



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1281

Introduced 2/8/2011, by Sen. William Delgado

SYNOPSIS AS INTRODUCED:

See Index

Amends the Ambulatory Surgical Treatment Center Act, the Home Health, Home Services, and Home Nursing Agency Licensing Act, the Hospital Licensing Act, and the State Finance Act. Increases the licensure fee to \$1500 for ambulatory surgical treatment centers and home health agencies. Establishes a \$50 licensure fee per bed for hospitals applying for a license. Changes the name of the Home Care Services Agency Licensure Fund to the Home Health, Health Services, and Home Nursing Agency Licensure Fund. Creates the Ambulatory Surgical Treatment Center Fund and the Hospital Licensure Fund. Further amends the Hospital Licensing Act. Includes the term "violation" in the provision concerning definitions. Sets forth provisions concerning penalties; determining penalties; inspection; emergency closure; whistleblower protection; and judicial review. Makes changes to the provisions concerning notice and hearing; inspections and investigations; informal dispute resolution; findings, conclusions, and citations; patient protection from abuse; Hospital Licensing Board creation and Department of Public Health rules; administrative decisions; and injunction and other relief. Amends the Abused and Neglected Child Reporting Act to set forth a provision concerning an inter-agency agreement. Effective immediately.

LRB097 07185 RPM 47290 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health facilities.

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

4 Section 5. The State Finance Act is amended by changing
5 Section 5.650 and adding Sections 5.786, and 5.787 as follows:

6 (30 ILCS 105/5.650)

7 Sec. 5.650. The Home Health, Health Services, and Home
8 Nursing Agency Licensure Fund ~~Home Care Services Agency~~
9 ~~Licensure Fund.~~

10 (Source: P.A. 94-379, eff. 1-1-06.)

11 (30 ILCS 105/5.786 new)

12 Sec. 5.786. The Ambulatory Surgical Treatment Center Fund.

13 (30 ILCS 105/5.787 new)

14 Sec. 5.787. The Hospital Licensure Fund.

15 Section 10. The Ambulatory Surgical Treatment Center Act is
16 amended by changing Sections 5 and 6 and by adding Section 12.5
17 as follows:

18 (210 ILCS 5/5) (from Ch. 111 1/2, par. 157-8.5)

19 Sec. 5. An application for a license to operate an

1 ambulatory surgical treatment center shall be made to the
2 Department upon forms provided by it and shall contain such
3 information as the Department reasonably requires, which may
4 include affirmative evidence of ability to comply with the
5 provisions of this Act and the standards, rules and
6 regulations, promulgated by virtue thereof.

7 All applications required under this Section shall be
8 signed by the applicant, verified, and accompanied by a license
9 fee of \$1500 ~~\$500~~.

10 (Source: P.A. 81-224.)

11 (210 ILCS 5/6) (from Ch. 111 1/2, par. 157-8.6)

12 Sec. 6. Upon receipt of an application for a license, the
13 Director may deny the application for any of the following
14 reasons:

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

1 other satisfactory evidence that the moral character of the
2 applicant, or manager, or supervisor of the facility is not
3 reputable;

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

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

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

19 (a) is under the medical supervision of one or more
20 physicians;

21 (b) permits a surgical procedure to be performed only
22 by a physician, podiatrist or dentist who at the time is
23 privileged to have his patients admitted by himself or an
24 associated physician and is himself privileged to perform
25 surgical procedures in at least one Illinois hospital; and

26 (c) maintains adequate medical records for each

1 patient.

2 A license, unless sooner suspended or revoked, shall be
3 renewable annually upon approval by the Department and payment
4 of a license fee of \$1500 ~~\$300~~. Each license shall be issued
5 only for the premises and persons named in the application and
6 shall not be transferable or assignable. The licenses shall be
7 posted in a conspicuous place on the licensed premises. A
8 placard or registry of all physicians on staff in the facility
9 shall be centrally located and available for inspection to any
10 interested person. The Department may, either before or after
11 the issuance of a license, request the cooperation of the State
12 Fire Marshal. The report and recommendations of this agency
13 shall be in writing and shall state with particularity its
14 findings with respect to compliance or noncompliance with such
15 minimum standards, rules and regulations.

16 The Director may issue a provisional license to any
17 ambulatory surgical treatment center which does not
18 substantially comply with the provisions of this Act and the
19 standards, rules and regulations promulgated by virtue thereof
20 provided that he finds that such ambulatory surgical treatment
21 center will undertake changes and corrections which upon
22 completion will render the ambulatory surgical treatment
23 center in substantial compliance with the provisions of this
24 Act, and the standards, rules and regulations adopted
25 hereunder, and provided that the health and safety of the
26 patients of the ambulatory surgical treatment center will be

1 protected during the period for which such provisional license
2 is issued. The Director shall advise the licensee of the
3 conditions under which such provisional license is issued,
4 including the manner in which the facilities fail to comply
5 with the provisions of the Act, standards, rules and
6 regulations, and the time within which the changes and
7 corrections necessary for such ambulatory surgical treatment
8 center to substantially comply with this Act, and the
9 standards, rules and regulations of the Department relating
10 thereto shall be completed.

