

AN ACT concerning regulation.

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

Section 5. The Hospital Emergency Service Act is amended by changing Section 1 and by adding Sections 2.1 and 40 as follows:

(210 ILCS 80/1) (from Ch. 111 1/2, par. 86)

Sec. 1. Requirements to provide emergency medical care.

(a) Every hospital required to be licensed by the Department of Public Health pursuant to the Hospital Licensing Act which provides general medical and surgical hospital services, except long-term acute care hospitals and rehabilitation hospitals identified in Section 1.3 of this Act, shall provide a hospital emergency service in accordance with rules and regulations adopted by the Department of Public Health and shall furnish such hospital emergency services to any applicant who applies for the same in case of injury or acute medical condition where the same is liable to cause death or severe injury or serious illness. For purposes of this Act, "applicant" includes any person who presents at the hospital or who is brought to a hospital by ambulance or specialized emergency medical services vehicle as defined in the Emergency Medical Services (EMS) Systems Act. Hospitals

shall furnish hospital emergency services, including as described in subsections (b-1) and (b-2), in accordance with the procedures required by the federal Emergency Medical Treatment and Active Labor Act (EMTALA), including, but not limited to, medical screening, the provision of necessary stabilizing treatment, procedures for refusals to consent, restricting transfers until the individual is stabilized, appropriate transfers of patients, nondiscrimination, no delay in examination or treatment, and whistleblower protections.

(b-1) For purposes of this Act, "injury or acute medical condition where the same is liable to cause death or severe injury or serious illness" includes, but is not limited to, when a pregnant patient is experiencing ectopic pregnancy, complications of pregnancy loss, risks to future fertility, previable preterm premature rupture of membranes (PPROM), or emergent hypertensive disorders, such as preeclampsia.

(b-2) For purposes of this Act, "stabilizing treatment" includes abortion when abortion is necessary to resolve the patient's injury or acute medical condition that is liable to cause death or severe injury or serious illness.

(c) The amendments to this Section are declarative of existing law.

(d) Nothing in this Section shall be construed to alter existing legal statuses and rights.

(Source: P.A. 97-667, eff. 1-13-12; 98-683, eff. 6-30-14.)

(210 ILCS 80/2.1 new)

Sec. 2.1. Department investigations. The Department shall also have the authority to investigate violations of this Act, which may include a medical clinical review by a physician, and to issue a minimum monetary penalty of \$50,000 for violating this Act. The Department shall adopt rules for purposes of enforcing this Act and identifying factors to be considered when issuing a monetary penalty. The Department may assess a fine under this Section only if there are no fines assessed for the violation by the federal government.

(210 ILCS 80/40 new)

Sec. 40. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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