



Rep. Rosemary Mulligan

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LRB094 16479 LJB 56338 a

1 AMENDMENT TO HOUSE BILL 5300

2 AMENDMENT NO. _____. Amend House Bill 5300 by replacing
3 everything after the enacting clause with the following:

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

1 of receipt of the Department's request for this plan, to the
2 Department of Public Health for approval prior to such plan
3 becoming effective. The Department of Public Health shall
4 approve such plan for emergency service to alleged sexual
5 assault survivors if it finds that the implementation of the
6 proposed plan would provide adequate hospital emergency
7 service for alleged sexual assault survivors and provide
8 sufficient protections from the risk of pregnancy by sexual
9 assault survivors.

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

13 On January 1, 2007 and each January 1 thereafter, the
14 Department shall submit a report to the General Assembly
15 containing information on the hospitals in this State that have
16 submitted a plan to provide hospital emergency services to
17 sexual assault survivors. The Department shall post on its
18 Internet website the report required in this Section. The
19 report shall include all of the following:

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

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

23 (3) A list of hospitals that have failed to submit an
24 acceptable Plan of Correction within the time required by
25 Section 2.1 of this Act.

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

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

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

33 (410 ILCS 70/2.1) (from Ch. 111 1/2, par. 87-2.1)

1 Sec. 2.1. Plans of correction - Penalties for failure to
2 implement such plans. If the Department of Public Health
3 surveyor determines that the hospital is not in compliance with
4 its approved plan, the surveyor shall provide the hospital with
5 a written list of the specific items of noncompliance within 2
6 weeks of the conclusion of the on site review. The hospital
7 shall have 14 working days to submit to the Department of
8 Public Health a plan of correction which contains the
9 hospital's specific proposals for correcting the items of
10 noncompliance. The Department of Public Health shall review the
11 plan of correction and notify the hospital in writing as to
12 whether the plan is acceptable or nonacceptable.

13 If the Department of Public Health finds the Plan of
14 Correction nonacceptable, the hospital shall have 7 working
15 days to resubmit an acceptable Plan of Correction. Upon
16 notification that its Plan of Correction is acceptable, a
17 hospital shall implement the Plan of Correction within 60 days.

18 The failure to submit an acceptable Plan of Correction or
19 to implement the Plan of Correction, within the time frames
20 required in this Section, will subject a hospital to the
21 imposition of a fine by the Department of Public Health. The
22 Department of Public Health may impose a fine of up to \$500
23 ~~\$100.00~~ per day until a hospital complies with the requirements
24 of this Section.

25 Before imposing a fine pursuant to this Section, the
26 Department of Public Health shall provide the hospital via
27 certified mail with written notice and an opportunity for an
28 administrative hearing. Such hearing must be requested within
29 10 working days of receipt of the Department of Public Health's
30 Notice. All hearings shall be conducted in accordance with the
31 Department of Public Health's rules in administrative
32 hearings.

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

1 (410 ILCS 70/8.5 new)

2 Sec. 8.5. Complaints. The Department shall implement a
3 complaint system through which the Department may receive
4 complaints of violations of this Act. The Department may use an
5 existing complaint system to fulfill the requirements of this
6 Section.

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