



Rep. Michelle Mussman

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LRB099 09083 JLK 33310 a

1 AMENDMENT TO HOUSE BILL 3848

2 AMENDMENT NO. _____. Amend House Bill 3848 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.866 as follows:

6 (30 ILCS 105/5.866 new)

7 Sec. 5.866. The Illinois Sexual Assault Emergency
8 Treatment Program Fund.

9 Section 10. The Sexual Assault Survivors Emergency
10 Treatment Act is amended by changing Sections 1a, 5, 7, and 8
11 and by adding Section 7.5 as follows:

12 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

13 Sec. 1a. Definitions. In this Act:

14 "Ambulance provider" means an individual or entity that

1 owns and operates a business or service using ambulances or
2 emergency medical services vehicles to transport emergency
3 patients.

4 "Areawide sexual assault treatment plan" means a plan,
5 developed by the hospitals in the community or area to be
6 served, which provides for hospital emergency services to
7 sexual assault survivors that shall be made available by each
8 of the participating hospitals.

9 "Department" means the Department of Public Health.

10 "Emergency contraception" means medication as approved by
11 the federal Food and Drug Administration (FDA) that can
12 significantly reduce the risk of pregnancy if taken within 72
13 hours after sexual assault.

14 "Follow-up healthcare" means healthcare services related
15 to a sexual assault, including laboratory services and pharmacy
16 services, rendered within 90 days of the initial visit for
17 hospital emergency services.

18 "Forensic services" means the collection of evidence
19 pursuant to a statewide sexual assault evidence collection
20 program administered by the Department of State Police, using
21 the Illinois State Police Sexual Assault Evidence Collection
22 Kit.

23 "Health care professional" means a physician, a physician
24 assistant, or an advanced practice nurse.

25 "Hospital" has the meaning given to that term in the
26 Hospital Licensing Act.

1 "Hospital emergency services" means healthcare delivered
2 to outpatients within or under the care and supervision of
3 personnel working in a designated emergency department of a
4 hospital, including, but not limited to, care ordered by such
5 personnel for a sexual assault survivor in the emergency
6 department.

7 "Illinois State Police Sexual Assault Evidence Collection
8 Kit" means a prepackaged set of materials and forms to be used
9 for the collection of evidence relating to sexual assault. The
10 standardized evidence collection kit for the State of Illinois
11 shall be the Illinois State Police Sexual Assault Evidence
12 Collection Kit.

13 "Nurse" means a nurse licensed under the Nurse Practice
14 Act.

15 "Physician" means a person licensed to practice medicine in
16 all its branches.

17 "Sexual assault" means an act of nonconsensual sexual
18 conduct or sexual penetration, as defined in Section 11-0.1 of
19 the Criminal Code of 2012, including, without limitation, acts
20 prohibited under Sections 11-1.20 through 11-1.60 of the
21 Criminal Code of 2012.

22 "Sexual assault survivor" means a person who presents for
23 hospital emergency services in relation to injuries or trauma
24 resulting from a sexual assault.

25 "Sexual assault transfer plan" means a written plan
26 developed by a hospital and approved by the Department, which

1 describes the hospital's procedures for transferring sexual
2 assault survivors to another hospital in order to receive
3 emergency treatment.

4 "Sexual assault treatment plan" means a written plan
5 developed by a hospital that describes the hospital's
6 procedures and protocols for providing hospital emergency
7 services and forensic services to sexual assault survivors who
8 present themselves for such services, either directly or
9 through transfer from another hospital.

10 "Transfer services" means the appropriate medical
11 screening examination and necessary stabilizing treatment
12 prior to the transfer of a sexual assault survivor to a
13 hospital that provides hospital emergency services and
14 forensic services to sexual assault survivors pursuant to a
15 sexual assault treatment plan or areawide sexual assault
16 treatment plan.

17 "Voucher" means a document generated by a hospital at the
18 time the sexual assault survivor receives hospital emergency
19 and forensic services that a sexual assault survivor may
20 present to providers for follow-up healthcare.

21 (Source: P.A. 96-328, eff. 8-11-09; 96-1551, eff. 7-1-11;
22 97-1150, eff. 1-25-13.)

