

SB1237



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1237

Introduced 2/9/2007, by Sen. William Delgado

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 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 10918 LCT 31205 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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.