



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1760

Introduced 2/23/2007, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

New Act  
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Hospital Discriminatory Pricing Act. Prohibits a hospital that has provided health care services to an uninsured patient from collecting more from the uninsured patient than the Medicare reimbursement rate. Requires each hospital bill, invoice, or other summary of charges to prominently state the listed information concerning the rates charged. Requires the Office of the Attorney General to provide copies of any complaints filed by patients under the Act to the Department of Public Health. Provides for civil remedies for violation of the Act. Provides civil remedies for violation of the Act. Amends the Consumer Fraud and Deceptive Business Practices Act to make any violation of the Hospital Discriminatory Pricing Act a violation of the Act. Effective immediately.

LRB095 08197 LCT 28366 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning pricing.

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

4 Section 1. Short title. This Act may be cited as the  
5 Hospital Discriminatory Pricing Act.

6 Section 5. Definitions. As used in this Act:

7 "Health care services" means any ambulatory or inpatient  
8 services or pharmaceuticals provided by a hospital to a  
9 patient.

10 "Hospital" means any facility or institution required to be  
11 licensed pursuant to the Hospital Licensing Act or the  
12 University of Illinois Hospital Act.

13 "Uninsured patient" means a patient who is not covered  
14 under a policy of health insurance and is not a beneficiary  
15 under a public or private health insurance, health benefit, or  
16 other health coverage program.

17 Section 10. Uninsured patients.

18 (a) No hospital that has provided health care services to  
19 an uninsured patient may collect from the uninsured patient  
20 more than the Medicare reimbursement rate.

21 (b) Each hospital bill, invoice, or other summary of  
22 charges shall prominently state that "IF YOU ARE UNINSURED, YOU

1 ARE NOT REQUIRED TO PAY MORE THAN THE MEDICARE REIMBURSEMENT  
2 RATE. For the services you received, this rate is:.....".

3 The bill, invoice, or other summary of charges shall  
4 include the appropriate Medicare reimbursement rate for  
5 services rendered after the statement.

6 Section 15. Reports to the Department of Public Health. The  
7 Office of the Attorney General shall provide copies of any  
8 complaints filed by patients under this Act to the Department  
9 of Public Health.

10 Section 20. Civil remedies.

11 (a) A violation of any of the provisions of this Act  
12 constitutes an unlawful practice under the Consumer Fraud and  
13 Deceptive Business Practices Act. All remedies, penalties, and  
14 authority granted to the Attorney General or State's Attorney  
15 by the Consumer Fraud and Deceptive Business Practices Act  
16 shall be available to him or her for the enforcement of this  
17 Act.

18 (b) A consumer who suffers loss by reason of any violation  
19 of any provision of this Act may bring a civil action in  
20 accordance with the Consumer Fraud and Deceptive Business  
21 Practices Act to enforce that provision. All remedies and  
22 rights granted to a consumer by the Consumer Fraud and  
23 Deceptive Business Practices Act shall be available to the  
24 consumer bringing such an action. The remedies and rights

1 provided for in this Act are not exclusive, but cumulative, and  
2 all other applicable claims including, but not limited to,  
3 those brought under the doctrine of equitable mortgage are  
4 specifically preserved.

5 Section 80. The Consumer Fraud and Deceptive Business  
6 Practices Act is amended by changing Section 2Z as follows:

7 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

8 Sec. 2Z. Violations of other Acts. Any person who knowingly  
9 violates the Automotive Repair Act, the Automotive Collision  
10 Repair Act, the Home Repair and Remodeling Act, the Dance  
11 Studio Act, the Physical Fitness Services Act, the Hearing  
12 Instrument Consumer Protection Act, the Illinois Union Label  
13 Act, the Job Referral and Job Listing Services Consumer  
14 Protection Act, the Travel Promotion Consumer Protection Act,  
15 the Credit Services Organizations Act, the Automatic Telephone  
16 Dialers Act, the Hospital Discriminatory Pricing Act, the  
17 Pay-Per-Call Services Consumer Protection Act, the Telephone  
18 Solicitations Act, the Illinois Funeral or Burial Funds Act,  
19 the Cemetery Care Act, the Safe and Hygienic Bed Act, the  
20 Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the  
21 Payday Loan Reform Act, the Mortgage Rescue Fraud Act,  
22 subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act,  
23 the Payday Loan Reform Act, subsection (a) or (b) of Section  
24 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act,

1 paragraph (6) of subsection (k) of Section 6-305 of the  
2 Illinois Vehicle Code, Article 3 of the Residential Real  
3 Property Disclosure Act, the Automatic Contract Renewal Act, or  
4 the Personal Information Protection Act commits an unlawful  
5 practice within the meaning of this Act.

6 (Source: P.A. 93-561, eff. 1-1-04; 93-950, eff. 1-1-05; 94-13,  
7 eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292,  
8 eff. 1-1-06; 94-822, eff. 1-1-07.)

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