



Rep. Michael D. Unes

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1 AMENDMENT TO HOUSE BILL 3852

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3852, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Sexual Assault Survivors Emergency  
6 Treatment Act is amended by changing Sections 1a, 2, 2.1, 2.2,  
7 3, 5, 5.5, 6.1, 6.2, 6.4, 6.5, 6.6, 7, 7.5, 8, and 9 as follows:

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

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

10 "Ambulance provider" means an individual or entity that  
11 owns and operates a business or service using ambulances or  
12 emergency medical services vehicles to transport emergency  
13 patients.

14 "Areawide sexual assault treatment plan" means a plan,  
15 developed by the eligible health care facilities ~~hospitals~~ in  
16 the community or area to be served, which provides for ~~hospital~~

1 emergency services to sexual assault survivors that shall be  
2 made available by each of the participating eligible health  
3 care facilities ~~hospitals~~.

4 "Children's Advocacy Center" has the meaning given to that  
5 term under the Children's Advocacy Center Act.

6 "Department" means the Department of Public Health.

7 "Eligible health care facility" means a hospital,  
8 emergency department, or outpatient clinic performing child  
9 sexual abuse examinations in collaboration with a Children's  
10 Advocacy Center with medical providers that meet at least one  
11 of the following training requirements: (1) a physician with  
12 Child Abuse Pediatrics Sub-board certification or eligibility  
13 or child abuse fellowship training; (2) a physician, advanced  
14 practice nurse, or physician assistant with 16 hours of formal  
15 didactic training in the medical evaluation of child sexual  
16 abuse; or (3) a nurse with a registered nursing degree or  
17 bachelor of science in nursing degree and 40 hours of didactic  
18 training in the medical evaluation of child sexual abuse, as  
19 well as competency-based clinical preceptorship.

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

24 "Emergency services" means health care delivered to  
25 outpatients within or under the care and supervision of  
26 personnel working in a designated emergency department of a

1 hospital or outpatient clinic of an eligible health facility,  
2 including, but not limited to, care ordered by such personnel  
3 for a sexual assault survivor.

4 "Follow-up healthcare" means healthcare services related  
5 to a sexual assault, including laboratory services and pharmacy  
6 services, rendered within 90 days of the initial visit for  
7 ~~hospital~~ emergency services.

8 "Forensic services" means the collection of evidence  
9 pursuant to a statewide sexual assault evidence collection  
10 program administered by the Department of State Police, using  
11 the Illinois State Police Sexual Assault Evidence Collection  
12 Kit.

13 "Health care professional" means a physician, a physician  
14 assistant, or an advanced practice nurse.

15 "Hospital" has the meaning given to that term in the  
16 Hospital Licensing Act.

17 ~~"Hospital emergency services" means healthcare delivered~~  
18 ~~to outpatients within or under the care and supervision of~~  
19 ~~personnel working in a designated emergency department of a~~  
20 ~~hospital, including, but not limited to, care ordered by such~~  
21 ~~personnel for a sexual assault survivor in the emergency~~  
22 ~~department.~~

23 "Illinois State Police Sexual Assault Evidence Collection  
24 Kit" means a prepackaged set of materials and forms to be used  
25 for the collection of evidence relating to sexual assault. The  
26 standardized evidence collection kit for the State of Illinois

1 shall be the Illinois State Police Sexual Assault Evidence  
2 Collection Kit.

3 "Law enforcement agency having jurisdiction" means the law  
4 enforcement agency in the jurisdiction where an alleged sexual  
5 assault or sexual abuse occurred.

6 "Nurse" means a nurse licensed under the Nurse Practice  
7 Act.

8 "Physician" means a person licensed to practice medicine in  
9 all its branches.

10 "Sexual assault" means an act of nonconsensual sexual  
11 conduct or sexual penetration, as defined in Section 11-0.1 of  
12 the Criminal Code of 2012, including, without limitation, acts  
13 prohibited under Sections 11-1.20 through 11-1.60 of the  
14 Criminal Code of 2012.

15 "Sexual assault nurse examiner" means a registered nurse  
16 who has completed a sexual assault nurse examiner (SANE)  
17 training program that meets the Forensic Sexual Assault Nurse  
18 Examiner Education Guidelines established by the International  
19 Association of Forensic Nurses.

20 "Sexual assault survivor" means a person who presents for  
21 ~~hospital~~ emergency services to an eligible health care facility  
22 in relation to injuries or trauma resulting from a sexual  
23 assault.

24 "Sexual assault transfer plan" means a written plan  
25 developed by an eligible health care facility ~~a hospital~~ and  
26 approved by the Department, which describes the eligible health

1 ~~care facility's hospital's~~ procedures for transferring sexual  
2 assault survivors to another eligible health care facility  
3 ~~hospital~~ in order to receive emergency treatment.

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

12 "Transfer services" means the appropriate medical  
13 screening examination and necessary stabilizing treatment  
14 prior to the transfer of a sexual assault survivor to an  
15 eligible health care facility ~~a hospital~~ that provides ~~hospital~~  
16 emergency services and forensic services to sexual assault  
17 survivors pursuant to a sexual assault treatment plan or  
18 areawide sexual assault treatment plan.