23 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

24 Sec. 5. Minimum requirements for hospitals providing
25 hospital emergency services and forensic services to sexual

1 assault survivors.

2 (a) Every hospital providing hospital emergency services
3 and forensic services to sexual assault survivors under this
4 Act shall, as minimum requirements for such services, provide,
5 with the consent of the sexual assault survivor, and as ordered
6 by the attending physician, an advanced practice nurse who has
7 a written collaborative agreement with a collaborating
8 physician that authorizes provision of emergency services, or a
9 physician assistant who has been delegated authority to provide
10 hospital emergency services and forensic services, the
11 following:

12 (1) appropriate medical examinations and laboratory
13 tests required to ensure the health, safety, and welfare of
14 a sexual assault survivor or which may be used as evidence
15 in a criminal proceeding against a person accused of the
16 sexual assault, or both; and records of the results of such
17 examinations and tests shall be maintained by the hospital
18 and made available to law enforcement officials upon the
19 request of the sexual assault survivor;

20 (2) appropriate oral and written information
21 concerning the possibility of infection, sexually
22 transmitted disease and pregnancy resulting from sexual
23 assault;

24 (3) appropriate oral and written information
25 concerning accepted medical procedures, medication, and
26 possible contraindications of such medication available

1 for the prevention or treatment of infection or disease
2 resulting from sexual assault;

3 (4) an amount of medication for treatment at the
4 hospital and after discharge as is deemed appropriate by
5 the attending physician, an advanced practice nurse, or a
6 physician assistant and consistent with the hospital's
7 current approved protocol for sexual assault survivors;

8 (5) an evaluation of the sexual assault survivor's risk
9 of contracting human immunodeficiency virus (HIV) from the
10 sexual assault;

11 (6) written and oral instructions indicating the need
12 for follow-up examinations and laboratory tests after the
13 sexual assault to determine the presence or absence of
14 sexually transmitted disease;

15 (7) referral by hospital personnel for appropriate
16 counseling; and

17 (8) when HIV prophylaxis is deemed appropriate, an
18 initial dose or doses of HIV prophylaxis, along with
19 written and oral instructions indicating the importance of
20 timely follow-up healthcare.

21 (b) Any person who is a sexual assault survivor who seeks
22 emergency hospital services and forensic services or follow-up
23 healthcare under this Act shall be provided such services
24 without the consent of any parent, guardian, custodian,
25 surrogate, or agent.

26 (b-5) Every treating hospital providing hospital emergency

1 and forensic services to sexual assault survivors shall issue a
2 voucher to any sexual assault survivor who is eligible to
3 receive one. The hospital shall make a copy of the voucher and
4 place it in the medical record of the sexual assault survivor.
5 The hospital shall provide a copy of the voucher to the sexual
6 assault survivor after discharge upon request.

7 (c) Nothing in this Section creates a physician-patient
8 relationship that extends beyond discharge from the hospital
9 emergency department.

10 (Source: P.A. 95-432, eff. 1-1-08; 96-318, eff. 1-1-10.)

11 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

12 Sec. 7. Reimbursement.

13 (a) A hospital or health care professional furnishing
14 hospital emergency services or forensic services, an ambulance
15 provider furnishing transportation to a sexual assault
16 survivor, a hospital, health care professional, or laboratory
17 providing follow-up healthcare, or a pharmacy dispensing
18 prescribed medications to any sexual assault survivor shall
19 furnish such services or medications to that person without
20 charge and shall seek payment as follows:

21 (1) If a sexual assault survivor is eligible to receive
22 benefits under the medical assistance program under
23 Article V of the Illinois Public Aid Code, the ambulance
24 provider, hospital, health care professional, laboratory,
25 or pharmacy must submit the bill to the Department of