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

14 (Source: P.A. 88-490.)

15 (210 ILCS 5/12.5 new)

16 Sec. 12.5. Ambulatory Surgical Treatment Center Fund. The
17 Department shall deposit all fees and fines collected in
18 relation to the licensure of ambulatory surgical treatment
19 centers into the Ambulatory Surgical Treatment Center Fund, a
20 special fund created in the State Treasury, for the purpose of
21 providing funding for the administration of the licensure
22 program for ambulatory surgical treatment centers.

23 Section 15. The Home Health, Home Services, and Home
24 Nursing Agency Licensing Act is amended by changing Sections 4

1 and 10.05 as follows:

2 (210 ILCS 55/4) (from Ch. 111 1/2, par. 2804)

3 Sec. 4. Types of licenses.

4 (a) If an applicant for licensure has not been previously
5 licensed, or if the home health agency, home services agency,
6 or home nursing agency is not in operation at the time
7 application is made, the Department may issue a provisional
8 license. A provisional license shall be valid for a period of
9 120 days unless sooner suspended or revoked pursuant to Section
10 9 of this Act. Within 30 days prior to the termination of a
11 provisional license, the Department shall inspect the agency
12 and, if the applicant substantially meets the requirements for
13 licensure, it shall issue a license under this Section. If the
14 Department finds that a holder of a provisional license does
15 not substantially meet the requirements for licensure, but has
16 made significant progress toward meeting those requirements,
17 the Director may renew the provisional license once for a
18 period not to exceed 120 days from the expiration date of the
19 initial provisional license.

20 (b) (1) The Director may also issue a provisional license to
21 any licensed agency which does not substantially comply with
22 the provisions of this Act and the rules promulgated hereunder,
23 provided he finds that the health, safety, and well-being of
24 the clients of the agency will be protected during the period
25 for which such provisional license is issued. The term of such

1 provisional license shall not exceed 120 days.

2 (2) The Director shall advise the licensee of the
3 conditions under which such provisional license is issued,
4 including the manner in which the licensee fails to comply with
5 the provisions of the Act or rules, and the time within which
6 the corrections necessary for the agency to substantially
7 comply with the Act and rules shall be completed.

8 (3) The Director, at his discretion, may extend the term of
9 such provisional license for an additional 120 days, if he
10 finds that the agency has made substantial progress toward
11 correcting the violations and bringing the agency into full
12 compliance with this Act and the rules promulgated hereunder.

13 (c) An annual license shall be issued to any person
14 conducting or maintaining a home health agency upon receipt of
15 an application and payment of the licensure fee, and when the
16 other requirements of this Act, and the standards, rules and
17 regulations promulgated hereunder, are met. The fee for each
18 single home health agency license or any renewal shall be \$1500
19 ~~\$25~~.

20 (d) The Department shall establish, by rule, a system
21 whereby an entity that meets the requirements for licensure may
22 obtain licensure singly or in any combination for the
23 categories authorized under this Act. The Department shall
24 develop and implement one application to be used even if a
25 combination of licenses authorized under the Act is sought.
26 Applicants for multiple licenses under this system shall pay

1 the higher of the licensure fees applicable. Fees collected
2 under this system shall be deposited into the Home Health, Home
3 Services, and Home Nursing Agency Licensure Fund ~~Home Care~~
4 ~~Services Agency Licensure Fund~~.

5 (Source: P.A. 94-379, eff. 1-1-06.)

6 (210 ILCS 55/10.05)

7 Sec. 10.05. Home Health, Home Services, and Home Nursing
8 Agency Licensure Fund ~~Home Care Services Agency Licensure Fund~~.

9 The Department shall deposit all fees and fines collected in
10 relation to the licensure of home health agencies, home
11 services agencies, and home nursing agencies into the Home
12 Health, Home Services, and Home Nursing Agency Licensure Fund
13 ~~Home Care Services Agency Licensure Fund~~, a special fund
14 created in the State treasury, for the purpose of providing
15 funding for the administration of the program of home health
16 agencies, home services agency, and home nursing agency
17 licensure.

18 (Source: P.A. 94-379, eff. 1-1-06.)

19 Section 20. The Hospital Licensing Act is amended by
20 changing Sections 3, 5, 6, 7, 9, 9.3, 9.4, 9.6, 10, 13, and 15
21 and by adding Sections 7.1, 7.2, 7.3, 7.4, 7.6, 13.1, and 14.5
22 as follows:

23 (210 ILCS 85/3)

1 Sec. 3. Definitions. As used in this Act:

2 (A) "Hospital" means any institution, place, building, or
3 agency, public or private, whether organized for profit or not,
4 devoted primarily to the maintenance and operation of
5 facilities for the diagnosis and treatment or care of 2 or more
6 unrelated persons admitted for overnight stay or longer in
7 order to obtain medical, including obstetric, psychiatric and
8 nursing, care of illness, disease, injury, infirmity, or
9 deformity.