19 "Voucher" means a document generated by an eligible health  
20 care facility ~~a hospital~~ at the time the sexual assault  
21 survivor receives ~~hospital~~ emergency and forensic services  
22 that a sexual assault survivor may present to providers for  
23 follow-up healthcare.

24 (Source: P.A. 99-454, eff. 1-1-16; 99-801, eff. 1-1-17.)

1           Sec. 2. Eligible health care facility ~~Hospital~~  
2 requirements. Every eligible health care facility ~~hospital~~  
3 required to be licensed by the Department pursuant to the  
4 Hospital Licensing Act, approved July 1, 1953, as now or  
5 hereafter amended, or licensed by the Department under any  
6 other applicable law, or that is regulated by a State or  
7 federal agency governing outpatient facilities, which provides  
8 general medical and surgical ~~hospital~~ services shall provide  
9 either (i) transfer services or (ii) ~~hospital~~ emergency  
10 services and forensic services, in accordance with rules and  
11 regulations adopted by the Department, to all sexual assault  
12 survivors who apply for either (i) transfer services or (ii)  
13 ~~hospital~~ emergency services and forensic services in relation  
14 to injuries or trauma resulting from the sexual assault.

15           In addition, every such eligible health care facility  
16 ~~hospital~~, regardless of whether or not a request is made for  
17 reimbursement, shall submit to the Department a plan to provide  
18 either (i) transfer services or (ii) ~~hospital~~ emergency  
19 services and forensic services to sexual assault survivors.  
20 Such plan shall be submitted within 60 days after receipt of  
21 the Department's request for this plan, to the Department for  
22 approval prior to such plan becoming effective. The Department  
23 shall approve such plan for either (i) transfer services or  
24 (ii) ~~hospital~~ emergency services and forensic services to  
25 sexual assault survivors if it finds that the implementation of  
26 the proposed plan would provide adequate (i) transfer services

1 or (ii) ~~hospital~~ emergency services and forensic services for  
2 sexual assault survivors and provide sufficient protections  
3 from the risk of pregnancy to sexual assault survivors.

4 The Department shall periodically conduct on site reviews  
5 of such approved plans with eligible health care facility  
6 ~~hospital~~ personnel to insure that the established procedures  
7 are being followed.

8 On January 1, 2007, and each January 1 thereafter, the  
9 Department shall submit a report to the General Assembly  
10 containing information on the eligible health care facilities  
11 ~~hospitals~~ in this State that have submitted a plan to provide  
12 either (i) transfer services or (ii) ~~hospital~~ emergency  
13 services and forensic services to sexual assault survivors. The  
14 Department shall post on its Internet website the report  
15 required in this Section. The report shall include all of the  
16 following:

17 (1) A list of all eligible health care facilities  
18 ~~hospitals~~ that have submitted a plan.

19 (2) A list of eligible health care facilities ~~hospitals~~  
20 whose plans have been found by the Department to be in  
21 compliance with this Act.

22 (3) A list of eligible health care facilities ~~hospitals~~  
23 that have failed to submit an acceptable Plan of Correction  
24 within the time required by Section 2.1 of this Act.

25 (4) A list of eligible health care facilities ~~hospitals~~  
26 at which the periodic site review required by this Act has

1           been conducted.

2           When an eligible health care facility ~~a hospital~~ listed as  
3 noncompliant under item (3) of this Section submits and  
4 implements the required Plan of Correction, the Department  
5 shall immediately update the report on its Internet website to  
6 reflect that eligible health care facility's ~~hospital's~~  
7 compliance.

8           (Source: P.A. 94-762, eff. 5-12-06; 95-432, eff. 1-1-08.)

9           (410 ILCS 70/2.1) (from Ch. 111 1/2, par. 87-2.1)

10           Sec. 2.1. Plan of correction; penalties. If the Department  
11 surveyor determines that the eligible health care facility  
12 ~~hospital~~ is not in compliance with its approved plan, the  
13 surveyor shall provide the eligible health care facility  
14 ~~hospital~~ with a written list of the specific items of  
15 noncompliance within 10 working days after the conclusion of  
16 the on site review. The eligible health care facility ~~hospital~~  
17 shall have 10 working days to submit to the Department a plan  
18 of correction which contains the eligible health care  
19 facility's ~~hospital's~~ specific proposals for correcting the  
20 items of noncompliance. The Department shall review the plan of  
21 correction and notify the eligible health care facility  
22 ~~hospital~~ in writing within 10 working days as to whether the  
23 plan is acceptable or unacceptable.

24           If the Department finds the Plan of Correction  
25 unacceptable, the eligible health care facility ~~hospital~~ shall



1 have 10 working days to resubmit an acceptable Plan of  
2 Correction. Upon notification that its Plan of Correction is  
3 acceptable, an eligible health care facility ~~a hospital~~ shall  
4 implement the Plan of Correction within 60 days.

