication available for the prevention or treatment of  
10 infection or disease resulting from sexual assault.

11 (3.5) After a medical evidentiary or physical  
12 examination, access to a shower at no cost, unless  
13 showering facilities are unavailable.

14 (4) An amount of medication, including HIV  
15 prophylaxis, for treatment at the hospital, ~~or~~ approved  
16 pediatric health care facility, or approved federally  
17 qualified health center and after discharge as is deemed  
18 appropriate by the attending physician, an advanced  
19 practice registered nurse, or a physician assistant in  
20 accordance with the Centers for Disease Control and  
21 Prevention guidelines and consistent with the hospital's  
22 or approved pediatric health care facility's current  
23 approved protocol for sexual assault survivors.

24 (5) Photo documentation of the sexual assault  
25 survivor's injuries, anatomy involved in the assault, or  
26 other visible evidence on the sexual assault survivor's



1 body to supplement the medical forensic history and  
2 written documentation of physical findings and evidence  
3 beginning July 1, 2019. Photo documentation does not  
4 replace written documentation of the injury.

5 (6) Written and oral instructions indicating the need  
6 for follow-up examinations and laboratory tests after the  
7 sexual assault to determine the presence or absence of  
8 sexually transmitted infection.

9 (7) Referral by hospital, ~~or~~ approved pediatric health  
10 care facility, or approved federally qualified health  
11 center personnel for appropriate counseling.

12 (8) Medical advocacy services provided by a rape  
13 crisis counselor whose communications are protected under  
14 Section 8-802.1 of the Code of Civil Procedure, if there  
15 is a memorandum of understanding between the hospital, ~~or~~  
16 approved pediatric health care facility, or approved  
17 federally qualified health center and a rape crisis  
18 center. With the consent of the sexual assault survivor, a  
19 rape crisis counselor shall remain in the exam room during  
20 the medical forensic examination.

21 (9) Written information regarding services provided by  
22 a Children's Advocacy Center and rape crisis center, if  
23 applicable.

24 (10) A treatment hospital, a treatment hospital with  
25 approved pediatric transfer, an out-of-state hospital as  
26 defined in Section 5.4, ~~or~~ an approved pediatric health

1 care facility, or an approved federally qualified health  
2 center shall comply with the rules relating to the  
3 collection and tracking of sexual assault evidence adopted  
4 by the Department of State Police under Section 50 of the  
5 Sexual Assault Evidence Submission Act.

6 (11) Written information regarding the Illinois State  
7 Police sexual assault evidence tracking system.

8 (a-7) By January 1, 2023, every hospital or approved  
9 federally qualified health center with a treatment plan  
10 approved by the Department shall employ or contract with a  
11 qualified medical provider to initiate medical forensic  
12 services to a sexual assault survivor within 90 minutes of the  
13 patient presenting to the treatment hospital, ~~or~~ or approved  
14 hospital with approved pediatric transfer, or approved  
15 federally qualified health center. The provision of medical  
16 forensic services by a qualified medical provider shall not  
17 delay the provision of life-saving medical care.

18 (b) Any person who is a sexual assault survivor who seeks  
19 medical forensic services or follow-up healthcare under this  
20 Act shall be provided such services without the consent of any  
21 parent, guardian, custodian, surrogate, or agent. If a sexual  
22 assault survivor is unable to consent to medical forensic  
23 services, the services may be provided under the Consent by  
24 Minors to Medical Procedures Act, the Health Care Surrogate  
25 Act, or other applicable State and federal laws.

26 (b-5) Every hospital, approved pediatric health care

1 facility, or approved federally qualified health center  
2 providing medical forensic services to sexual assault  
3 survivors shall issue a voucher to any sexual assault survivor  
4 who is eligible to receive one in accordance with Section  
5 5.2-1 of this Act. The hospital, approved pediatric health  
6 care facility, or approved federally qualified health center  
7 shall make a copy of the voucher and place it in the medical  
8 record of the sexual assault survivor. The hospital, approved  
9 pediatric health care facility, or approved federally  
10 qualified health center shall provide a copy of the voucher to  
11 the sexual assault survivor after discharge upon request.