10 The term "hospital", without regard to length of stay,
11 shall also include:

12 (a) any facility which is devoted primarily to
13 providing psychiatric and related services and programs
14 for the diagnosis and treatment or care of 2 or more
15 unrelated persons suffering from emotional or nervous
16 diseases;

17 (b) all places where pregnant females are received,
18 cared for, or treated during delivery irrespective of the
19 number of patients received.

20 The term "hospital" includes general and specialized
21 hospitals, tuberculosis sanitarium, mental or psychiatric
22 hospitals and sanitarium, and includes maternity homes,
23 lying-in homes, and homes for unwed mothers in which care is
24 given during delivery.

25 The term "hospital" does not include:

26 (1) any person or institution required to be licensed

1 pursuant to the Nursing Home Care Act or the MR/DD
2 Community Care Act;

3 (2) hospitalization or care facilities maintained by
4 the State or any department or agency thereof, where such
5 department or agency has authority under law to establish
6 and enforce standards for the hospitalization or care
7 facilities under its management and control;

8 (3) hospitalization or care facilities maintained by
9 the federal government or agencies thereof;

10 (4) hospitalization or care facilities maintained by
11 any university or college established under the laws of
12 this State and supported principally by public funds raised
13 by taxation;

14 (5) any person or facility required to be licensed
15 pursuant to the Alcoholism and Other Drug Abuse and
16 Dependency Act;

17 (6) any facility operated solely by and for persons who
18 rely exclusively upon treatment by spiritual means through
19 prayer, in accordance with the creed or tenets of any
20 well-recognized church or religious denomination;

21 (7) an Alzheimer's disease management center
22 alternative health care model licensed under the
23 Alternative Health Care Delivery Act; or

24 (8) any veterinary hospital or clinic operated by a
25 veterinarian or veterinarians licensed under the
26 Veterinary Medicine and Surgery Practice Act of 2004 or

1 maintained by a State-supported or publicly funded
2 university or college.

3 (B) "Person" means the State, and any political subdivision
4 or municipal corporation, individual, firm, partnership,
5 corporation, company, association, or joint stock association,
6 or the legal successor thereof.

7 (C) "Department" means the Department of Public Health of
8 the State of Illinois.

9 (D) "Director" means the Director of Public Health of the
10 State of Illinois.

11 (E) "Perinatal" means the period of time between the
12 conception of an infant and the end of the first month after
13 birth.

14 (F) "Federally designated organ procurement agency" means
15 the organ procurement agency designated by the Secretary of the
16 U.S. Department of Health and Human Services for the service
17 area in which a hospital is located; except that in the case of
18 a hospital located in a county adjacent to Wisconsin which
19 currently contracts with an organ procurement agency located in
20 Wisconsin that is not the organ procurement agency designated
21 by the U.S. Secretary of Health and Human Services for the
22 service area in which the hospital is located, if the hospital
23 applies for a waiver pursuant to 42 USC 1320b-8(a), it may
24 designate an organ procurement agency located in Wisconsin to
25 be thereafter deemed its federally designated organ
26 procurement agency for the purposes of this Act.

1 (G) "Tissue bank" means any facility or program operating
2 in Illinois that is certified by the American Association of
3 Tissue Banks or the Eye Bank Association of America and is
4 involved in procuring, furnishing, donating, or distributing
5 corneas, bones, or other human tissue for the purpose of
6 injecting, transfusing, or transplanting any of them into the
7 human body. "Tissue bank" does not include a licensed blood
8 bank. For the purposes of this Act, "tissue" does not include
9 organs.

10 (H) "Violation" is designated as follows:

11 (a) "Type 'AA' violation" means any of the following:

12 (1) a violation of this Act or the standards,
13 rules, and regulations established by virtue of this
14 Act that creates a condition or occurrence relating to
15 the operation and maintenance of a hospital that
16 proximately caused a patient's death;

17 (2) the failure of a licensee to comply with 5 or
18 more but less than 7 regulatory Code Sections that have
19 been identified with high risk designations; or

20 (3) the failure of a licensee to comply with 7 or
21 more regulatory Code Sections that have not been
22 identified with high risk designations.

23 (b) "Type 'A' violation" means any of the following:

24 (1) a violation of this Act or the standards,
25 rules, and regulations established by virtue of this
26 Act that creates a condition or occurrence relating to

1 the operation and maintenance of a hospital that (i)
2 creates a substantial probability that the risk of
3 death or serious mental or physical harm to a patient
4 will result therefrom or (ii) has resulted in actual
5 physical or mental harm to a patient;

6 (2) the failure of a licensee to comply with 3 or
7 more but less than 5 regulatory Code Sections that have
8 been identified with high risk designations; or

9 (3) the failure of a licensee to comply with 5 or
10 more regulatory Code Sections that have not been
11 identified with high risk designations.