5 The failure to submit an acceptable Plan of Correction or  
6 to implement the Plan of Correction, within the time frames  
7 required in this Section, will subject an eligible health care  
8 facility ~~a hospital~~ to the imposition of a fine by the  
9 Department. The Department may impose a fine of up to \$500 per  
10 day until an eligible health care facility ~~a hospital~~ complies  
11 with the requirements of this Section.

12 Before imposing a fine pursuant to this Section, the  
13 Department shall provide the eligible health care facility  
14 ~~hospital~~ via certified mail with written notice and an  
15 opportunity for an administrative hearing. Such hearing must be  
16 requested within 10 working days after receipt of the  
17 Department's Notice. All hearings shall be conducted in  
18 accordance with the Department's rules in administrative  
19 hearings.

20 (Source: P.A. 94-762, eff. 5-12-06; 95-432, eff. 1-1-08.)

21 (410 ILCS 70/2.2)

22 Sec. 2.2. Emergency contraception.

23 (a) The General Assembly finds:

24 (1) Crimes of sexual assault and sexual abuse cause  
25 significant physical, emotional, and psychological trauma

1 to the victims. This trauma is compounded by a victim's  
2 fear of becoming pregnant and bearing a child as a result  
3 of the sexual assault.

4 (2) Each year over 32,000 women become pregnant in the  
5 United States as the result of rape and approximately 50%  
6 of these pregnancies end in abortion.

7 (3) As approved for use by the Federal Food and Drug  
8 Administration (FDA), emergency contraception can  
9 significantly reduce the risk of pregnancy if taken within  
10 72 hours after the sexual assault.

11 (4) By providing emergency contraception to rape  
12 victims in a timely manner, the trauma of rape can be  
13 significantly reduced.

14 (b) Within 120 days after the effective date of this  
15 amendatory Act of the 92nd General Assembly, every eligible  
16 health care facility ~~hospital~~ providing services to sexual  
17 assault survivors in accordance with a plan approved under  
18 Section 2 must develop a protocol that ensures that each  
19 survivor of sexual assault will receive medically and factually  
20 accurate and written and oral information about emergency  
21 contraception; the indications and counter-indications and  
22 risks associated with the use of emergency contraception; and a  
23 description of how and when victims may be provided emergency  
24 contraception upon the written order of a physician licensed to  
25 practice medicine in all its branches, a licensed advanced  
26 practice nurse, or a licensed physician assistant. The

1 Department shall approve the protocol if it finds that the  
2 implementation of the protocol would provide sufficient  
3 protection for survivors of sexual assault.

4 The eligible health care facility ~~hospital~~ shall implement  
5 the protocol upon approval by the Department. The Department  
6 shall adopt rules and regulations establishing one or more safe  
7 harbor protocols and setting minimum acceptable protocol  
8 standards that eligible health care facilities ~~hospitals~~ may  
9 develop and implement. The Department shall approve any  
10 protocol that meets those standards. The Department may provide  
11 a sample acceptable protocol upon request.

12 (Source: P.A. 99-173, eff. 7-29-15.)

13 (410 ILCS 70/3) (from Ch. 111 1/2, par. 87-3)

14 Sec. 3. Areawide sexual assault treatment plans;  
15 submission. Eligible health care facilities ~~Hospitals~~ in the  
16 area to be served may develop and participate in areawide plans  
17 that shall describe the ~~hospital~~ emergency services and  
18 forensic services to sexual assault survivors that each  
19 participating eligible health care facility ~~hospital~~ has  
20 agreed to make available. Each eligible health care facility  
21 ~~hospital~~ participating in such a plan shall provide such  
22 services as it is designated to provide in the plan agreed upon  
23 by the participants. Areawide plans may include eligible health  
24 care facility ~~hospital~~ transfer plans. All areawide plans shall  
25 be submitted to the Department for approval, prior to becoming

1 effective. The Department shall approve a proposed plan if it  
2 finds that the implementation of the plan would provide for  
3 appropriate ~~hospital~~ emergency services and forensic services  
4 for the people of the area to be served.

5 (Source: P.A. 95-432, eff. 1-1-08.)

6 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

7 Sec. 5. Minimum requirements for eligible health care  
8 facilities ~~hospitals~~ providing ~~hospital~~ emergency services and  
9 forensic services to sexual assault survivors.

10 (a) Every eligible health care facility ~~hospital~~ providing  
11 ~~hospital~~ emergency services and forensic services to sexual  
12 assault survivors under this Act shall, as minimum requirements  
13 for such services, provide, with the consent of the sexual  
14 assault survivor, and as ordered by the attending physician, an  
15 advanced practice nurse, or a physician assistant, the  
16 following:

17 (1) appropriate medical examinations and laboratory  
18 tests required to ensure the health, safety, and welfare of  
19 a sexual assault survivor or which may be used as evidence  
20 in a criminal proceeding against a person accused of the  
21 sexual assault, or both; and records of the results of such  
22 examinations and tests shall be maintained by the eligible  
23 health care facility ~~hospital~~ and made available to law  
24 enforcement officials upon the request of the sexual  
25 assault survivor;

