

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 Ambulatory Surgical Treatment Center Act is  
5 amended by changing Section 6 as follows:

6 (210 ILCS 5/6) (from Ch. 111 1/2, par. 157-8.6)

7 Sec. 6. Upon receipt of an application for a license, the  
8 Director may deny the application for any of the following  
9 reasons:

10 (1) Conviction of the applicant, or if the applicant is  
11 a firm, partnership or association, of any of its members,  
12 or if a corporation, of any of its officers or directors,  
13 or of the person designated to manage or supervise the  
14 facility, of a felony, or of 2 or more misdemeanors  
15 involving moral turpitude, as shown by a certified copy of  
16 the record of the court of conviction, or, in the case of  
17 the conviction of a misdemeanor by a court not of record,  
18 as shown by other evidence, if the Director determines,  
19 after investigation, that such person has not been  
20 sufficiently rehabilitated to warrant the public trust; or  
21 other satisfactory evidence that the moral character of the  
22 applicant, or manager, or supervisor of the facility is not  
23 reputable;

1           (2) The licensure status or record of the applicant, or  
2           if the applicant is a firm, partnership or association, of  
3           any of its members, or if a corporation, of any of its  
4           officers or directors, or of the person designated to  
5           manage or supervise the facility, from any other state  
6           where the applicant has done business in a similar capacity  
7           indicates that granting a license to the applicant would be  
8           detrimental to the interests of the public; or

9           (3) The applicant has insufficient financial or other  
10          resources to operate and conduct the facility in accordance  
11          with the requirements of this Act and the minimum  
12          standards, rules and regulations promulgated thereunder.

13          The Director shall only issue a license if he finds that  
14          the applicant facility complies with this Act and the rules,  
15          regulations and standards promulgated pursuant thereto and:

16               (a) is under the medical supervision of one or more  
17               physicians;

18               (b) permits a surgical procedure to be performed only  
19               by a physician, podiatric physician, or dentist who at the  
20               time is privileged to have his patients admitted by himself  
21               or an associated physician and is himself privileged to  
22               perform surgical procedures in at least one Illinois  
23               hospital. A dentist may be privileged at the ambulatory  
24               surgical treatment center if it is determined that the  
25               patient under the care of the dentist requires sedation  
26               beyond the training that the dentist possesses. The

1       determination of need for sedation shall be made by the  
2       medical director of the facility where the procedure is to  
3       be performed. A dentist performing a surgical procedure  
4       requiring sedation at a facility must either have admitting  
5       privileges at a nearby hospital where patients would  
6       receive care in the event of an emergency arising during a  
7       dental surgical procedure or have a memorandum of  
8       understanding with a physician who has admitting  
9       privileges at such a hospital; and

10       (c) maintains adequate medical records for each  
11       patient.

12       A license, unless sooner suspended or revoked, shall be  
13       renewable annually upon approval by the Department and payment  
14       of a license fee of \$300. Each license shall be issued only for  
15       the premises and persons named in the application and shall not  
16       be transferable or assignable. The licenses shall be posted in  
17       a conspicuous place on the licensed premises. A placard or  
18       registry of all physicians on staff in the facility shall be  
19       centrally located and available for inspection to any  
20       interested person. The Department may, either before or after  
21       the issuance of a license, request the cooperation of the State  
22       Fire Marshal. The report and recommendations of this agency  
23       shall be in writing and shall state with particularity its  
24       findings with respect to compliance or noncompliance with such  
25       minimum standards, rules and regulations.

26       The Director may issue a provisional license to any

1 ambulatory surgical treatment center which does not  
2 substantially comply with the provisions of this Act and the  
3 standards, rules and regulations promulgated by virtue thereof  
4 provided that he finds that such ambulatory surgical treatment  
5 center will undertake changes and corrections which upon  
6 completion will render the ambulatory surgical treatment  
7 center in substantial compliance with the provisions of this  
8 Act, and the standards, rules and regulations adopted  
9 hereunder, and provided that the health and safety of the  
10 patients of the ambulatory surgical treatment center will be  
11 protected during the period for which such provisional license  
12 is issued. The Director shall advise the licensee of the  
13 conditions under which such provisional license is issued,  
14 including the manner in which the facilities fail to comply  
15 with the provisions of the Act, standards, rules and  
16 regulations, and the time within which the changes and  
17 corrections necessary for such ambulatory surgical treatment  
18 center to substantially comply with this Act, and the  
19 standards, rules and regulations of the Department relating  
20 thereto shall be completed.

21 A person or facility not licensed under this Act or the  
22 Hospital Licensing Act shall not hold itself out to the public  
23 as a "surgery center" or as a "center for surgery".

24 (Source: P.A. 98-214, eff. 8-9-13.)

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