12 (c) "Type 'B' violation" means any of the following:

13 (1) a violation of this Act or the standards,
14 rules, and regulations established by virtue of this
15 Act that creates a condition or occurrence relating to
16 the operation and maintenance of a hospital that is
17 more likely than not to cause more than minimal
18 physical or mental harm to a patient;

19 (2) the failure of a licensee to comply with one or
20 more but less than 3 regulatory Code Sections that have
21 been identified with high risk designations; or

22 (3) the failure of a licensee to comply with 3 or
23 more regulatory Code Sections that have not been
24 identified with high risk designations.

25 (d) "Type 'C' violation" means any of the following:

26 (1) a violation of this Act or the standards,

1 rules, and regulations established by virtue of this
2 Act that creates a condition or occurrence relating to
3 the operation and maintenance of a hospital that
4 creates a substantial probability that minimal or less
5 than minimal physical or mental harm to a resident will
6 result therefrom; or

7 (2) the failure of a licensee with comply with one
8 or more regulatory Code Sections that have not been
9 identified with high risk designations.

10 Nothing shall be deemed a violation under subparagraph (1)
11 of paragraph (a), subparagraph (1) of paragraph (b),
12 subparagraph (1) of paragraph (c), or subparagraph (1) of
13 paragraph (d) of this Section if the condition or occurrence
14 giving rise to the violation arises from a physician licensed
15 to practice medicine in all its branches or a duly licensed
16 nurse providing care within the scope of his or her
17 professional judgment and within the accepted standards of care
18 within the community.

19 (I) "High risk designation" means a regulatory Code Section
20 or subsection that has been identified by the Department
21 through rulemaking to be inherently necessary to the health,
22 safety, and welfare of a hospital patient or the public.

23 (Source: P.A. 96-219, eff. 8-10-09; 96-339, eff. 7-1-10;
24 96-1000, eff. 7-2-10.)

25 (210 ILCS 85/5) (from Ch. 111 1/2, par. 146)

1 Sec. 5. (a) An application for a permit to establish a
2 hospital shall be made to the Department upon forms provided by
3 it. This application shall contain such information as the
4 Department reasonably requires, which shall include
5 affirmative evidence on which the Director may make the
6 findings required under Section 6a of this Act.

7 (b) An application for a license to open, conduct, operate,
8 and maintain a hospital shall be made to the Department upon
9 forms provided by it, accompanied by a license fee of \$50 per
10 bed and shall contain such information as the Department
11 reasonably requires, which may include affirmative evidence of
12 ability to comply with the provisions of this Act and the
13 standards, rules, and regulations, promulgated by virtue
14 thereof.

15 (c) All applications required under this Section shall be
16 signed by the applicant and shall be verified. Applications on
17 behalf of a corporation or association or a governmental unit
18 or agency shall be made and verified by any two officers
19 thereof.

20 (Source: Laws 1965, p. 2350.)

21 (210 ILCS 85/6) (from Ch. 111 1/2, par. 147)

22 Sec. 6. (a) Upon receipt of an application for a permit to
23 establish a hospital the Director shall issue a permit if he
24 finds (1) that the applicant is fit, willing, and able to
25 provide a proper standard of hospital service for the community

1 with particular regard to the qualification, background, and
2 character of the applicant, (2) that the financial resources
3 available to the applicant demonstrate an ability to construct,
4 maintain, and operate a hospital in accordance with the
5 standards, rules, and regulations adopted pursuant to this Act,
6 and (3) that safeguards are provided which assure hospital
7 operation and maintenance consistent with the public interest
8 having particular regard to safe, adequate, and efficient
9 hospital facilities and services.

10 The Director may request the cooperation of county and
11 multiple-county health departments, municipal boards of
12 health, and other governmental and non-governmental agencies
13 in obtaining information and in conducting investigations
14 relating to such applications.

15 A permit to establish a hospital shall be valid only for
16 the premises and person named in the application for such
17 permit and shall not be transferable or assignable.

18 In the event the Director issues a permit to establish a
19 hospital the applicant shall thereafter submit plans and
20 specifications to the Department in accordance with Section 8
21 of this Act.

22 (b) Upon receipt of an application for license to open,
23 conduct, operate, and maintain a hospital, the Director shall
24 issue a license if he finds the applicant and the hospital
25 facilities comply with standards, rules, and regulations
26 promulgated under this Act. A license, unless sooner suspended

1 or revoked, shall be renewable annually upon approval by the
2 Department and payment of a license fee of \$50 per bed. Each
3 license shall be issued only for the premises and persons named
4 in the application and shall not be transferable or assignable.
5 Licenses shall be posted in a conspicuous place on the licensed
6 premises. The Department may, either before or after the
7 issuance of a license, request the cooperation of the State
8 Fire Marshal, county and multiple county health departments, or
9 municipal boards of health to make investigations to determine
10 if the applicant or licensee is complying with the minimum
11 standards prescribed by the Department. The report and
12 recommendations of any such agency shall be in writing and
13 shall state with particularity its findings with respect to
14 compliance or noncompliance with such minimum standards,
15 rules, and regulations.