12 (c) Nothing in this Section creates a physician-patient  
13 relationship that extends beyond discharge from the hospital,  
14 or approved pediatric health care facility, or approved  
15 federally qualified health center.

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.)

19 (410 ILCS 70/5.4)

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

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

1 (b) A transfer hospital, treatment hospital with approved  
2 pediatric transfer, or approved pediatric health care facility  
3 may transfer a sexual assault survivor to an out-of-state  
4 hospital that has been designated as a trauma center by the  
5 Department under Section 3.90 of the Emergency Medical  
6 Services (EMS) Systems Act if the out-of-state hospital: (1)  
7 submits an areawide treatment plan approved by the Department;  
8 and (2) has certified the following to the Department in a form  
9 and manner prescribed by the Department that the out-of-state  
10 hospital will:

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

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

23 (iii) use an Illinois State Police Sexual Assault  
24 Evidence Collection Kit to collect forensic evidence from  
25 an Illinois sexual assault survivor;

26 (iv) ensure its staff cooperates with Illinois law

1 enforcement agencies and are responsive to subpoenas  
2 issued by Illinois courts; and

3 (v) provide appropriate transportation upon the  
4 completion of medical forensic services back to the  
5 transfer hospital or treatment hospital with pediatric  
6 transfer where the sexual assault survivor initially  
7 presented seeking medical forensic services, unless the  
8 sexual assault survivor chooses to arrange his or her own  
9 transportation.

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

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

13 (410 ILCS 70/5.5)

14 Sec. 5.5. Minimum reimbursement requirements for follow-up  
15 healthcare.

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

24 (1) a physical examination;

25 (2) laboratory tests to determine the presence or

1 absence of sexually transmitted infection; and

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

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

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

13 (d) This Section is effective on and after January 1,  
14 2024.

15 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;  
16 102-674, eff. 11-30-21.)

17 (410 ILCS 70/5.5-1)

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

19 Sec. 5.5-1. Minimum reimbursement requirements for  
20 follow-up healthcare.

21 (a) Every hospital, pediatric health care facility,  
22 federally qualified health center, health care professional,  
23 laboratory, or pharmacy that provides follow-up healthcare to  
24 a sexual assault survivor, with the consent of the sexual  
25 assault survivor and as ordered by the attending physician, an

1 advanced practice registered nurse, or physician assistant  
2 shall be reimbursed for the follow-up healthcare services  
3 provided. Follow-up healthcare services include, but are not  
4 limited to, the following:

5 (1) a physical examination;

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

8 (3) appropriate medications, including HIV  
9 prophylaxis, in accordance with the Centers for Disease  
10 Control and Prevention's guidelines.

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

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

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

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

22 (410 ILCS 70/7.5)

23 Sec. 7.5. Prohibition on billing sexual assault survivors  
24 directly for certain services; written notice; billing  
25 protocols.

1 (a) A hospital, approved pediatric health care facility,  
2 health care professional, ambulance provider, laboratory,  
3 approved federally qualified health center, or pharmacy  
4 furnishing medical forensic services, transportation,  
5 follow-up healthcare, or medication to a sexual assault  
6 survivor shall not:

7 (1) charge or submit a bill for any portion of the  
8 costs of the services, transportation, or medications to  
9 the sexual assault survivor, including any insurance  
10 deductible, co-pay, co-insurance, denial of claim by an  
11 insurer, spenddown, or any other out-of-pocket expense;

12 (2) communicate with, harass, or intimidate the sexual  
13 assault survivor for payment of services, including, but  
14 not limited to, repeatedly calling or writing to the  
15 sexual assault survivor and threatening to refer the  
16 matter to a debt collection agency or to an attorney for  
17 collection, enforcement, or filing of other process;

18 (3) refer a bill to a collection agency or attorney  
19 for collection action against the sexual assault survivor;

20 (4) contact or distribute information to affect the  
21 sexual assault survivor's credit rating; or

22 (5) take any other action adverse to the sexual  
23 assault survivor or his or her family on account of  
24 providing services to the sexual assault survivor.

