



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5300

Introduced 01/25/06, by Rep. Rosemary Mulligan

#### SYNOPSIS AS INTRODUCED:

410 ILCS 70/2	from Ch. 111 1/2, par. 87-2
410 ILCS 70/2.1	from Ch. 111 1/2, par. 87-2.1
410 ILCS 70/8.5 new	

Amends the Sexual Assault Survivors Emergency Treatment Act. Requires the Department of Public Health to submit a report to the General Assembly containing information on hospitals that have submitted a plan to provide emergency services to sexual assault survivors to the Department and to post the report on its Internet website. Changes the maximum fine for failure to submit a Plan of Correction or to implement the Plan of Correction to \$1,000 (now, \$100.00) per day. Requires the Department to accept and investigate any complaint of a hospital not providing services required by the Act. Effective immediately.

LRB094 16479 LJB 54861 b

FISCAL NOTE ACT  
MAY APPLY

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 2 and 2.1 and by  
6 adding Section 8.5 as follows:

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

8 Sec. 2. Hospitals to furnish emergency service. Every  
9 hospital required to be licensed by the Department of Public  
10 Health pursuant to the Hospital Licensing Act, approved July 1,  
11 1953, as now or hereafter amended, which provides general  
12 medical and surgical hospital services shall provide emergency  
13 hospital service, in accordance with rules and regulations  
14 adopted by the Department of Public Health, to all alleged  
15 sexual assault survivors who apply for such hospital emergency  
16 services in relation to injuries or trauma resulting from the  
17 sexual assault.

18 In addition every such hospital, regardless of whether or  
19 not a request is made for reimbursement, except hospitals  
20 participating in community or area wide plans in compliance  
21 with Section 4 of this Act, shall submit to the Department of  
22 Public Health a plan to provide hospital emergency services to  
23 alleged sexual assault survivors which shall be made available  
24 by such hospital. Such plan shall be submitted within 60 days  
25 of receipt of the Department's request for this plan, to the  
26 Department of Public Health for approval prior to such plan  
27 becoming effective. The Department of Public Health shall  
28 approve such plan for emergency service to alleged sexual  
29 assault survivors if it finds that the implementation of the  
30 proposed plan would provide adequate hospital emergency  
31 service for alleged sexual assault survivors and provide  
32 sufficient protections from the risk of pregnancy by sexual

1 assault survivors.

2 The Department of Public Health shall periodically conduct  
3 on site reviews of such approved plans with hospital personnel  
4 to insure that the established procedures are being followed.

5 On or before January 1, 2007 and on or before January 1  
6 thereafter, the Department shall submit a report to the General  
7 Assembly containing information on the hospitals in this State  
8 that have submitted a plan to provide hospital emergency  
9 services to sexual assault survivors. The Department shall post  
10 on its Internet website the report required in this Section.  
11 The report shall include all of the following:

12 (1) A list of all hospitals that have submitted a plan.

13 (2) A list of hospitals whose plans have been found by  
14 the Department to be in compliance with this Act.

15 (3) Information on the Department's site reviews of  
16 hospitals that have submitted plans, including, but not  
17 limited to, information on compliance with the  
18 requirements of Sections 2.2 and 5 of this Act and  
19 information on plans of correction as outlined in Section  
20 2.1 of this Act.

21 (Source: P.A. 92-156, eff. 1-1-02.)

22 (410 ILCS 70/2.1) (from Ch. 111 1/2, par. 87-2.1)

23 Sec. 2.1. Plans of correction - Penalties for failure to  
24 implement such plans. If the Department of Public Health  
25 surveyor determines that the hospital is not in compliance with  
26 its approved plan, the surveyor shall provide the hospital with  
27 a written list of the specific items of noncompliance within 2  
28 weeks of the conclusion of the on site review. The hospital  
29 shall have 14 working days to submit to the Department of  
30 Public Health a plan of correction which contains the  
31 hospital's specific proposals for correcting the items of  
32 noncompliance. The Department of Public Health shall review the  
33 plan of correction and notify the hospital in writing as to  
34 whether the plan is acceptable or nonacceptable.

35 If the Department of Public Health finds the Plan of

1 Correction nonacceptable, the hospital shall have 7 working  
2 days to resubmit an acceptable Plan of Correction. Upon  
3 notification that its Plan of Correction is acceptable, a  
4 hospital shall implement the Plan of Correction within 60 days.

5 The failure to submit an acceptable Plan of Correction or  
6 to implement the Plan of Correction, within the time frames  
7 required in this Section, will subject a hospital to the  
8 imposition of a fine by the Department of Public Health. The  
9 Department of Public Health may impose a fine of up to \$1,000  
10 ~~\$100.00~~ per day until a hospital complies with the requirements  
11 of this Section.

12 Before imposing a fine pursuant to this Section, the  
13 Department of Public Health shall provide the hospital via  
14 certified mail with written notice and an opportunity for an  
15 administrative hearing. Such hearing must be requested within  
16 10 working days of receipt of the Department of Public Health's  
17 Notice. All hearings shall be conducted in accordance with the  
18 Department of Public Health's rules in administrative  
19 hearings.

20 (Source: P.A. 90-587, eff. 7-1-98.)

21 (410 ILCS 70/8.5 new)

22 Sec. 8.5. Complaints. In addition to any other remedy at  
23 law, the Department shall accept and investigate any complaint  
24 of a hospital not providing services as required in Section 2.2  
25 or Section 5 of this Act. If a complaint is found to be valid  
26 and a hospital is found to be in noncompliance with its plan,  
27 the Department shall provide the hospital with a written list  
28 of specific items of noncompliance and the hospital shall  
29 submit a Plan of Correction in accordance with Section 2.1 of  
30 this Act.

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law.