

1 AN ACT concerning State government.

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

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-67 as follows:

7 (20 ILCS 2310/2310-67 new)

8 Sec. 2310-67. Health care facility closure.

9 (a) In this Section:

10 "Closing" means ceasing all operations under an existing
11 facility license that results in patients no longer being
12 treated at the closed location. The term "closing" does not
13 include a situation where a facility ceases operations at one
14 location while contemporaneously establishing a replacement
15 facility in another location.

16 "Health care facility" or "facility" means a public or
17 private hospital, ambulatory surgical treatment center,
18 nursing home, or kidney disease treatment center.

19 (b) A hospital must provide a written pre-closing statement
20 to the Department no less than 90 days before permanently
21 closing its facility. A health care facility other than a
22 hospital must provide a written pre-closing statement to the
23 Department no less than 45 days before permanently closing its

1 facility. The statement must address all of the following:

2 (1) Whether arrangements have been made for the timely
3 transfer of patient records, regardless of format, to
4 another health care facility, or another secure facility.
5 The name of the new location shall be published on the
6 Department's website. If no facility is willing or able to
7 assume responsibility for the patient records from a
8 facility that is closing, the Department shall assume
9 responsibility for those records.

10 (2) Whether an agreement with the facility receiving
11 the patient records has been made that provides for the
12 following:

13 (A) Safe storage of patient records.

14 (B) Privacy of patient record information.

15 (C) Availability of patient records for release to
16 individuals lawfully authorized to receive them.

17 (D) Periodic destruction of patient records for
18 which the statutory retention period has expired.

19 (3) Whether the health care facility has arranged to
20 provide notice to the public, at least 30 days before
21 closing, of the planned closing of the facility. The notice
22 must include an explanation of how to obtain copies of the
23 patient records for those authorized to access those
24 records. Notice may be given by publication in a newspaper
25 of general circulation in the area in which the health care
26 facility is located.

1 (4) In the case of a hospital, whether arrangements
2 have been made for (i) the timely transfer of medical staff
3 credentialing files and (ii) notification to physicians on
4 the hospital's staff of the location of those files. If no
5 other facility is willing or able to assume responsibility
6 for the medical staff credentialing files from a hospital
7 that is closing, the Department shall assume
8 responsibility for those files.

9 (5) Whether arrangements have been made for the
10 transfer or disposal of hazardous and other waste, if any,
11 in accordance with the Radiation Protection Act, the
12 Environmental Protection Act, and other applicable laws
13 and regulations.

14 (6) Whether arrangements have been made for the
15 disposition of legend drugs, if any, in accordance with the
16 Pharmacy Practice Act and other applicable laws and
17 regulations.

18 (7) Whether arrangements have been made for securing
19 the health care facility building or buildings and
20 remaining medical equipment, if any.

21 (8) The intended date upon which business will cease.

22 (b) The Department shall require a closed health care
23 facility, or its designee, to provide to the Department a
24 written post-closing statement that (i) describes the
25 completion of, and any changes to, the plan of closure set
26 forth in the facility's pre-closing statement and (ii) states

1 the actual date on which business ceased. The Department may
2 verify that the arrangements or other provisions of the plan of
3 closure have been implemented and shall notify appropriate
4 State and federal authorities of the closure to ensure
5 compliance with other applicable laws and regulations.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.