



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB4582

Introduced 2/1/2012, by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

210 ILCS 85/6.08

from Ch. 111 1/2, par. 147.08

30 ILCS 805/8.36 new

Amends the Hospital Licensing Act. Makes changes in connection with required notification of emergency responders (paramedics, firefighters, police officers, and others) who have provided or are about to provide emergency care or life support services to a patient who has been diagnosed as having a reportable infectious disease (instead of a dangerous communicable or infectious disease). Adds persons who are entitled to notice and makes other changes with respect to designation of affected persons. Requires that notification letters be sent within 48 (instead of 72) hours after a confirmed diagnosis of an infectious disease. Deletes language limiting the requirement to send notification in the case of a confirmed diagnosis of AIDS. Deletes language imposing different requirements according to a municipality's population. Deletes language providing that a hospital may, in its discretion, take any measures in addition to those required in these provisions to notify police officers, firefighters, emergency medical technicians, and ambulance personnel of possible exposure to any communicable disease. Provides that certain provisions of the federal Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) concerning notification of possible exposure to infectious diseases apply to these provisions of the Hospital Licensing Act. Amends the State Mandates Act to require implementation without reimbursement by the State.

LRB097 17823 DRJ 63040 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Hospital Licensing Act is amended by  
5 changing Section 6.08 as follows:

6 (210 ILCS 85/6.08) (from Ch. 111 1/2, par. 147.08)

7 Sec. 6.08. (a) Every hospital shall provide notification as  
8 required in this Section to all emergency responders  
9 (including, but not limited to, paramedics, firefighters,  
10 emergency medical responders, emergency medical technicians,  
11 advanced emergency medical technicians, pre-hospital  
12 registered nurses, police officers, medical reserve corps  
13 members, and volunteers) ~~police officers, firefighters,~~  
14 ~~emergency medical technicians, and ambulance personnel~~ who  
15 have provided or are about to provide emergency care or life  
16 support services to a patient who has been diagnosed as having  
17 a reportable ~~dangerous communicable~~ or infectious disease.  
18 Such notification shall not include the name of the patient,  
19 and the emergency services provider agency's Designated  
20 Officer ~~agency and any person~~ receiving such notification shall  
21 treat the information received as a confidential medical  
22 record. For purposes of this Section, "reportable infectious  
23 disease" or "reportable disease" means any disease identified

1 as such by the Centers for Disease Control and Prevention.

2 (b) The Department shall establish by regulation a list of  
3 those ~~communicable~~ reportable diseases ~~and conditions~~ for  
4 which notification shall be provided.

5 (c) The hospital shall send the letter of notification to  
6 the emergency responder's Designated Officer within ~~48~~ 72 hours  
7 after a confirmed diagnosis of any of the infectious  
8 ~~communicable~~ diseases listed by the Department pursuant to  
9 subsection (b). In addition, the hospital shall verbally notify  
10 the emergency responder's Designated Officer as soon as  
11 possible that the notification letter has been sent., ~~except~~  
12 ~~confirmed diagnoses of Acquired Immunodeficiency Syndrome~~  
13 ~~(AIDS). If there is a confirmed diagnosis of AIDS, the hospital~~  
14 ~~shall send the letter of notification only if the police~~  
15 ~~officers, firefighters, emergency medical technicians, or~~  
16 ~~ambulance personnel have indicated on the ambulance run sheet~~  
17 ~~that a reasonable possibility exists that they have had blood~~  
18 ~~or body fluid contact with the patient, or if hospital~~  
19 ~~personnel providing the notification have reason to know of a~~  
20 ~~possible exposure.~~

21 (d) Notification letters shall be sent to the Designated  
22 Officer ~~designated contact~~ at the municipal or private provider  
23 agency agencies listed on the patient care report ambulance run  
24 sheet. ~~Except in municipalities with a population over~~  
25 ~~1,000,000, a list attached to the ambulance run sheet must~~  
26 ~~contain all municipal and private provider agency personnel who~~