25 (a-5) Notwithstanding any other provision of law,  
26 including, but not limited to, subsection (a), a sexual



1 assault survivor who is not the subscriber or primary  
2 policyholder of the sexual assault survivor's insurance policy  
3 may opt out of billing the sexual assault survivor's private  
4 insurance provider. If the sexual assault survivor opts out of  
5 billing the sexual assault survivor's private insurance  
6 provider, then the bill for medical forensic services shall be  
7 sent to the Department of Healthcare and Family Services'  
8 Sexual Assault Emergency Treatment Program for reimbursement  
9 for the services provided to the sexual assault survivor.

10 (b) Nothing in this Section precludes a hospital, health  
11 care provider, ambulance provider, laboratory, approved  
12 federally qualified health center, or pharmacy from billing  
13 the sexual assault survivor or any applicable health insurance  
14 or coverage for inpatient services.

15 (c) Every hospital and approved pediatric health care  
16 facility providing treatment services to sexual assault  
17 survivors in accordance with a plan approved under Section 2  
18 of this Act shall provide a written notice to a sexual assault  
19 survivor. The written notice must include, but is not limited  
20 to, the following:

21 (1) a statement that the sexual assault survivor  
22 should not be directly billed by any ambulance provider  
23 providing transportation services, or by any hospital,  
24 approved pediatric health care facility, health care  
25 professional, laboratory, or pharmacy for the services the  
26 sexual assault survivor received as an outpatient at the

1 hospital or approved pediatric health care facility;

2 (2) a statement that a sexual assault survivor who is  
3 admitted to a hospital may be billed for inpatient  
4 services provided by a hospital, health care professional,  
5 laboratory, or pharmacy;

6 (3) a statement that prior to leaving the hospital or  
7 approved pediatric health care facility, the hospital or  
8 approved pediatric health care facility will give the  
9 sexual assault survivor a sexual assault services voucher  
10 for follow-up healthcare if the sexual assault survivor is  
11 eligible to receive a sexual assault services voucher;

12 (4) the definition of "follow-up healthcare" as set  
13 forth in Section 1a of this Act;

14 (5) a phone number the sexual assault survivor may  
15 call should the sexual assault survivor receive a bill  
16 from the hospital or approved pediatric health care  
17 facility for medical forensic services;

18 (6) the toll-free phone number of the Office of the  
19 Illinois Attorney General, which the sexual assault  
20 survivor may call should the sexual assault survivor  
21 receive a bill from an ambulance provider, approved  
22 pediatric health care facility, a health care  
23 professional, a laboratory, or a pharmacy.

24 This subsection (c) shall not apply to hospitals that  
25 provide transfer services as defined under Section 1a of this  
26 Act.

1           (d) Within 60 days after the effective date of this  
2 amendatory Act of the 99th General Assembly, every health care  
3 professional, except for those employed by a hospital or  
4 hospital affiliate, as defined in the Hospital Licensing Act,  
5 or those employed by a hospital operated under the University  
6 of Illinois Hospital Act, who bills separately for medical or  
7 forensic services must develop a billing protocol that ensures  
8 that no survivor of sexual assault will be sent a bill for any  
9 medical forensic services and submit the billing protocol to  
10 the Office of the Attorney General for approval. Within 60  
11 days after the commencement of the provision of medical  
12 forensic services, every health care professional, except for  
13 those employed by a hospital or hospital affiliate, as defined  
14 in the Hospital Licensing Act, or those employed by a hospital  
15 operated under the University of Illinois Hospital Act, who  
16 bills separately for medical or forensic services must develop  
17 a billing protocol that ensures that no survivor of sexual  
18 assault is sent a bill for any medical forensic services and  
19 submit the billing protocol to the Attorney General for  
20 approval. Health care professionals who bill as a legal entity  
21 may submit a single billing protocol for the billing entity.

22           Within 60 days after the Department's approval of a  
23 treatment plan, an approved pediatric health care facility and  
24 any health care professional employed by an approved pediatric  
25 health care facility must develop a billing protocol that  
26 ensures that no survivor of sexual assault is sent a bill for

1 any medical forensic services and submit the billing protocol  
2 to the Office of the Attorney General for approval.

