

AN ACT concerning health.

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

Section 5. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Sections 2 and 2.1 and by adding Section 8.5 as follows:

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

Sec. 2. Hospitals to furnish emergency service. Every hospital required to be licensed by the Department of Public Health pursuant to the Hospital Licensing Act, approved July 1, 1953, as now or hereafter amended, which provides general medical and surgical hospital services shall provide emergency hospital service, in accordance with rules and regulations adopted by the Department of Public Health, to all alleged sexual assault survivors who apply for such hospital emergency services in relation to injuries or trauma resulting from the sexual assault.

In addition every such hospital, regardless of whether or not a request is made for reimbursement, except hospitals participating in community or area wide plans in compliance with Section 4 of this Act, shall submit to the Department of Public Health a plan to provide hospital emergency services to alleged sexual assault survivors which shall be made available by such hospital. Such plan shall be submitted within 60 days of receipt of the Department's request for this plan, to the Department of Public Health for approval prior to such plan becoming effective. The Department of Public Health shall approve such plan for emergency service to alleged sexual assault survivors if it finds that the implementation of the proposed plan would provide adequate hospital emergency service for alleged sexual assault survivors and provide sufficient protections from the risk of pregnancy by sexual

assault survivors.

The Department of Public Health shall periodically conduct on site reviews of such approved plans with hospital personnel to insure that the established procedures are being followed.

On January 1, 2007 and each January 1 thereafter, the Department shall submit a report to the General Assembly containing information on the hospitals in this State that have submitted a plan to provide hospital emergency services to sexual assault survivors. The Department shall post on its Internet website the report required in this Section. The report shall include all of the following:

(1) A list of all hospitals that have submitted a plan.

(2) A list of hospitals whose plans have been found by the Department to be in compliance with this Act.

(3) A list of hospitals that have failed to submit an acceptable Plan of Correction within the time required by Section 2.1 of this Act.

(4) A list of hospitals at which the periodic site review required by this Act has been conducted.

When a hospital listed as noncompliant under item (3) of this Section submits and implements the required Plan of Correction, the Department shall immediately update the report on its Internet website to reflect that hospital's compliance.

(Source: P.A. 92-156, eff. 1-1-02.)

(410 ILCS 70/2.1) (from Ch. 111 1/2, par. 87-2.1)

Sec. 2.1. Plans of correction - Penalties for failure to implement such plans. If the Department of Public Health surveyor determines that the hospital is not in compliance with its approved plan, the surveyor shall provide the hospital with a written list of the specific items of noncompliance within 2 weeks of the conclusion of the on site review. The hospital shall have 14 working days to submit to the Department of Public Health a plan of correction which contains the hospital's specific proposals for correcting the items of noncompliance. The Department of Public Health shall review the

plan of correction and notify the hospital in writing as to whether the plan is acceptable or nonacceptable.

If the Department of Public Health finds the Plan of Correction nonacceptable, the hospital shall have 7 working days to resubmit an acceptable Plan of Correction. Upon notification that its Plan of Correction is acceptable, a hospital shall implement the Plan of Correction within 60 days.

The failure to submit an acceptable Plan of Correction or to implement the Plan of Correction, within the time frames required in this Section, will subject a hospital to the imposition of a fine by the Department of Public Health. The Department of Public Health may impose a fine of up to \$500 ~~\$100.00~~ per day until a hospital complies with the requirements of this Section.

Before imposing a fine pursuant to this Section, the Department of Public Health shall provide the hospital via certified mail with written notice and an opportunity for an administrative hearing. Such hearing must be requested within 10 working days of receipt of the Department of Public Health's Notice. All hearings shall be conducted in accordance with the Department of Public Health's rules in administrative hearings.

(Source: P.A. 90-587, eff. 7-1-98.)

(410 ILCS 70/8.5 new)

Sec. 8.5. Complaints. The Department shall implement a complaint system through which the Department may receive complaints of violations of this Act. The Department may use an existing complaint system to fulfill the requirements of this Section.

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