1           (2) appropriate oral and written information  
2 concerning the possibility of infection, sexually  
3 transmitted disease and pregnancy resulting from sexual  
4 assault;

5           (3) appropriate oral and written information  
6 concerning accepted medical procedures, medication, and  
7 possible contraindications of such medication available  
8 for the prevention or treatment of infection or disease  
9 resulting from sexual assault;

10           (4) an amount of medication for treatment at the  
11 eligible health care facility ~~hospital~~ and after discharge  
12 as is deemed appropriate by the attending physician, an  
13 advanced practice nurse, or a physician assistant and  
14 consistent with the eligible health care facility's  
15 ~~hospital's~~ current approved protocol for sexual assault  
16 survivors;

17           (5) an evaluation of the sexual assault survivor's risk  
18 of contracting human immunodeficiency virus (HIV) from the  
19 sexual assault;

20           (6) written and oral instructions indicating the need  
21 for follow-up examinations and laboratory tests after the  
22 sexual assault to determine the presence or absence of  
23 sexually transmitted disease;

24           (7) referral by eligible health care facility ~~hospital~~  
25 personnel for appropriate counseling; and

26           (8) when HIV prophylaxis is deemed appropriate, an

1 initial dose or doses of HIV prophylaxis, along with  
2 written and oral instructions indicating the importance of  
3 timely follow-up healthcare.

4 (b) Any person who is a sexual assault survivor who seeks  
5 emergency ~~hospital~~ services and forensic services or follow-up  
6 healthcare under this Act shall be provided such services  
7 without the consent of any parent, guardian, custodian,  
8 surrogate, or agent.

9 (b-5) Every treating eligible health care facility  
10 ~~hospital~~ providing ~~hospital~~ emergency and forensic services to  
11 sexual assault survivors shall issue a voucher to any sexual  
12 assault survivor who is eligible to receive one. The eligible  
13 health care facility ~~hospital~~ shall make a copy of the voucher  
14 and place it in the medical record of the sexual assault  
15 survivor. The eligible health care facility ~~hospital~~ shall  
16 provide a copy of the voucher to the sexual assault survivor  
17 after discharge upon request.

18 (c) Nothing in this Section creates a physician-patient  
19 relationship that extends beyond discharge from the hospital or  
20 outpatient clinic's emergency department.

21 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;  
22 99-642, eff. 7-28-16.)

23 (410 ILCS 70/5.5)

24 Sec. 5.5. Minimum reimbursement requirements for follow-up  
25 healthcare.

1 (a) Every eligible health care facility ~~hospital~~, health  
2 care professional, laboratory, or pharmacy that provides  
3 follow-up healthcare to a sexual assault survivor, with the  
4 consent of the sexual assault survivor and as ordered by the  
5 attending physician, an advanced practice nurse, or physician  
6 assistant shall be reimbursed for the follow-up healthcare  
7 services provided. Follow-up healthcare services include, but  
8 are not limited to, the following:

9 (1) a physical examination;

10 (2) laboratory tests to determine the presence or  
11 absence of sexually transmitted disease; and

12 (3) appropriate medications, including HIV  
13 prophylaxis.

14 (b) Reimbursable follow-up healthcare is limited to office  
15 visits with a physician, advanced practice nurse, or physician  
16 assistant within 90 days after an initial visit for ~~hospital~~  
17 emergency services.

18 (c) Nothing in this Section requires an eligible health  
19 care facility ~~a hospital~~, health care professional,  
20 laboratory, or pharmacy to provide follow-up healthcare to a  
21 sexual assault survivor.

22 (Source: P.A. 99-173, eff. 7-29-15.)

23 (410 ILCS 70/6.1) (from Ch. 111 1/2, par. 87-6.1)

24 Sec. 6.1. Minimum standards. The Department shall  
25 prescribe minimum standards, rules, and regulations necessary

1 to implement this Act, which shall apply to every eligible  
2 health care facility ~~hospital~~ required to be licensed by the  
3 Department that provides general medical and surgical ~~hospital~~  
4 services. Such standards shall include, but not be limited to,  
5 a uniform system for recording results of medical examinations  
6 and all diagnostic tests performed in connection therewith to  
7 determine the condition and necessary treatment of sexual  
8 assault survivors, which results shall be preserved in a  
9 confidential manner as part of the eligible health care  
10 facility's ~~hospital~~ record of the sexual assault survivor.

11 (Source: P.A. 95-432, eff. 1-1-08.)

12 (410 ILCS 70/6.2) (from Ch. 111 1/2, par. 87-6.2)

13 Sec. 6.2. Assistance and grants. The Department shall  
14 assist in the development and operation of programs which  
15 provide ~~hospital~~ emergency services and forensic services to  
16 sexual assault survivors, and, where necessary, to provide  
17 grants to eligible health care facilities ~~hospitals~~ for this  
18 purpose.

19 (Source: P.A. 95-432, eff. 1-1-08.)