1 Healthcare and Family Services and accept the amount paid
2 as full payment.

3 (2) If a sexual assault survivor is covered by one or
4 more policies of health insurance or is a beneficiary under
5 a public or private health coverage program, the ambulance
6 provider, hospital, health care professional, laboratory,
7 or pharmacy shall bill the insurance company or program.
8 With respect to such insured patients, applicable
9 deductible, co-pay, co-insurance, denial of claim, or any
10 other out-of-pocket insurance-related expense may be
11 submitted to the Illinois Sexual Assault Emergency
12 Treatment Program of the Department of Healthcare and
13 Family Services in accordance with 89 Ill. Adm. Code
14 148.510 for payment at the Department of Healthcare and
15 Family Services' allowable rates under the Illinois Public
16 Aid Code. The ambulance provider, hospital, health care
17 professional, laboratory, or pharmacy shall accept the
18 amounts paid by the insurance company or health coverage
19 program and the Illinois Sexual Assault Treatment Program
20 as full payment.

21 (3) If a sexual assault survivor is neither eligible to
22 receive benefits under the medical assistance program
23 under Article V of the Public Aid Code nor covered by a
24 policy of insurance or a public or private health coverage
25 program, the ambulance provider, hospital, health care
26 professional, laboratory, or pharmacy shall submit the

1 request for reimbursement to the Illinois Sexual Assault
2 Emergency Treatment Program under the Department of
3 Healthcare and Family Services in accordance with 89 Ill.
4 Adm. Code 148.510 at the Department of Healthcare and
5 Family Services' allowable rates under the Illinois Public
6 Aid Code.

7 (4) If a sexual assault survivor presents a voucher for
8 follow-up healthcare, the healthcare professional or
9 laboratory that provides follow-up healthcare or the
10 pharmacy that dispenses prescribed medications to a sexual
11 assault survivor shall submit the request for
12 reimbursement for follow-up healthcare, laboratory, or
13 pharmacy services to the Illinois Sexual Assault Emergency
14 Treatment Program under the Department of Healthcare and
15 Family Services in accordance with 89 Ill. Adm. Code
16 148.510 at the Department of Healthcare and Family
17 Services' allowable rates under the Illinois Public Aid
18 Code. Nothing in this subsection (a) precludes hospitals
19 from providing follow-up healthcare and receiving
20 reimbursement under this Section.

21 ~~When any ambulance provider furnishes transportation, hospital~~
22 ~~provides hospital emergency services and forensic services,~~
23 ~~hospital or health care professional or laboratory provides~~
24 ~~follow-up healthcare, or pharmacy dispenses prescribed~~
25 ~~medications to any sexual assault survivor, as defined by the~~
26 ~~Department of Healthcare and Family Services, who is neither~~

1 ~~eligible to receive such services under the Illinois Public Aid~~
2 ~~Code nor covered as to such services by a policy of insurance,~~
3 ~~the ambulance provider, hospital, health care professional,~~
4 ~~pharmacy, or laboratory shall furnish such services to that~~
5 ~~person without charge and shall be entitled to be reimbursed~~
6 ~~for providing such services by the Illinois Sexual Assault~~
7 ~~Emergency Treatment Program under the Department of Healthcare~~
8 ~~and Family Services and at the Department of Healthcare and~~
9 ~~Family Services' allowable rates under the Illinois Public Aid~~
10 ~~Code.~~

11 (b) Nothing in this Section precludes a hospital, health
12 care provider, ambulance provider, laboratory, or pharmacy
13 from billing the sexual assault survivor or any applicable
14 health insurance or coverage for inpatient services. ~~The~~
15 ~~hospital is responsible for submitting the request for~~
16 ~~reimbursement for ambulance services, hospital emergency~~
17 ~~services, and forensic services to the Illinois Sexual Assault~~
18 ~~Emergency Treatment Program. Nothing in this Section precludes~~
19 ~~hospitals from providing follow up healthcare and receiving~~
20 ~~reimbursement under this Section.~~

21 (c) (Blank). ~~The health care professional who provides~~
22 ~~follow up healthcare and the pharmacy that dispenses~~
23 ~~prescribed medications to a sexual assault survivor are~~
24 ~~responsible for submitting the request for reimbursement for~~
25 ~~follow up healthcare or pharmacy services to the Illinois~~
26 ~~Sexual Assault Emergency Treatment Program.~~

1 (d) On and after July 1, 2012, the Department shall reduce
2 any rate of reimbursement for services or other payments or
3 alter any methodologies authorized by this Act or the Illinois
4 Public Aid Code to reduce any rate of reimbursement for
5 services or other payments in accordance with Section 5-5e of
6 the Illinois Public Aid Code.