16 The Director may issue a provisional license to any
17 hospital which does not substantially comply with the
18 provisions of this Act and the standards, rules, and
19 regulations promulgated by virtue thereof provided that he
20 finds that such hospital has undertaken changes and corrections
21 which upon completion will render the hospital in substantial
22 compliance with the provisions of this Act, and the standards,
23 rules, and regulations adopted hereunder, and provided that the
24 health and safety of the patients of the hospital will be
25 protected during the period for which such provisional license
26 is issued. The Director shall advise the licensee of the

1 conditions under which such provisional license is issued,
2 including the manner in which the hospital facilities fail to
3 comply with the provisions of the Act, standards, rules, and
4 regulations, and the time within which the changes and
5 corrections necessary for such hospital facilities to
6 substantially comply with this Act, and the standards, rules,
7 and regulations of the Department relating thereto shall be
8 completed.

9 (Source: P.A. 80-56.)

10 (210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

11 Sec. 7. Notice and hearing.

12 (a) The Director after notice and opportunity for hearing
13 to the applicant or licensee may do any or all of the
14 following:

15 (1) Deny ~~deny~~, suspend, or revoke a permit to establish
16 a hospital or deny, suspend, or revoke a license to open,
17 conduct, operate, and maintain a hospital in any case in
18 which the Director ~~he~~ finds that there has been a
19 substantial failure to comply with the provisions of this
20 Act, the Hospital Report Card Act, or the Illinois Adverse
21 Health Care Events Reporting Law of 2005 or the standards,
22 rules, and regulations established by virtue of any of
23 those Acts. A substantial failure by an applicant or
24 licensee shall include, but not be limited to, any of the
25 following:

1 (A) A failure by the hospital to pay any fine
2 assessed under this Act after the Department has sent
3 to the hospital at least 2 notices of assessment that
4 include a schedule of payments as determined by the
5 Department, taking into account extenuating
6 circumstances and financial hardships of the hospital.

7 (B) Conviction of the licensee, or of the person
8 designated to manage or supervise the hospital, of a
9 felony or of 2 or more misdemeanors involving moral
10 turpitude, including, but not limited to, criminal
11 sexual abuse as defined in the Criminal Code of 1961
12 during the previous 5 years as shown by a certified
13 copy of the record of the court of conviction.

14 (C) Personnel is insufficient in number or
15 unqualified by training or experience to properly care
16 for the number and type of patients served by the
17 hospital.

18 (D) Financial or other resources are insufficient
19 to conduct and operate the hospital in accordance with
20 the standards, rules, and regulations established by
21 virtue of this Act.

22 (E) The hospital has committed 2 Type "AA"
23 violations or 4 Type "A" violations within a 2-year
24 period.

25 (2) Impose ~~The Department may impose~~ fines on
26 hospitals, not to exceed \$500 per occurrence, for failing

1 to initiate a criminal background check on a patient that
2 meets the criteria for hospital-initiated background
3 checks. In assessing whether to impose such a fine, the
4 Department shall consider various factors including, but
5 not limited to, whether the hospital has engaged in a
6 pattern or practice of failing to initiate criminal
7 background checks.

8 (3) Impose fines on hospitals for any other violation
9 of this Act or the standards, rules, and regulations
10 established by virtue of this Act as set forth in Section
11 7.1. Money from fines imposed under paragraphs (2) or (3)
12 of this subsection shall be deposited into the Hospital
13 Licensure ~~Long Term Care Provider~~ Fund.

14 (b) Such notice shall be effected by registered mail or by
15 personal service setting forth the particular reasons for the
16 proposed action and fixing a date, not less than 15 days from
17 the date of such mailing or service, at which time the
18 applicant or licensee shall be given an opportunity for a
19 hearing. Such hearing shall be conducted by the Director or by
20 an employee of the Department designated in writing by the
21 Director as Hearing Officer to conduct the hearing. On the
22 basis of any such hearing, or upon default of the applicant or
23 licensee, the Director shall make a determination specifying
24 his findings and conclusions. In case of a denial to an
25 applicant of a permit to establish a hospital, such
26 determination shall specify the subsection of Section 6 under

1 which the permit was denied and shall contain findings of fact
2 forming the basis of such denial. A copy of such determination
3 shall be sent by registered mail or served personally upon the
4 applicant or licensee. The decision denying, suspending, or
5 revoking a permit or a license shall become final 35 days after
6 it is so mailed or served, unless the applicant or licensee,
7 within such 35 day period, petitions for review pursuant to
8 Section 13. Any decision upholding a violation or fine imposed
9 under Section 7.1 of this Act shall become final 15 days after
10 it is so mailed or served, unless the applicant or licensee
11 within such 15-day period petitions for review pursuant to
12 Section 13 of this Act.

