

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 January 1, 2007 and each January 1 thereafter, the
6 Department shall submit a report to the General Assembly
7 containing information on the hospitals in this State that have
8 submitted a plan to provide hospital emergency services to
9 sexual assault survivors. The Department shall post on its
10 Internet website the report required in this Section. The
11 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) A list of hospitals that have failed to submit an
16 acceptable Plan of Correction within the time required by
17 Section 2.1 of this Act.

18 (4) A list of hospitals at which the periodic site
19 review required by this Act has been conducted.

20 When a hospital listed as noncompliant under item (3) of this
21 Section submits and implements the required Plan of Correction,
22 the Department shall immediately update the report on its
23 Internet website to reflect that hospital's compliance.

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

25 (410 ILCS 70/2.1) (from Ch. 111 1/2, par. 87-2.1)

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

1 plan of correction and notify the hospital in writing as to
2 whether the plan is acceptable or nonacceptable.

3 If the Department of Public Health finds the Plan of
4 Correction nonacceptable, the hospital shall have 7 working
5 days to resubmit an acceptable Plan of Correction. Upon
6 notification that its Plan of Correction is acceptable, a
7 hospital shall implement the Plan of Correction within 60 days.

8 The failure to submit an acceptable Plan of Correction or
9 to implement the Plan of Correction, within the time frames
10 required in this Section, will subject a hospital to the
11 imposition of a fine by the Department of Public Health. The
12 Department of Public Health may impose a fine of up to \$500
13 ~~\$100.00~~ per day until a hospital complies with the requirements
14 of this Section.

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

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

24 (410 ILCS 70/8.5 new)

25 Sec. 8.5. Complaints. The Department shall implement a
26 complaint system through which the Department may receive
27 complaints of violations of this Act. The Department may use an
28 existing complaint system to fulfill the requirements of this
29 Section.

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