7 (e) The Department of Healthcare and Family Services shall
8 establish standards, rules, and regulations to implement this
9 Section.

10 (Source: P.A. 97-689, eff. 6-14-12; 98-463, eff. 8-16-13.)

11 (410 ILCS 70/7.5 new)

12 Sec. 7.5. Prohibition on billing sexual assault survivors
13 directly for certain services; written notice; billing
14 protocols.

15 (a) A hospital, health care professional, ambulance
16 provider, laboratory, or pharmacy furnishing hospital
17 emergency services, forensic services, transportation,
18 follow-up healthcare, or medication to a sexual assault
19 survivor shall not:

20 (1) charge or submit a bill for any portion of the
21 costs of the services, transportation, or medications to
22 the sexual assault survivor, including any insurance
23 deductible, co-pay, co-insurance, denial of claim by an
24 insurer, spenddown, or any other out-of-pocket expense;

25 (2) communicate with, harass, or intimidate the sexual

1 assault survivor for payment of services, including, but
2 not limited to, repeatedly calling or writing to the sexual
3 assault survivor and threatening to refer the matter to a
4 debt collection agency or to an attorney for collection,
5 enforcement, or filing of other process.

6 (3) refer a bill to a collection agency or attorney for
7 collection action against the sexual assault survivor;

8 (4) contact or distribute information to affect the
9 sexual assault survivor's credit rating; or

10 (5) take any other action adverse to the sexual assault
11 survivor or his or her family on account of providing
12 services to the sexual assault survivor.

13 (b) Nothing in this Section precludes a hospital, health
14 care provider, ambulance provider, laboratory, or pharmacy
15 from billing the sexual assault survivor or any applicable
16 health insurance or coverage for inpatient services.

17 (c) Within 60 days after the effective date of this
18 amendatory Act of the 99th General Assembly, every hospital
19 providing treatment services to sexual assault survivors in
20 accordance with a plan approved under Section 2 of this Act
21 shall provide a written notice to a sexual assault survivor.
22 The written notice must include, but is not limited to, the
23 following:

24 (1) a statement that the sexual assault survivor should
25 not be directly billed by any ambulance provider providing
26 transportation services, or by any hospital, health care

1 professional, laboratory, or pharmacy for the services the
2 sexual assault survivor received as an outpatient at the
3 hospital;

4 (2) a statement that a sexual assault survivor who is
5 admitted to a hospital may be billed for inpatient services
6 provided by a hospital, health care professional,
7 laboratory, or pharmacy;

8 (3) a statement that prior to leaving the emergency
9 department of the treating facility, the hospital will give
10 the sexual assault survivor a voucher for follow-up
11 healthcare if the sexual assault survivor is eligible to
12 receive a voucher;

13 (4) the definition of "follow-up healthcare" as set
14 forth in Section 1a of this Act;

15 (5) a phone number the sexual assault survivor may call
16 should the sexual assault survivor receive a bill from the
17 hospital for hospital emergency services and forensic
18 services;

19 (6) the toll-free phone number of the Office of the
20 Illinois Attorney General, Crime Victim Services Division,
21 which the sexual assault survivor may call should the
22 sexual assault survivor receive a bill from an ambulance
23 provider, a health care professional, a laboratory, or a
24 pharmacy.