13 (c) The procedure governing hearings authorized by this
14 Section shall be in accordance with rules promulgated by the
15 Department ~~and approved by the Hospital Licensing Board~~. A full
16 and complete record shall be kept of all proceedings, including
17 the notice of hearing, complaint, and all other documents in
18 the nature of pleadings, written motions filed in the
19 proceedings, and the report and orders of the Director and
20 Hearing Officer. All testimony shall be reported but need not
21 be transcribed unless the decision is appealed pursuant to
22 Section 13. A copy or copies of the transcript may be obtained
23 by any interested party on payment of the cost of preparing
24 such copy or copies.

25 (d) The Director or Hearing Officer shall upon his own
26 motion, or on the written request of any party to the

1 proceeding, issue subpoenas requiring the attendance and the
2 giving of testimony by witnesses, and subpoenas duces tecum
3 requiring the production of books, papers, records, or
4 memoranda. All subpoenas and subpoenas duces tecum issued under
5 the terms of this Act may be served by any person of full age.
6 The fees of witnesses for attendance and travel shall be the
7 same as the fees of witnesses before the Circuit Court of this
8 State, such fees to be paid when the witness is excused from
9 further attendance. When the witness is subpoenaed at the
10 instance of the Director, or Hearing Officer, such fees shall
11 be paid in the same manner as other expenses of the Department,
12 and when the witness is subpoenaed at the instance of any other
13 party to any such proceeding the Department may require that
14 the cost of service of the subpoena or subpoena duces tecum and
15 the fee of the witness be borne by the party at whose instance
16 the witness is summoned. In such case, the Department in its
17 discretion, may require a deposit to cover the cost of such
18 service and witness fees. A subpoena or subpoena duces tecum
19 issued as aforesaid shall be served in the same manner as a
20 subpoena issued out of a court.

21 (e) Any Circuit Court of this State upon the application of
22 the Director, or upon the application of any other party to the
23 proceeding, may, in its discretion, compel the attendance of
24 witnesses, the production of books, papers, records, or
25 memoranda and the giving of testimony before the Director or
26 Hearing Officer conducting an investigation or holding a

1 hearing authorized by this Act, by an attachment for contempt,
2 or otherwise, in the same manner as production of evidence may
3 be compelled before the court.

4 (f) The Director or Hearing Officer, or any party in an
5 investigation ~~or hearing~~ before the Department, may cause the
6 depositions of witnesses within the State to be taken in the
7 manner prescribed by law for like depositions in civil actions
8 in courts of this State, and to that end compel the attendance
9 of witnesses and the production of books, papers, records, or
10 memoranda.

11 (Source: P.A. 96-1372, eff. 7-29-10.)

12 (210 ILCS 85/7.1 new)

13 Sec. 7.1. Penalties.

14 (a) The licensee of a hospital that is in violation of any
15 provision of this Act or the standards, rules, and regulations
16 established by virtue of this Act may be subject to the
17 penalties or fines levied by the Department as specified in
18 this Section. The penalties and fines are as follows:

19 (1) A licensee who commits a Type "AA" violation, as
20 defined in Section 3 of this Act, may be assessed a fine of
21 up to \$50,000 per violation and may be issued a provisional
22 license pursuant to Section 6 of this Act.

23 (2) A licensee who commits a Type "A" violation, as
24 defined in Section 3 of this Act, may be assessed a fine of
25 up to \$25,0000 per violation and may be issued a

1 provisional license pursuant to Section 6 of this Act.

2 (3) A licensee who commits a Type "B" violation, as
3 defined in Section 3 of this Act, may be assessed a fine of
4 up to \$10,000 per violation.

5 (4) A licensee who commits 10 or more Type "C"
6 violations, as defined in Section 3 of this Act, may be
7 assessed a fine of up to \$1,000 per violation.

8 (b) The maximum fines that may be assessed pursuant to this
9 Section shall be twice those otherwise specified for any
10 hospital that willfully makes a misstatement of fact to the
11 Department or willfully fails to make a required notification
12 to the Department if that misstatement or failure substantially
13 impairs the Department's investigation.

14 (c) If the Department finds that a facility that has a high
15 risk designation, as defined in Section 3 of this Act, has
16 violated a provision of the Illinois Administrative Code or
17 that a facility has violated the same provision of the Illinois
18 Administrative Code 3 or more times in the previous 12 months,
19 then the Department may assess a fine of up to 2 times the
20 maximum fine otherwise allowed.

