

1 AN ACT concerning health care.

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

4 Section 5. The Department of Public Health Powers and  
5 Duties Law of the Civil Administrative Code of Illinois is  
6 amended by adding Section 2310-543 as follows:

7 (20 ILCS 2310/2310-543 new)

8 Sec. 2310-543. Information regarding health care  
9 services. With funds made available for this purpose, the  
10 Department may, in conjunction with other programs or  
11 activities related to accessing medical care, develop and  
12 provide to the public and health care patients information  
13 regarding the categories or types of health care services  
14 available and their appropriate use, paying particular  
15 attention to seeking care in hospital emergency departments.

16 Section 10. The Emergency Medical Treatment Act is  
17 amended by changing Section 2 as follows:

18 (210 ILCS 70/2 new)

19 Sec. 2. Findings; prohibited terms.

20 (a) The Illinois General Assembly makes all of the  
21 following findings:

22 (1) Hospital emergency services are not always the  
23 most appropriate level of care for patients seeking  
24 unscheduled medical care or for patients who do not have  
25 a regular physician who can treat a significant or acute  
26 medical condition not considered critical, debilitating,  
27 or life-threatening.

28 (2) Hospital emergency rooms are over-utilized and  
29 too often over-burdened with many injuries or illnesses

1       that could be managed in a less intensive clinical  
2       setting or physician's office.

3           (3) Over-utilization of hospital emergency  
4       departments contributes to excess medical and health  
5       insurance costs.

6           (4) The use of the term "urgent" or "emergi-" or a  
7       similar term in a facility's posted or advertised name  
8       may confuse the public and prospective patients regarding  
9       the type of services offered relative to those provided  
10       by a hospital emergency department. There is significant  
11       risk to the public health and safety if persons requiring  
12       treatment for a critical or life-threatening condition  
13       inappropriately use such facilities.

14           (5) Many times patients are not clearly aware of  
15       the policies and procedures of their insurer or health  
16       plan that must be followed in the use of emergency rooms  
17       versus non-emergent clinics and what rights they have  
18       under the law in regard to appropriately sought emergency  
19       care.

20           (6) There is a need to more effectively educate  
21       health care payers and consumers about the most  
22       appropriate use of the various available levels of  
23       medical care and particularly the use of hospital  
24       emergency rooms and walk-in medical clinics that do not  
25       require appointments.

26           (b) After the effective date of this amendatory Act of  
27       the 93rd General Assembly, no person, facility, or entity  
28       shall hold itself out to the public as an "urgent", "urgi-",  
29       "emergi-", or "emergent" care center or use any similar term,  
30       as defined by rule, that would give the impression that  
31       emergency medical treatment is provided by the person or  
32       entity or at the facility unless the facility is the  
33       emergency room of a facility licensed as a hospital under the  
34       Hospital Licensing Act or a facility licensed as a

1 freestanding emergency center under the Emergency Medical  
2 Services (EMS) Systems Act.

3 (c) Violation of this Section constitutes a business  
4 offense with a minimum fine of \$5,000 plus \$1,000 per day for  
5 a continuing violation, with a maximum of \$25,000.

6 (d) The Director of Public Health in the name of the  
7 people of the State, through the Attorney General, may bring  
8 an action for an injunction or to restrain a violation of  
9 this Section or the rules adopted pursuant to this Section or  
10 to enjoin the future operation or maintenance of any facility  
11 in violation of this Section or the rules adopted pursuant to  
12 this Section.

13 (e) The Department of Public Health shall adopt rules  
14 necessary for the implementation of this Section.

15 Section 15. The Managed Care Reform and Patient Rights  
16 Act is amended by adding Section 43 as follows:

17 (215 ILCS 134/43 new)

18 Sec. 43. Utilization of health care facilities.

19 (a) A health care plan must provide its enrollees with a  
20 description of their rights and responsibilities in obtaining  
21 referrals to and making appropriate use of health care  
22 facilities when access to their primary care physician is not  
23 readily available.

24 (b) Nothing in this Section is intended to affect the  
25 rights of enrollees or relieve a health care plan of its  
26 responsibilities with respect to the provision of and  
27 coverage of emergency services or treatment of an emergency  
28 medical condition, as those terms are defined by this Act,  
29 and as those responsibilities and rights are otherwise  
30 provided under this Act, especially Section 65 of this Act.

31 Section 99. Effective date. This Act takes effect upon

1 becoming law.