

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 unless the applicant:

16 (i) submits, and the Department approves, a plan for
17 providing service to Medicaid recipients and medically
18 underserved populations in its service area; the
19 Department shall adopt rules indicating the requirements
20 for such plans, including a definition for "medically
21 underserved population" and standards for minimum
22 proportions of Medicaid recipients and medically
23 underserved patients that must be served; or

24 (ii) submits a plan for charity care that has been
25 approved by the Illinois Attorney General; or

26 (iii) submits a notarized statement signed by the Chief

1 Executive Officer of the organization certifying that the
2 applicant will not refuse service to any patient because
3 the services the patient seeks may be reimbursed under the
4 program of Medical Assistance under Article V of the
5 Illinois Public Aid Code.

6 In addition, no license shall be granted or renewed if the
7 Department determines that the applicant has not complied with
8 a prior plan or notarized statement submitted pursuant to this
9 paragraph.

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

1 corrections necessary for such ambulatory surgical treatment
2 center to substantially comply with this Act, and the
3 standards, rules and regulations of the Department relating
4 thereto shall be completed.

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

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

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