20 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

21 Sec. 6.4. Sexual assault evidence collection program.

22 (a) There is created a statewide sexual assault evidence  
23 collection program to facilitate the prosecution of persons  
24 accused of sexual assault. This program shall be administered



1 by the Illinois State Police. The program shall consist of the  
2 following: (1) distribution of sexual assault evidence  
3 collection kits which have been approved by the Illinois State  
4 Police to eligible health care facilities ~~hospitals~~ that  
5 request them, or arranging for such distribution by the  
6 manufacturer of the kits, (2) collection of the kits from  
7 eligible health care facilities ~~hospitals~~ after the kits have  
8 been used to collect evidence, (3) analysis of the collected  
9 evidence and conducting of laboratory tests, (4) maintaining  
10 the chain of custody and safekeeping of the evidence for use in  
11 a legal proceeding, and (5) the comparison of the collected  
12 evidence with the genetic marker grouping analysis information  
13 maintained by the Department of State Police under Section  
14 5-4-3 of the Unified Code of Corrections and with the  
15 information contained in the Federal Bureau of Investigation's  
16 National DNA database; provided the amount and quality of  
17 genetic marker grouping results obtained from the evidence in  
18 the sexual assault case meets the requirements of both the  
19 Department of State Police and the Federal Bureau of  
20 Investigation's Combined DNA Index System (CODIS) policies.  
21 The standardized evidence collection kit for the State of  
22 Illinois shall be the Illinois State Police Sexual Assault  
23 Evidence Kit and shall include a written consent form  
24 authorizing law enforcement to test the sexual assault evidence  
25 and to provide law enforcement with details of the sexual  
26 assault.

1 (a-5) (Blank).

2 (b) The Illinois State Police shall administer a program to  
3 train eligible health care facilities ~~hospitals~~ and eligible  
4 health care facility ~~hospital~~ personnel participating in the  
5 sexual assault evidence collection program, in the correct use  
6 and application of the sexual assault evidence collection kits.  
7 A sexual assault nurse examiner may conduct examinations using  
8 the sexual assault evidence collection kits, without the  
9 presence or participation of a physician. The Department shall  
10 cooperate with the Illinois State Police in this program as it  
11 pertains to medical aspects of the evidence collection.

12 (c) In this Section, "sexual assault nurse examiner" means  
13 a registered nurse who has completed a sexual assault nurse  
14 examiner (SANE) training program that meets the Forensic Sexual  
15 Assault Nurse Examiner Education Guidelines established by the  
16 International Association of Forensic Nurses.

17 (Source: P.A. 99-801, eff. 1-1-17.)

18 (410 ILCS 70/6.5)

19 Sec. 6.5. Written consent to the release of sexual assault  
20 evidence for testing.

21 (a) Upon the completion of ~~hospital~~ emergency services and  
22 forensic services, the health care professional providing the  
23 forensic services shall provide the patient the opportunity to  
24 sign a written consent to allow law enforcement to submit the  
25 sexual assault evidence for testing. The written consent shall

1 be on a form included in the sexual assault evidence collection  
2 kit and shall include whether the survivor consents to the  
3 release of information about the sexual assault to law  
4 enforcement.

5 (1) A survivor 13 years of age or older may sign the  
6 written consent to release the evidence for testing.

7 (2) If the survivor is a minor who is under 13 years of  
8 age, the written consent to release the sexual assault  
9 evidence for testing may be signed by the parent, guardian,  
10 investigating law enforcement officer, or Department of  
11 Children and Family Services.

12 (3) If the survivor is an adult who has a guardian of  
13 the person, a health care surrogate, or an agent acting  
14 under a health care power of attorney, the consent of the  
15 guardian, surrogate, or agent is not required to release  
16 evidence and information concerning the sexual assault or  
17 sexual abuse. If the adult is unable to provide consent for  
18 the release of evidence and information and a guardian,  
19 surrogate, or agent under a health care power of attorney  
20 is unavailable or unwilling to release the information,  
21 then an investigating law enforcement officer may  
22 authorize the release.

23 (4) Any health care professional, including any  
24 physician, advanced practice nurse, physician assistant,  
25 or nurse, sexual assault nurse examiner, and any health  
26 care institution, including any eligible health care

1        facility ~~hospital~~, who provides evidence or information to  
2        a law enforcement officer under a written consent as  
3        specified in this Section is immune from any civil or  
4        professional liability that might arise from those  
5        actions, with the exception of willful or wanton  
6        misconduct. The immunity provision applies only if all of  
7        the requirements of this Section are met.

8        (b) The eligible health care facility ~~hospital~~ shall keep a  
9        copy of a signed or unsigned written consent form in the  
10       patient's medical record.