21 (210 ILCS 85/7.2 new)

22 Sec. 7.2. Determining penalty. In determining whether a
23 penalty is to be imposed and in determining the amount of the
24 penalty to be imposed, if any, for a violation, the Director
25 shall consider the following factors, but shall not be required

1 to assign a specific value to each one:

2 (1) the gravity of the violation, including the
3 probability that death or serious physical or mental harm
4 to a patient will result or has resulted, the severity of
5 the actual or potential harm, and the extent to which the
6 provisions of the applicable statutes, standards, or
7 regulations were violated;

8 (2) the reasonable diligence exercised by the licensee
9 and efforts to correct violations;

10 (3) any previous violations committed by the licensee;

11 (4) the financial benefit to the facility of committing
12 or continuing the violation; and

13 (5) the number of patients affected by the violation.

14 (210 ILCS 85/7.3 new)

15 Sec. 7.3. Inspection. Any holder of a license or applicant
16 for a license shall be deemed to have given consent to any
17 authorized officer, employee, or agent of the Department to
18 enter and inspect the hospital in accordance with this Act.
19 Refusal to permit such entry or inspection shall constitute
20 grounds for denial, suspension, or revocation of a license as
21 provided in Section 7 of this Act.

22 (210 ILCS 85/7.4 new)

23 Sec. 7.4. Emergency closure. Whenever the Department finds
24 that an emergency exists that requires immediate action to

1 protect the public health, it may, without notice or hearing,
2 issue an order reciting the existence of such an emergency and
3 then require that such action be taken as it may deem necessary
4 to meet the emergency, including, but not limited to, closure
5 of a hospital. Notwithstanding any other provision in this Act,
6 such order shall be effective immediately. The State's Attorney
7 and sheriff of the county in which the hospital is located or
8 the Attorney General shall enforce the order after receiving
9 notice thereof. Any licensee affected by such an order is
10 entitled, upon request, to a hearing as provided for in rules
11 adopted pursuant to this Act. When such emergency conditions
12 are abated in the opinion of the Department, the Department may
13 authorize reopening the hospital.

14 (210 ILCS 85/7.6 new)

15 Sec. 7.6. Whistleblower protection.

16 (a) In this Section, "retaliatory action" means the
17 reprimand, discharge, suspension, demotion, denial of
18 promotion or transfer, or change in the terms and conditions of
19 employment of any employee of a hospital that is taken in
20 retaliation for the employee's involvement in a protected
21 activity as set forth in paragraphs (1) through (3) of
22 subsection (b) of this Section.

23 (b) A hospital through its administrator, agent, or
24 employee shall not take any retaliatory action against another
25 employee of a hospital because the employee does any of the

1 following:

2 (1) Discloses or threatens to disclose to a supervisor
3 or to a public body an activity, inaction, policy, or
4 practice implemented by a hospital that the employee
5 reasonably believes is in violation of a law, rule, or
6 regulation.

7 (2) Provides information to or testifies before any
8 public body conducting an investigation, hearing, or
9 inquiry into any violation of a law, rule, or regulation by
10 the hospital.

11 (3) Assists or participates in a proceeding to enforce
12 the provisions of this Act.

13 (c) A violation of this Section may be established only
14 upon a finding that (i) the hospital engaged in conduct
15 described in subsection (b) of this Section and (ii) this
16 conduct was a contributing factor in the retaliatory action
17 alleged by the employee. There is no violation of this Section,
18 however, if the hospital demonstrates by clear and convincing
19 evidence that it would have taken the same unfavorable
20 personnel action in the absence of that conduct.

21 (d) The employee of the facility may be awarded all
22 remedies necessary to make the employee whole and to prevent
23 future violations of this Section. Remedies imposed by the
24 court may include, but are not limited to, all of the
25 following:

26 (1) Reinstatement of the employee to either the same

1 position held before the retaliatory action or to an
2 equivalent position.

3 (2) Two times the amount of back pay.

4 (3) Interest on the back pay.

5 (4) Reinstatement of full fringe benefits and
6 seniority rights.

7 (5) Payment of reasonable costs and attorney's fees.

8 (e) Nothing in this Section shall be deemed to diminish the
9 rights, privileges, or remedies of an employee of a hospital
10 under any other federal or State law, rule, or regulation or
11 under any employment contract.

12 (210 ILCS 85/9) (from Ch. 111 1/2, par. 150)

13 Sec. 9. Inspections and investigations.

14 (a) The Department shall make or cause to be made such
15 inspections and investigations as it deems necessary, except
16 that, subject to appropriation, the Department shall
17 investigate every allegation of abuse of a patient received by
18 the Department. Information received by the Department through
19 filed reports, inspection, or as otherwise authorized under
20 this Act shall not be disclosed publicly in such manner as to
21 identify individuals or hospitals, except (i) in a proceeding
22 involving the denial, suspension, or revocation of a permit to
23 establish a hospital or a proceeding involving the denial,
24 suspension, or revocation of a license to open, conduct,
25 operate, and maintain a hospital, (ii) to the Department of

1 Children and Family Services in the course of a child abuse or
2 neglect investigation conducted by that Department or by the
3 Department of Public Health, (iii) in accordance with Section
4 6.14a of this Act, or (iv) in other circumstances as may be
5 approved by the Department Hospital Licensing Board.

