

**SB3432**



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**SB3432**

Introduced 2/14/2014, by Sen. Thomas Cullerton

**SYNOPSIS AS INTRODUCED:**

210 ILCS 85/6.08

from Ch. 111 1/2, par. 147.08

Amends the Hospital Licensing Act. Provides that a hospital must give notice to a private emergency medical services provider if a patient has a dangerous or infectious disease. Provides that to determine the diseases for which notification must be provided, the Department of Public Health shall utilize the Centers for Disease Control and Prevention's (CDC) list of Potentially Life-Threatening Infectious Disease (instead of establishing a list by regulation). Requires a hospital to provide verbal notice and written notice (instead of only written notice) regarding a patient. Requires a hospital to send a later of notification no later than 48 hours (instead of 72 hours) following a confirmed diagnosis of a bloodborne communicable disease as provided by the CDC. Makes other changes. Effective immediately.

LRB098 19597 RPS 54789 b

FISCAL NOTE ACT  
MAY APPLY

**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 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.

8 (a) Every hospital shall provide notification as required  
9 in this Section to police officers, firefighters, emergency  
10 medical technicians, private emergency medical services  
11 providers, and ambulance personnel who have provided or are  
12 about to provide transport services, emergency care, or life  
13 support services to a patient who has been diagnosed as having  
14 a dangerous communicable or infectious disease. Such  
15 notification shall not include the name of the patient, and the  
16 emergency services provider agency and any person receiving  
17 such notification shall treat the information received as a  
18 confidential medical record.

19 (b) The Department shall utilize the Centers for Disease  
20 Control and Prevention's list of potentially life-threatening  
21 infectious diseases to determine the diseases for which  
22 ~~establish by regulation a list of those communicable reportable~~  
23 ~~diseases and conditions for which~~ notification shall be

1 provided.

2 (c) The hospital shall send the letter of notification no  
3 later than 48 hours ~~within 72 hours~~ after a confirmed diagnosis  
4 of any of the bloodborne communicable diseases listed by the  
5 Department pursuant to subsection (b), ~~except confirmed~~  
6 ~~diagnoses of Acquired Immunodeficiency Syndrome (AIDS)~~. The ~~If~~  
7 ~~there is a confirmed diagnosis of AIDS,~~ the hospital shall  
8 attempt to make verbal communication, followed by written ~~send~~  
9 ~~the letter of~~ notification only if the police officers,  
10 firefighters, emergency medical technicians, private emergency  
11 medical services providers, or ambulance personnel have  
12 indicated both verbally and on the ambulance run sheet that a  
13 reasonable possibility exists that they have had blood or body  
14 fluid contact with the patient, or if hospital personnel  
15 providing the notification have reason to know of a possible  
16 exposure.

17 (d) Notification letters shall be sent to the designated  
18 officer ~~contact~~ at the municipal or private provider agencies  
19 listed on the ambulance run sheet. Except in municipalities  
20 with a population over 1,000,000, a list attached to the  
21 ambulance run sheet must contain all municipal and private  
22 provider agency personnel who have provided any pre-hospital  
23 care immediately prior to transport. In municipalities with a  
24 population over 1,000,000, the ambulance run sheet must contain  
25 the company number or unit designation number for any fire  
26 department personnel who have provided any pre-hospital care

1 immediately prior to transport. The letter shall state the  
2 names of crew members listed on the attachment to the ambulance  
3 run sheet and the name of the communicable disease diagnosed,  
4 but shall not contain the patient's name. Upon receipt of such  
5 notification letter, the applicable private provider agency or  
6 the designated infectious disease control officer of a  
7 municipal fire department or fire protection district shall  
8 contact all personnel involved in the pre-hospital or  
9 inter-hospital care and transport of the patient. Such  
10 notification letter may, but is not required to, consist of the  
11 following form:

12 NOTIFICATION LETTER

13 (NAME OF HOSPITAL)

14 (ADDRESS)

15 TO:..... (Name of Organization)

16 FROM:.....(Infection Control Coordinator)

17 DATE:.....

18 As required by Section 6.08 of the Illinois Hospital  
19 Licensing Act, .....(name of hospital) is hereby providing  
20 notification that the following crew members or agencies  
21 transported or provided pre-hospital care to a patient on .....  
22 (date), and the transported patient was later diagnosed as  
23 having .....(name of communicable disease): .....(list of crew  
24 members if known). The Hospital Licensing Act requires you to  
25 maintain this information as a confidential medical record.  
26 Disclosure of this information may therefore result in civil

1 liability for the individual or company breaching the patient's  
2 confidentiality, or both.

3 If you have any questions regarding this patient, please  
4 contact me at .....(telephone number), between .....(hours).  
5 Questions regarding exposure or the financial aspects of  
6 obtaining medical care should be directed to your employer.

7 (e) Upon discharge of a patient with a communicable disease  
8 to emergency personnel, the hospital shall notify the emergency  
9 personnel of appropriate precautions against the communicable  
10 disease, but shall not identify the name of the disease.

11 (f) The hospital may, in its discretion, take any measures  
12 in addition to those required in this Section to notify police  
13 officers, firefighters, emergency medical technicians, and  
14 ambulance personnel of possible exposure to any communicable  
15 disease. However, in all cases this information shall be  
16 maintained as a confidential medical record.

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

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

1           (i) Nothing in this Section shall preclude a civil action  
2 by a firefighter, emergency medical technician, or ambulance  
3 crew member against an emergency services provider agency,  
4 municipal fire department, or fire protection district that  
5 fails to inform the member in a timely fashion of the receipt  
6 of a notification letter.

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

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