

1 AN ACT concerning regulation.

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

4 Section 5. The Hospital Emergency Service Act is amended
5 by changing Section 1 and by adding Sections 2.1 and 40 as
6 follows:

7 (210 ILCS 80/1) (from Ch. 111 1/2, par. 86)

8 Sec. 1. Requirements to provide emergency medical care.

9 (a) Every hospital required to be licensed by the
10 Department of Public Health pursuant to the Hospital Licensing
11 Act which provides general medical and surgical hospital
12 services, except long-term acute care hospitals and
13 rehabilitation hospitals identified in Section 1.3 of this
14 Act, shall provide a hospital emergency service in accordance
15 with rules and regulations adopted by the Department of Public
16 Health and shall furnish such hospital emergency services to
17 any applicant who applies for the same in case of injury or
18 acute medical condition where the same is liable to cause
19 death or severe injury or serious illness. For purposes of
20 this Act, "applicant" includes any person who presents at the
21 hospital or who is brought to a hospital by ambulance or
22 specialized emergency medical services vehicle as defined in
23 the Emergency Medical Services (EMS) Systems Act. Hospitals

1 shall furnish hospital emergency services, including as
2 described in subsections (b-1) and (b-2), in accordance with
3 the procedures required by the federal Emergency Medical
4 Treatment and Active Labor Act (EMTALA), including, but not
5 limited to, medical screening, the provision of necessary
6 stabilizing treatment, procedures for refusals to consent,
7 restricting transfers until the individual is stabilized,
8 appropriate transfers of patients, nondiscrimination, no delay
9 in examination or treatment, and whistleblower protections.

10 (b-1) For purposes of this Act, "injury or acute medical
11 condition where the same is liable to cause death or severe
12 injury or serious illness" includes, but is not limited to,
13 when a pregnant patient is experiencing ectopic pregnancy,
14 complications of pregnancy loss, risks to future fertility,
15 previabile preterm premature rupture of membranes (PPROM), or
16 emergent hypertensive disorders, such as preeclampsia.

17 (b-2) For purposes of this Act, "stabilizing treatment"
18 includes abortion when abortion is necessary to resolve the
19 patient's injury or acute medical condition that is liable to
20 cause death or severe injury or serious illness.

21 (c) The amendments to this Section are declarative of
22 existing law.

23 (d) Nothing in this Section shall be construed to alter
24 existing legal statuses and rights.

25 (Source: P.A. 97-667, eff. 1-13-12; 98-683, eff. 6-30-14.)

1 (210 ILCS 80/2.1 new)

2 Sec. 2.1. Department investigations. The Department shall
3 also have the authority to investigate violations of this Act,
4 which may include a medical clinical review by a physician,
5 and to issue a minimum monetary penalty of \$50,000 for
6 violating this Act. The Department shall adopt rules for
7 purposes of enforcing this Act and identifying factors to be
8 considered when issuing a monetary penalty. The Department may
9 assess a fine under this Section only if there are no fines
10 assessed for the violation by the federal government.

11 (210 ILCS 80/40 new)

12 Sec. 40. Severability. The provisions of this Act are
13 severable under Section 1.31 of the Statute on Statutes.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.