3 The billing protocol must include at a minimum:

4 (1) a description of training for persons who prepare  
5 bills for medical and forensic services;

6 (2) a written acknowledgement signed by a person who  
7 has completed the training that the person will not bill  
8 survivors of sexual assault;

9 (3) prohibitions on submitting any bill for any  
10 portion of medical forensic services provided to a  
11 survivor of sexual assault to a collection agency;

12 (4) prohibitions on taking any action that would  
13 adversely affect the credit of the survivor of sexual  
14 assault;

15 (5) the termination of all collection activities if  
16 the protocol is violated; and

17 (6) the actions to be taken if a bill is sent to a  
18 collection agency or the failure to pay is reported to any  
19 credit reporting agency.

20 The Office of the Attorney General may provide a sample  
21 acceptable billing protocol upon request.

22 The Office of the Attorney General shall approve a  
23 proposed protocol if it finds that the implementation of the  
24 protocol would result in no survivor of sexual assault being  
25 billed or sent a bill for medical forensic services.

26 If the Office of the Attorney General determines that

1 implementation of the protocol could result in the billing of  
2 a survivor of sexual assault for medical forensic services,  
3 the Office of the Attorney General shall provide the health  
4 care professional or approved pediatric health care facility  
5 with a written statement of the deficiencies in the protocol.  
6 The health care professional or approved pediatric health care  
7 facility shall have 30 days to submit a revised billing  
8 protocol addressing the deficiencies to the Office of the  
9 Attorney General. The health care professional or approved  
10 pediatric health care facility shall implement the protocol  
11 upon approval by the Office of the Attorney General.

12 The health care professional or approved pediatric health  
13 care facility shall submit any proposed revision to or  
14 modification of an approved billing protocol to the Office of  
15 the Attorney General for approval. The health care  
16 professional or approved pediatric health care facility shall  
17 implement the revised or modified billing protocol upon  
18 approval by the Office of the Illinois Attorney General.

19 (e) This Section is effective on and after January 1,  
20 2024.

21 (Source: P.A. 101-634, eff. 6-5-20; 101-652, eff. 7-1-21;  
22 102-22, eff. 6-25-21; 102-674, eff. 11-30-21.)

23 (410 ILCS 70/9.5)

24 (Section scheduled to be repealed on January 1, 2024)

25 Sec. 9.5. Sexual Assault Medical Forensic Services

1 Implementation Task Force.

2 (a) The Sexual Assault Medical Forensic Services  
3 Implementation Task Force is created to assist hospitals and  
4 approved pediatric health care facilities with the  
5 implementation of the changes made by this amendatory Act of  
6 the 100th General Assembly. The Task Force shall consist of  
7 the following members, who shall serve without compensation:

8 (1) one member of the Senate appointed by the  
9 President of the Senate, who may designate an alternate  
10 member;

11 (2) one member of the Senate appointed by the Minority  
12 Leader of the Senate, who may designate an alternate  
13 member;

14 (3) one member of the House of Representatives  
15 appointed by the Speaker of the House of Representatives,  
16 who may designate an alternate member;

17 (4) one member of the House of Representatives  
18 appointed by the Minority Leader of the House of  
19 Representatives, who may designate an alternate member;

20 (5) two members representing the Office of the  
21 Attorney General appointed by the Attorney General, one of  
22 whom shall be the Sexual Assault Nurse Examiner  
23 Coordinator for the State of Illinois;

24 (6) one member representing the Department of Public  
25 Health appointed by the Director of Public Health;

26 (7) one member representing the Illinois State Police

1 appointed by the Director of the Illinois State Police;

2 (8) one member representing the Department of  
3 Healthcare and Family Services appointed by the Director  
4 of Healthcare and Family Services;

5 (9) six members representing hospitals appointed by  
6 the head of a statewide organization representing the  
7 interests of hospitals in Illinois, at least one of whom  
8 shall represent small and rural hospitals and at least one  
9 of these members shall represent urban hospitals;

10 (10) one member representing physicians appointed by  
11 the head of a statewide organization representing the  
12 interests of physicians in Illinois;

13 (11) one member representing emergency physicians  
14 appointed by the head of a statewide organization  
15 representing the interests of emergency physicians in  
16 Illinois;

17 (12) two members representing child abuse  
18 pediatricians appointed by the head of a statewide  
19 organization representing the interests of child abuse  
20 pediatricians in Illinois, at least one of whom shall  
21 represent child abuse pediatricians providing medical  
22 forensic services in rural locations and at least one of  
23 whom shall represent child abuse pediatricians providing  
24 medical forensic services in urban locations;