11       (c) If a written consent to allow law enforcement to test  
12       the sexual assault evidence is not signed at the completion of  
13       ~~hospital~~ emergency services and forensic services, the  
14       eligible health care facility ~~hospital~~ shall include the  
15       following information in its discharge instructions:

16            (1) the sexual assault evidence will be stored for 5  
17            years from the completion of an Illinois State Police  
18            Sexual Assault Evidence Collection Kit, or 5 years from the  
19            age of 18 years, whichever is longer;

20            (2) a person authorized to consent to the testing of  
21            the sexual assault evidence may sign a written consent to  
22            allow law enforcement to test the sexual assault evidence  
23            at any time during that 5-year period for an adult victim,  
24            or until a minor victim turns 23 years of age by (A)  
25            contacting the law enforcement agency having jurisdiction,  
26            or if unknown, the law enforcement agency contacted by the

1 eligible health care facility ~~hospital~~ under Section 3.2 of  
2 the Criminal Identification Act; or (B) by working with an  
3 advocate at a rape crisis center or Children's Advocacy  
4 Center;

5 (3) the name, address, and phone number of the law  
6 enforcement agency having jurisdiction, or if unknown the  
7 name, address, and phone number of the law enforcement  
8 agency contacted by the eligible health care facility  
9 ~~hospital~~ under Section 3.2 of the Criminal Identification  
10 Act; and

11 (4) the name and phone number of a local rape crisis  
12 center or Children's Advocacy Center.

13 (Source: P.A. 99-801, eff. 1-1-17.)

14 (410 ILCS 70/6.6)

15 Sec. 6.6. Submission of sexual assault evidence.

16 (a) As soon as practicable, but in no event more than 4  
17 hours after the completion of ~~hospital~~ emergency services and  
18 forensic services, the eligible health care facility ~~hospital~~  
19 shall make reasonable efforts to determine the law enforcement  
20 agency having jurisdiction where the sexual assault occurred.  
21 The eligible health care facility ~~hospital~~ may obtain the name  
22 of the law enforcement agency with jurisdiction from the local  
23 law enforcement agency.

24 (b) Within 4 hours after the completion of ~~hospital~~  
25 emergency services and forensic services, the eligible health

1 ~~care facility hospital~~ shall notify the law enforcement agency  
2 having jurisdiction that the eligible health care facility  
3 ~~hospital~~ is in possession of sexual assault evidence and the  
4 date and time the collection of evidence was completed. The  
5 eligible health care facility hospital shall document the  
6 notification in the patient's medical records and shall include  
7 the agency notified, the date and time of the notification and  
8 the name of the person who received the notification. This  
9 notification to the law enforcement agency having jurisdiction  
10 satisfies the eligible health care facility hospital's  
11 requirement to contact its local law enforcement agency under  
12 Section 3.2 of the Criminal Identification Act.

13 (c) If the law enforcement agency having jurisdiction has  
14 not taken physical custody of sexual assault evidence within 5  
15 days of the first contact by the eligible health care facility  
16 ~~hospital~~, the eligible health care facility hospital shall  
17 renotify ~~re-notify~~ the law enforcement agency having  
18 jurisdiction that the eligible health care facility hospital is  
19 in possession of sexual assault evidence and the date the  
20 sexual assault evidence was collected. The eligible health care  
21 facility hospital shall document the renotification  
22 ~~re-notification~~ in the patient's medical records and shall  
23 include the agency notified, the date and time of the  
24 notification and the name of the person who received the  
25 notification.

26 (d) If the law enforcement agency having jurisdiction has

1 not taken physical custody of the sexual assault evidence  
2 within 10 days of the first contact by the eligible health care  
3 facility ~~hospital~~ and the eligible health care facility  
4 ~~hospital~~ has provided renotification under subsection (c) of  
5 this Section, the eligible health care facility ~~hospital~~ shall  
6 contact the State's Attorney of the county where the law  
7 enforcement agency having jurisdiction is located. The  
8 eligible health care facility ~~hospital~~ shall inform the State's  
9 Attorney that the eligible health care facility ~~hospital~~ is in  
10 possession of sexual assault evidence, the date the sexual  
11 assault evidence was collected, the law enforcement agency  
12 having jurisdiction, the dates, times and names of persons  
13 notified under subsections (b) and (c) of this Section. The  
14 notification shall be made within 14 days of the collection of  
15 the sexual assault evidence.

16 (Source: P.A. 99-801, eff. 1-1-17; revised 10-26-16.)

17 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

18 Sec. 7. Reimbursement.

19 (a) An eligible health care facility ~~A hospital~~ or health  
20 care professional furnishing ~~hospital~~ emergency services or  
21 forensic services, an ambulance provider furnishing  
22 transportation to a sexual assault survivor, an eligible health  
23 care facility ~~a hospital~~, health care professional, or  
24 laboratory providing follow-up healthcare, or a pharmacy  
25 dispensing prescribed medications to any sexual assault

1 survivor shall furnish such services or medications to that  
2 person without charge and shall seek payment as follows:

3 (1) If a sexual assault survivor is eligible to receive  
4 benefits under the medical assistance program under  
5 Article V of the Illinois Public Aid Code, the ambulance  
6 provider, eligible health care facility ~~hospital~~, health  
7 care professional, laboratory, or pharmacy must submit the  
8 bill to the Department of Healthcare and Family Services or  
9 the appropriate Medicaid managed care organization and  
10 accept the amount paid as full payment.

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



1 the amounts paid by the insurance company or health  
2 coverage program and the Illinois Sexual Assault Treatment  
3 Program as full payment.

