



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2514

Introduced 1/18/2006, by Sen. Carol Ronen

SYNOPSIS AS INTRODUCED:

210 ILCS 5/6

from Ch. 111 1/2, par. 157-8.6

Amends the Ambulatory Surgical Treatment Center Act. Provides that on and after the effective date of this amendatory Act, no license shall be granted or renewed under the Ambulatory Surgical Treatment Center Act until the applicant seeking the license submits to the Department of Public Health, and the Department approves, a plan for the service of medically underserved populations that details for each of the facility's next 5 years of operation (i) the proportion of its total projected patients in the categories of indigent and Medicaid recipients and (ii) how the facility will serve those patients. The Department shall adopt rules for the implementation of the requirement of a plan for the serving of medically underserved populations, including the development of appropriate minimum proportions of facility patients in the categories of indigent and Medicaid recipients. Requires the Department to adopt rules for implementing these provisions. Effective immediately.

LRB094 18696 DRJ 54188 b

1 AN ACT concerning regulation.

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

4 Section 5. The Ambulatory Surgical Treatment Center Act is
5 amended by changing Section 6 as follows:

6 (210 ILCS 5/6) (from Ch. 111 1/2, par. 157-8.6)

7 Sec. 6. Upon receipt of an application for a license, the
8 Director may deny the application for any of the following
9 reasons:

10 (1) Conviction of the applicant, or if the applicant is
11 a firm, partnership or association, of any of its members,
12 or if a corporation, of any of its officers or directors,
13 or of the person designated to manage or supervise the
14 facility, of a felony, or of 2 or more misdemeanors
15 involving moral turpitude, as shown by a certified copy of
16 the record of the court of conviction, or, in the case of
17 the conviction of a misdemeanor by a court not of record,
18 as shown by other evidence, if the Director determines,
19 after investigation, that such person has not been
20 sufficiently rehabilitated to warrant the public trust; or
21 other satisfactory evidence that the moral character of the
22 applicant, or manager, or supervisor of the facility is not
23 reputable;

24 (2) The licensure status or record of the applicant, or
25 if the applicant is a firm, partnership or association, of
26 any of its members, or if a corporation, of any of its
27 officers or directors, or of the person designated to
28 manage or supervise the facility, from any other state
29 where the applicant has done business in a similar capacity
30 indicates that granting a license to the applicant would be
31 detrimental to the interests of the public; or

32 (3) The applicant has insufficient financial or other

1 resources to operate and conduct the facility in accordance
2 with the requirements of this Act and the minimum
3 standards, rules and regulations promulgated thereunder.

4 The Director shall only issue a license if he finds that
5 the applicant facility complies with this Act and the rules,
6 regulations and standards promulgated pursuant thereto and:

7 (a) is under the medical supervision of one or more
8 physicians;

9 (b) permits a surgical procedure to be performed only
10 by a physician, podiatrist or dentist who at the time is
11 privileged to have his patients admitted by himself or an
12 associated physician and is himself privileged to perform
13 surgical procedures in at least one Illinois hospital; and

14 (c) maintains adequate medical records for each
15 patient.

16 A license, unless sooner suspended or revoked, shall be
17 renewable annually upon approval by the Department and payment
18 of a license fee of \$300. Each license shall be issued only for
19 the premises and persons named in the application and shall not
20 be transferable or assignable. The licenses shall be posted in
21 a conspicuous place on the licensed premises. A placard or
22 registry of all physicians on staff in the facility shall be
23 centrally located and available for inspection to any
24 interested person. The Department may, either before or after
25 the issuance of a license, request the cooperation of the State
26 Fire Marshal. The report and recommendations of this agency
27 shall be in writing and shall state with particularity its
28 findings with respect to compliance or noncompliance with such
29 minimum standards, rules and regulations.

30 On and after the effective date of this amendatory Act of
31 the 94th General Assembly, no license shall be granted or
32 renewed until the applicant seeking the license submits to the
33 Department, and the Department approves, a plan for the service
34 of medically underserved populations that details for each of
35 the facility's next 5 years of operation (i) the proportion of
36 its total projected patients in the categories of indigent and

1 Medicaid recipients and (ii) how the facility will serve those
2 patients. The Department shall adopt rules for the
3 implementation of the requirement of a plan for the serving of
4 medically underserved populations, including the development
5 of appropriate minimum proportions of facility patients in the
6 categories of indigent and Medicaid recipients.

7 The Director may issue a provisional license to any
8 ambulatory surgical treatment center which does not
9 substantially comply with the provisions of this Act and the
10 standards, rules and regulations promulgated by virtue thereof
11 provided that he finds that such ambulatory surgical treatment
12 center will undertake changes and corrections which upon
13 completion will render the ambulatory surgical treatment
14 center in substantial compliance with the provisions of this
15 Act, and the standards, rules and regulations adopted
16 hereunder, and provided that the health and safety of the
17 patients of the ambulatory surgical treatment center will be
18 protected during the period for which such provisional license
19 is issued. The Director shall advise the licensee of the
20 conditions under which such provisional license is issued,
21 including the manner in which the facilities fail to comply
22 with the provisions of the Act, standards, rules and
23 regulations, and the time within which the changes and
24 corrections necessary for such ambulatory surgical treatment
25 center to substantially comply with this Act, and the
26 standards, rules and regulations of the Department relating
27 thereto shall be completed.

28 A person or facility not licensed under this Act or the
29 Hospital Licensing Act shall not hold itself out to the public
30 as a "surgery center" or as a "center for surgery".

31 (Source: P.A. 88-490.)

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