25 (13) one member representing nurses appointed by the  
26 head of a statewide organization representing the

1 interests of nurses in Illinois;

2 (14) two members representing sexual assault nurse  
3 examiners appointed by the head of a statewide  
4 organization representing the interests of forensic nurses  
5 in Illinois, at least one of whom shall represent  
6 pediatric/adolescent sexual assault nurse examiners and at  
7 least one of these members shall represent  
8 adult/adolescent sexual assault nurse examiners;

9 (15) one member representing State's Attorneys  
10 appointed by the head of a statewide organization  
11 representing the interests of State's Attorneys in  
12 Illinois;

13 (16) three members representing sexual assault  
14 survivors appointed by the head of a statewide  
15 organization representing the interests of sexual assault  
16 survivors and rape crisis centers, at least one of whom  
17 shall represent rural rape crisis centers and at least one  
18 of whom shall represent urban rape crisis centers; ~~and~~

19 (17) one member representing children's advocacy  
20 centers appointed by the head of a statewide organization  
21 representing the interests of children's advocacy centers  
22 in Illinois; and.

23 (18) one member representing approved federally  
24 qualified health centers appointed by the Director of  
25 Public Health.

26 The members representing the Office of the Attorney



1 General and the Department of Public Health shall serve as  
2 co-chairpersons of the Task Force. The Office of the Attorney  
3 General shall provide administrative and other support to the  
4 Task Force.

5 (b) The first meeting of the Task Force shall be called by  
6 the co-chairpersons no later than 90 days after the effective  
7 date of this Section.

8 (c) The goals of the Task Force shall include, but not be  
9 limited to, the following:

10 (1) to facilitate the development of areawide  
11 treatment plans among hospitals and pediatric health care  
12 facilities;

13 (2) to facilitate the development of on-call systems  
14 of qualified medical providers and assist hospitals with  
15 the development of plans to employ or contract with a  
16 qualified medical provider to initiate medical forensic  
17 services to a sexual assault survivor within 90 minutes of  
18 the patient presenting to the hospital as required in  
19 subsection (a-7) of Section 5;

20 (3) to identify photography and storage options for  
21 hospitals to comply with the photo documentation  
22 requirements in Sections 5 and 5.1;

23 (4) to develop a model written agreement for use by  
24 rape crisis centers, hospitals, and approved pediatric  
25 health care facilities with sexual assault treatment plans  
26 to comply with subsection (c) of Section 2;

1 (5) to develop and distribute educational information  
2 regarding the implementation of this Act to hospitals,  
3 health care providers, rape crisis centers, children's  
4 advocacy centers, State's Attorney's offices;

5 (6) to examine the role of telemedicine in the  
6 provision of medical forensic services under this Act and  
7 to develop recommendations for statutory change and  
8 standards and procedures for the use of telemedicine to be  
9 adopted by the Department;

10 (7) to seek inclusion of the International Association  
11 of Forensic Nurses Sexual Assault Nurse Examiner Education  
12 Guidelines for nurses within the registered nurse training  
13 curriculum in Illinois nursing programs and the American  
14 College of Emergency Physicians Management of the Patient  
15 with the Complaint of Sexual Assault for emergency  
16 physicians within the Illinois residency training  
17 curriculum for emergency physicians; and

18 (8) to submit a report to the General Assembly by  
19 January 1, 2024 ~~2023~~ regarding the status of  
20 implementation of this amendatory Act of the 100th General  
21 Assembly, including, but not limited to, the impact of  
22 transfers to out-of-state hospitals on sexual assault  
23 survivors and the availability of treatment hospitals in  
24 Illinois. The report shall also cover the impact of  
25 medical forensic services provided at approved federally  
26 qualified health centers on sexual assault survivors. The

1       ~~the~~ report to the General Assembly shall be filed with the  
2       Clerk of the House of Representatives and the Secretary of  
3       the Senate in electronic form only, in the manner that the  
4       Clerk and the Secretary shall direct.

5       (d) This Section is repealed on January 1, 2025 ~~2024~~.

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