

1 AMENDMENT TO SENATE BILL 460

2 AMENDMENT NO. _____. Amend Senate Bill 460 by replacing
3 everything after the enacting clause with the following:

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

1 following findings:

2 (1) Hospital emergency services are not always the
3 most appropriate level of care for patients seeking
4 unscheduled medical care or for patients who do not have
5 a regular physician who can treat a significant or acute
6 medical condition not considered critical, debilitating,
7 or life-threatening.

8 (2) Hospital emergency rooms are over-utilized and
9 too often over-burdened with many injuries or illnesses
10 that could be managed in a less intensive clinical
11 setting or physician's office.

12 (3) Over-utilization of hospital emergency
13 departments contributes to excess medical and health
14 insurance costs.

15 (4) The use of the term "urgent" or "emergi-" or a
16 similar term in a facility's posted or advertised name
17 may confuse the public and prospective patients regarding
18 the type of services offered relative to those provided
19 by a hospital emergency department. There is significant
20 risk to the public health and safety if persons requiring
21 treatment for a critical or life-threatening condition
22 inappropriately use such facilities.

23 (5) Many times patients are not clearly aware of
24 the policies and procedures of their insurer or health
25 plan that must be followed in the use of emergency rooms
26 versus non-emergent clinics and what rights they have
27 under the law in regard to appropriately sought emergency
28 care.

29 (6) There is a need to more effectively educate
30 health care payers and consumers about the most
31 appropriate use of the various available levels of
32 medical care and particularly the use of hospital
33 emergency rooms and walk-in medical clinics that do not
34 require appointments.

1 (b) After the effective date of this amendatory Act of
2 the 93rd General Assembly, no person, facility, or entity
3 shall hold itself out to the public as an "urgent", "urgi-",
4 "emergi-", or "emergent" care center or use any similar term,
5 as defined by rule, that would give the impression that
6 emergency medical treatment is provided by the person or
7 entity or at the facility unless the facility is the
8 emergency room of a facility licensed as a hospital under the
9 Hospital Licensing Act or a facility licensed as a
10 freestanding emergency center under the Emergency Medical
11 Services (EMS) Systems Act.

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

15 (d) The Director of Public Health in the name of the
16 people of the State, through the Attorney General, may bring
17 an action for an injunction or to restrain a violation of
18 this Section or the rules adopted pursuant to this Section or
19 to enjoin the future operation or maintenance of any facility
20 in violation of this Section or the rules adopted pursuant to
21 this Section.

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

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

26 (215 ILCS 134/43 new)

27 Sec. 43. Utilization of health care facilities.

28 (a) A health care plan must provide its enrollees with
29 clear information about their rights and responsibilities in
30 obtaining referrals to and making appropriate use of health
31 care facilities when access to their primary care physician
32 is not readily available.

1 (b) Nothing in this Section is intended to affect the
2 rights of enrollees or relieve a health care plan of its
3 responsibilities with respect to the provision of and
4 coverage of emergency services or treatment of an emergency
5 medical condition, as those terms are defined by this Act,
6 and as those responsibilities and rights are otherwise
7 provided under this Act, especially Section 65 of this Act.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."