25 This subsection (c) shall not apply to hospitals that
26 provide transfer services as defined under Section 1a of this

1 Act.

2 (d) Within 60 days after the effective date of this
3 amendatory Act of the 99th General Assembly, every health care
4 professional, except for those employed by a hospital or
5 hospital affiliate, as defined in the Hospital Licensing Act,
6 or those employed by a hospital operated under the University
7 of Illinois Hospital Act who bills separately for hospital
8 emergency services or forensic services must develop a billing
9 protocol that ensures that no survivor of sexual assault will
10 be sent a bill for any hospital emergency services or forensic
11 services and submit the billing protocol to the Crime Victim
12 Services Division of the Office of the Attorney General for
13 approval. Health care professionals who bill as a legal entity
14 may submit a single billing protocol for the billing entity.
15 The billing protocol must include at a minimum:

16 (1) a description of training for persons who prepare
17 bills for hospital emergency services and forensic
18 services;

19 (2) a written acknowledgement signed by a person who
20 has completed the training sign that the person will not
21 bill survivors of sexual assault;

22 (3) prohibitions on submitting any bill for any portion
23 of hospital emergency services or forensic services
24 provided to a survivor of sexual assault to a collection
25 agency;

26 (4) prohibitions on taking any action that would

1 adversely affect the credit of the survivor of sexual
2 assault;

3 (5) the termination of all collection activities if the
4 protocol is violated, and

5 (6) the actions to be taken if a bill is sent to a
6 collection agency or the failure to pay is reported to any
7 credit reporting agency.

8 The Crime Victim Services Division of the Office of the
9 Attorney General may provide a sample acceptable billing
10 protocol upon request.

11 The Office of the Attorney General shall approve a proposed
12 protocol if it finds that the implementation of the protocol
13 would result in no survivor of sexual assault being billed or
14 sent a bill for hospital emergency services or forensic
15 services.

16 If the Office of the Attorney General determines that
17 implementation of the protocol could result in the billing of a
18 survivor of sexual assault for hospital emergency services or
19 forensic services, the Office of the Attorney General shall
20 provide the health care professional with a written statement
21 of the deficiencies in the protocol. The health care
22 professional shall have 30 days to submit a revised billing
23 protocol addressing the deficiencies to the Office of the
24 Attorney General. The health care professional shall implement
25 the protocol upon approval by the Crime Victim Services
26 Division of the Office of the Attorney General.

1 The health care professional shall submit any proposed
2 revision to or modification of an approved billing protocol to
3 the Crime Victim Services Division of the Office of the
4 Attorney General for approval. The health care professional
5 shall implement the revised or modified billing protocol upon
6 approval by the Crime Victim Services Division of the Office of
7 the Illinois Attorney General.

8 (410 ILCS 70/8) (from Ch. 111 1/2, par. 87-8)

9 Sec. 8. Penalties.

10 (a) Any hospital violating any provisions of this Act other
11 than Section 7.5 shall be guilty of a petty offense for each
12 violation, and any fine imposed shall be paid into the general
13 corporate funds of the city, incorporated town or village in
14 which the hospital is located, or of the county, in case such
15 hospital is outside the limits of any incorporated
16 municipality.

17 (b) The Attorney General may seek the assessment of one or
18 more of the following civil monetary penalties in any action
19 filed in any action filed under this Act where the hospital,
20 health care professional, ambulance provider, laboratory, or
21 pharmacy knowingly violates Section 7.5 of the Act:

22 (1) For willful violations of paragraphs (1), (2), (4),
23 or (5) of subsection (a) of Section 7.5 or subsection (c)
24 of Section 7.5, the civil monetary penalty shall not exceed
25 \$500 per violation.

1 (2) For violations of paragraphs (1), (2), (4), or (5)
2 of subsection (a) of Section 7.5 or subsection (c) of
3 Section 7.5 involving a pattern or practice, the civil
4 monetary penalty shall not exceed \$500 per violation.

5 (3) For violations of paragraph (3) of subsection (a)
6 of Section 7.5, the civil monetary penalty shall not exceed
7 \$500 for each day the bill is with a collection agency.

8 (4) For violations involving the failure to submit
9 billing protocols within the time period required under
10 subsection (c) of Section 7.5, the civil monetary penalty
11 shall not exceed \$100 per day until the health care
12 professional complies with subsection (d) of Section 7.5.

13 All civil monetary penalties shall be deposited in the
14 Illinois Sexual Assault Emergency Treatment Program Fund to pay
15 for hospital emergency services, forensic services, follow-up
16 healthcare, and medications for sexual assault survivors.

17 (Source: P.A. 79-564.)".