

SB0243



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0243

Introduced 2/7/2007, 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. Requires the Department to adopt rules for implementing the requirement of a plan for the service of medically underserved populations, including the development of appropriate minimum proportions of facility patients in the categories of indigent and Medicaid recipients. Effective immediately.

LRB095 04622 DRJ 24679 b

A BILL FOR

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;

1 (2) The licensure status or record of the applicant, or
2 if the applicant is a firm, partnership or association, of
3 any of its members, or if a corporation, of any of its
4 officers or directors, or of the person designated to
5 manage or supervise the facility, from any other state
6 where the applicant has done business in a similar capacity
7 indicates that granting a license to the applicant would be
8 detrimental to the interests of the public; or

9 (3) The applicant has insufficient financial or other
10 resources to operate and conduct the facility in accordance
11 with the requirements of this Act and the minimum
12 standards, rules and regulations promulgated thereunder.

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

16 (a) is under the medical supervision of one or more
17 physicians;

18 (b) permits a surgical procedure to be performed only
19 by a physician, podiatrist or dentist who at the time is
20 privileged to have his patients admitted by himself or an
21 associated physician and is himself privileged to perform
22 surgical procedures in at least one Illinois hospital; and

23 (c) maintains adequate medical records for each
24 patient.

25 A license, unless sooner suspended or revoked, shall be
26 renewable annually upon approval by the Department and payment

1 of a license fee of \$300. Each license shall be issued only for
2 the premises and persons named in the application and shall not
3 be transferable or assignable. The licenses shall be posted in
4 a conspicuous place on the licensed premises. A placard or
5 registry of all physicians on staff in the facility shall be
6 centrally located and available for inspection to any
7 interested person. The Department may, either before or after
8 the issuance of a license, request the cooperation of the State
9 Fire Marshal. The report and recommendations of this agency
10 shall be in writing and shall state with particularity its
11 findings with respect to compliance or noncompliance with such
12 minimum standards, rules and regulations.

13 On and after the effective date of this amendatory Act of
14 the 95th General Assembly, no license shall be granted or
15 renewed until the applicant seeking the license submits to the
16 Department, and the Department approves, a plan for the service
17 of medically underserved populations that details for each of
18 the facility's next 5 years of operation (i) the proportion of
19 its total projected patients in the categories of indigent and
20 Medicaid recipients and (ii) how the facility will serve those
21 patients. The Department shall adopt rules for implementing the
22 requirement of a plan for the service of medically underserved
23 populations, including the development of appropriate minimum
24 proportions of facility patients in the categories of indigent
25 and Medicaid recipients.

26 The Director may issue a provisional license to any

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

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

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.