4 (3) If a sexual assault survivor is neither eligible to  
5 receive benefits under the medical assistance program  
6 under Article V of the Public Aid Code nor covered by a  
7 policy of insurance or a public or private health coverage  
8 program, the ambulance provider, eligible health care  
9 facility ~~hospital~~, health care professional, laboratory,  
10 or pharmacy shall submit the request for reimbursement to  
11 the Illinois Sexual Assault Emergency Treatment Program  
12 under the Department of Healthcare and Family Services in  
13 accordance with 89 Ill. Adm. Code 148.510 at the Department  
14 of Healthcare and Family Services' allowable rates under  
15 the Illinois Public Aid Code.

16 (4) If a sexual assault survivor presents a voucher for  
17 follow-up healthcare, the healthcare professional or  
18 laboratory that provides follow-up healthcare or the  
19 pharmacy that dispenses prescribed medications to a sexual  
20 assault survivor shall submit the request for  
21 reimbursement for follow-up healthcare, laboratory, or  
22 pharmacy services to the Illinois Sexual Assault Emergency  
23 Treatment Program under the Department of Healthcare and  
24 Family Services in accordance with 89 Ill. Adm. Code  
25 148.510 at the Department of Healthcare and Family  
26 Services' allowable rates under the Illinois Public Aid

1 Code. Nothing in this subsection (a) precludes eligible  
2 health care facilities ~~hospitals~~ from providing follow-up  
3 healthcare and receiving reimbursement under this Section.

4 (b) Nothing in this Section precludes an eligible health  
5 care facility ~~a hospital~~, health care provider, ambulance  
6 provider, laboratory, or pharmacy from billing the sexual  
7 assault survivor or any applicable health insurance or coverage  
8 for inpatient services.

9 (c) (Blank).

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

16 (e) The Department of Healthcare and Family Services shall  
17 establish standards, rules, and regulations to implement this  
18 Section.

19 (Source: P.A. 98-463, eff. 8-16-13; 99-454, eff. 1-1-16.)

20 (410 ILCS 70/7.5)

21 Sec. 7.5. Prohibition on billing sexual assault survivors  
22 directly for certain services; written notice; billing  
23 protocols.

24 (a) An eligible health care facility ~~A hospital~~, health  
25 care professional, ambulance provider, laboratory, or pharmacy

1 furnishing ~~hospital~~ emergency services, forensic services,  
2 transportation, follow-up healthcare, or medication to a  
3 sexual assault survivor shall not:

4 (1) charge or submit a bill for any portion of the  
5 costs of the services, transportation, or medications to  
6 the sexual assault survivor, including any insurance  
7 deductible, co-pay, co-insurance, denial of claim by an  
8 insurer, spenddown, or any other out-of-pocket expense;

9 (2) communicate with, harass, or intimidate the sexual  
10 assault survivor for payment of services, including, but  
11 not limited to, repeatedly calling or writing to the sexual  
12 assault survivor and threatening to refer the matter to a  
13 debt collection agency or to an attorney for collection,  
14 enforcement, or filing of other process;

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

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

19 (5) take any other action adverse to the sexual assault  
20 survivor or his or her family on account of providing  
21 services to the sexual assault survivor.

22 (b) Nothing in this Section precludes an eligible health  
23 care facility ~~a hospital~~, health care provider, ambulance  
24 provider, laboratory, or pharmacy from billing the sexual  
25 assault survivor or any applicable health insurance or coverage  
26 for inpatient services.

1 (c) Within 60 days after the effective date of this  
2 amendatory Act of the 99th General Assembly, every eligible  
3 health care facility ~~hospital~~ providing treatment services to  
4 sexual assault survivors in accordance with a plan approved  
5 under Section 2 of this Act shall provide a written notice to a  
6 sexual assault survivor. The written notice must include, but  
7 is not limited to, the following:

8 (1) a statement that the sexual assault survivor should  
9 not be directly billed by any ambulance provider providing  
10 transportation services, or by any eligible health care  
11 facility ~~hospital~~, health care professional, laboratory,  
12 or pharmacy for the services the sexual assault survivor  
13 received as an outpatient at the eligible health care  
14 facility ~~hospital~~;

15 (2) a statement that a sexual assault survivor who is  
16 admitted to a hospital may be billed for inpatient services  
17 provided by a hospital, health care professional,  
18 laboratory, or pharmacy;

19 (3) a statement that prior to leaving the emergency  
20 department of the treating facility, the eligible health  
21 care facility ~~hospital~~ will give the sexual assault  
22 survivor a voucher for follow-up healthcare if the sexual  
23 assault survivor is eligible to receive a voucher;

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

26 (5) a phone number the sexual assault survivor may call

1 should the sexual assault survivor receive a bill from the  
2 eligible health care facility ~~hospital~~ for ~~hospital~~  
3 emergency services and forensic services;

4 (6) the toll-free phone number of the Office of the  
5 Illinois Attorney General, Crime Victim Services Division,  
6 which the sexual assault survivor may call should the  
7 sexual assault survivor receive a bill from an ambulance  
8 provider, a health care professional, a laboratory, or a  
9 pharmacy.