1 ~~have provided any pre-hospital care immediately prior to~~  
2 ~~transport. In municipalities with a population over 1,000,000,~~  
3 ~~the ambulance run sheet must contain the company number or unit~~  
4 ~~designation number for any fire department personnel who have~~  
5 ~~provided any pre-hospital care immediately prior to transport.~~  
6 The letter shall contain identifiable information concerning  
7 each crew member who treated or transported the infected  
8 patient ~~state the names of crew members listed on the~~  
9 ~~attachment to the ambulance run sheet~~ and the name of the  
10 infectious ~~communicable~~ disease diagnosed, but shall not  
11 contain the patient's name. Upon receipt of such notification  
12 letter, the applicable ~~private~~ provider agency's Designated  
13 Officer ~~agency or the designated infectious disease control~~  
14 ~~officer of a municipal fire department or fire protection~~  
15 ~~district~~ shall contact all personnel involved in the  
16 pre-hospital or inter-hospital care and transport of the  
17 patient.

18 Such notification letter shall contain the information  
19 described in ~~may, but is not required to, consist of the~~  
20 following sample form:

21 NOTIFICATION LETTER

22 (NAME OF HOSPITAL)

23 (ADDRESS OF HOSPITAL)

24 TO:..... (Name of pre-hospital agency's Designated  
25 Officer Organization)

26 FROM:.....(Name of hospital's designated

1 ~~representative Infection Control Coordinator)~~

2 DATE:.....

3 As required by Section 6.08 of the Illinois Hospital  
4 Licensing Act, .....(name of hospital) is hereby providing  
5 notification that the following crew members or agencies  
6 transported or provided pre-hospital care to a patient on .....  
7 (date), and the transported patient was later diagnosed as  
8 having .....(name of communicable disease): .....(list of crew  
9 members). The Hospital Licensing Act requires you to maintain  
10 this information as a confidential medical record. Disclosure  
11 of this information may therefore result in civil liability for  
12 the individual or company breaching the patient's  
13 confidentiality, or both.

14 If you have any questions regarding this patient, please  
15 contact me at .....(telephone number), between .....(hours).  
16 Questions regarding exposure or the financial aspects of  
17 obtaining medical care shall be handled through your agency's  
18 infection control plan ~~should be directed to your employer.~~

19 (e) Upon discharge of a patient with an infectious ~~a~~  
20 ~~communicable~~ disease to emergency responders ~~personnel~~, the  
21 hospital shall notify the emergency responders ~~personnel~~ of  
22 appropriate precautions against the infectious ~~communicable~~  
23 disease, ~~but shall not identify the name of the disease.~~

24 (f) (Blank). ~~The hospital may, in its discretion, take any~~  
25 ~~measures in addition to those required in this Section to~~  
26 ~~notify police officers, firefighters, emergency medical~~

1 ~~technicians, and ambulance personnel of possible exposure to~~  
2 ~~any communicable disease. However, in all cases this~~  
3 ~~information shall be maintained as a confidential medical~~  
4 ~~record.~~

5 (g) Any person providing or failing to provide notification  
6 under the protocol required by this Section shall have immunity  
7 from any liability, either criminal or civil, that might result  
8 by reason of such action or inaction, unless such action or  
9 inaction is willful.

10 (h) Any person who willfully fails to provide any  
11 notification required pursuant to an applicable protocol which  
12 has been adopted and approved pursuant to this Section commits  
13 a petty offense, and shall be subject to a fine of \$200 for the  
14 first offense, and \$500 for a second or subsequent offense.

15 (i) Nothing in this Section shall preclude a civil action  
16 by an emergency responder ~~a firefighter, emergency medical~~  
17 ~~technician, or ambulance crew member~~ against an emergency  
18 services provider agency, municipal fire department, or fire  
19 protection district that fails to inform the responder ~~member~~  
20 in a timely fashion of the receipt of a notification letter.

21 (j) Part G of the Ryan White HIV/AIDS Treatment Extension  
22 Act of 2009 (P.L. 111-87, Sec. 13) applies to this Section.

23 (Source: P.A. 92-363, eff. 1-1-02.)

24 Section 90. The State Mandates Act is amended by adding  
25 Section 8.36 as follows:

1 (30 ILCS 805/8.36 new)

2 Sec. 8.36. Exempt mandate. Notwithstanding Sections 6 and 8  
3 of this Act, no reimbursement by the State is required for the  
4 implementation of any mandate created by this amendatory Act of  
5 the 97th General Assembly.