10 This subsection (c) shall not apply to eligible health care  
11 facilities ~~hospitals~~ that provide transfer services as defined  
12 under Section 1a of this Act.

13 (d) Within 60 days after the effective date of this  
14 amendatory Act of the 99th General Assembly, every health care  
15 professional, except for those employed by an eligible health  
16 care facility ~~a hospital~~ or hospital affiliate, as defined in  
17 the Hospital Licensing Act, or those employed by a hospital  
18 operated under the University of Illinois Hospital Act, who  
19 bills separately for ~~hospital~~ emergency services or forensic  
20 services must develop a billing protocol that ensures that no  
21 survivor of sexual assault will be sent a bill for any ~~hospital~~  
22 emergency services or forensic services and submit the billing  
23 protocol to the Crime Victim Services Division of the Office of  
24 the Attorney General for approval. Health care professionals  
25 who bill as a legal entity may submit a single billing protocol  
26 for the billing entity. The billing protocol must include at a

1 minimum:

2 (1) a description of training for persons who prepare  
3 bills for ~~hospital~~ emergency services and forensic  
4 services;

5 (2) a written acknowledgement signed by a person who  
6 has completed the training that the person will not bill  
7 survivors of sexual assault;

8 (3) prohibitions on submitting any bill for any portion  
9 of ~~hospital~~ emergency services or forensic services  
10 provided to a survivor of sexual assault to a collection  
11 agency;

12 (4) prohibitions on taking any action that would  
13 adversely affect the credit of the survivor of sexual  
14 assault;

15 (5) the termination of all collection activities if the  
16 protocol is violated; and

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

20 The Crime Victim Services Division of the Office of the  
21 Attorney General may provide a sample acceptable billing  
22 protocol upon request.

23 The Office of the Attorney General shall approve a proposed  
24 protocol if it finds that the implementation of the protocol  
25 would result in no survivor of sexual assault being billed or  
26 sent a bill for ~~hospital~~ emergency services or forensic

1 services.

2 If the Office of the Attorney General determines that  
3 implementation of the protocol could result in the billing of a  
4 survivor of sexual assault for ~~hospital~~ emergency services or  
5 forensic services, the Office of the Attorney General shall  
6 provide the health care professional with a written statement  
7 of the deficiencies in the protocol. The health care  
8 professional shall have 30 days to submit a revised billing  
9 protocol addressing the deficiencies to the Office of the  
10 Attorney General. The health care professional shall implement  
11 the protocol upon approval by the Crime Victim Services  
12 Division of the Office of the Attorney General.

13 The health care professional shall submit any proposed  
14 revision to or modification of an approved billing protocol to  
15 the Crime Victim Services Division of the Office of the  
16 Attorney General for approval. The health care professional  
17 shall implement the revised or modified billing protocol upon  
18 approval by the Crime Victim Services Division of the Office of  
19 the Illinois Attorney General.

20 (Source: P.A. 99-454, eff. 1-1-16.)

21 (410 ILCS 70/8) (from Ch. 111 1/2, par. 87-8)

22 Sec. 8. Penalties.

23 (a) Any eligible health care facility ~~hospital~~ violating  
24 any provisions of this Act other than Section 7.5 shall be  
25 guilty of a petty offense for each violation, and any fine

1 imposed shall be paid into the general corporate funds of the  
2 city, incorporated town or village in which the eligible health  
3 care facility ~~hospital~~ is located, or of the county, in case  
4 such eligible health care facility ~~hospital~~ is outside the  
5 limits of any incorporated municipality.

6 (b) The Attorney General may seek the assessment of one or  
7 more of the following civil monetary penalties in any action  
8 filed under this Act where the eligible health care facility  
9 ~~hospital~~, health care professional, ambulance provider,  
10 laboratory, or pharmacy knowingly violates Section 7.5 of the  
11 Act:

12 (1) For willful violations of paragraphs (1), (2), (4),  
13 or (5) of subsection (a) of Section 7.5 or subsection (c)  
14 of Section 7.5, the civil monetary penalty shall not exceed  
15 \$500 per violation.

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

20 (3) For violations of paragraph (3) of subsection (a)  
21 of Section 7.5, the civil monetary penalty shall not exceed  
22 \$500 for each day the bill is with a collection agency.

23 (4) For violations involving the failure to submit  
24 billing protocols within the time period required under  
25 subsection (d) of Section 7.5, the civil monetary penalty  
26 shall not exceed \$100 per day until the health care



1 professional complies with subsection (d) of Section 7.5.

2 All civil monetary penalties shall be deposited into the  
3 Violent Crime Victims Assistance Fund.

4 (Source: P.A. 99-454, eff. 1-1-16.)

5 (410 ILCS 70/9) (from Ch. 111 1/2, par. 87-9)

6 Sec. 9. Nothing in this Act shall be construed to require a  
7 eligible health care facility ~~hospital~~ to provide any services  
8 which relate to an abortion.

9 (Source: P.A. 79-564.)

10 Section 99. Effective date. This Act takes effect January  
11 1, 2018."