6 (b) Individuals employed by a hospital licensed by the
7 Department shall be required to indicate in writing whether
8 they agree or disagree with any interview statement as written
9 by a surveyor conducting an inspection or investigation and
10 shall sign the interview statement. Failure to comply with this
11 provision shall result in a rebuttable presumption that the
12 interview statement was accurately recorded by the surveyor.

13 (Source: P.A. 96-692, eff. 1-1-10.)

14 (210 ILCS 85/9.3)

15 Sec. 9.3. Informal dispute resolution. The Department may
16 ~~must~~ offer an opportunity for informal dispute resolution
17 concerning Department rules and standards before the advisory
18 committee under subsection (b) of Section 2310-560 of the
19 Department of Public Health Powers and Duties Law of the Civil
20 Administrative Code of Illinois. Participants in this process
21 must include representatives from the Department,
22 representatives of the hospital, and additional
23 representatives deemed appropriate by both parties with
24 expertise regarding the contested deficiencies and the
25 management of health care facilities. If the Department does

1 not resolve disputed deficiencies after the informal dispute
2 resolution process, the Department must provide a written
3 explanation to the hospital of why the deficiencies have not
4 been removed from the statement of deficiencies.

5 (Source: P.A. 92-803, eff. 8-16-02; 93-41, eff. 6-27-03.)

6 (210 ILCS 85/9.4)

7 Sec. 9.4. Findings, conclusions, and citations. The
8 Department must consider any factual information offered by the
9 hospital during the survey, inspection, or investigation, at
10 daily status briefings, and in the exit briefing required under
11 Section 9.2 before making final findings and conclusions or
12 issuing violations ~~citations~~. The Department must document
13 receipt of such information. The Department must provide the
14 hospital with written notice of its findings and conclusions
15 within 10 days of the exit briefing required under Section 9.2.
16 This notice must provide the following information: (i)
17 identification of all deficiencies and areas of noncompliance
18 with applicable law; (ii) identification of the applicable
19 statutes, rules, codes, or standards that were violated; ~~and~~
20 (iii) the factual basis for each deficiency or violation, and
21 (iv) any fines or penalties assessed as the result of each
22 deficiency or violation.

23 (Source: P.A. 93-41, eff. 6-27-03.)

24 (210 ILCS 85/9.6)

1 Sec. 9.6. Patient protection from abuse.

2 (a) No administrator, agent, or employee of a hospital or a
3 member of its medical staff may abuse a patient in the
4 hospital.

5 (b) Any hospital administrator, agent, employee, or
6 medical staff member who has reasonable cause to believe that
7 any patient with whom he or she has direct contact has been
8 subjected to abuse in the hospital shall promptly report or
9 cause a report to be made to a designated hospital
10 administrator responsible for providing such reports to the
11 Department as required by this Section.

12 (c) Retaliation against a person who lawfully and in good
13 faith makes a report under this Section is prohibited, as
14 provided in Section 7.5 of this Act.

15 (d) Upon receiving a report under subsection (b) of this
16 Section, the hospital shall submit the report to the Department
17 within 24 hours of obtaining such report. In the event that the
18 hospital receives multiple reports involving a single alleged
19 instance of abuse, the hospital shall submit one report to the
20 Department.

21 (e) Upon receiving a report under this Section, the
22 hospital shall promptly conduct an internal review to ensure
23 the alleged victim's safety. Measures to protect the alleged
24 victim shall be taken as deemed necessary by the hospital's
25 administrator and may include, but are not limited to, removing
26 suspected violators from further patient contact during the

1 hospital's internal review. If the alleged victim lacks
2 decision-making capacity under the Health Care Surrogate Act
3 and no health care surrogate is available, the hospital may
4 contact the Illinois Guardianship and Advocacy Commission to
5 determine the need for a temporary guardian of that person.

6 (f) All internal hospital reviews shall be conducted by a
7 designated hospital employee or agent who is qualified to
8 detect abuse and is not involved in the alleged victim's
9 treatment. All internal review findings must be documented and
10 filed according to hospital procedures and shall be made
11 available to the Department upon request.

12 (g) Any other person may make a report of patient abuse to
13 the Department if that person has reasonable cause to believe
14 that a patient has been abused in the hospital.

15 (h) The report required under this Section shall include:
16 the name of the patient; the name and address of the hospital
17 treating the patient; the age of the patient; the nature of the
18 patient's condition, including any evidence of previous
19 injuries or disabilities; and any other information that the
20 reporter believes might be helpful in establishing the cause of
21 the reported abuse and the identity of the person believed to
22 have caused the abuse.

23 (i) Except for willful or wanton misconduct, any
24 individual, person, institution, or agency participating in
25 good faith in the making of a report under this Section, or in
26 the investigation of such a report or in making a disclosure of

1 information concerning reports of abuse under this Section,
2 shall have immunity from any liability, whether civil,
3 professional, or criminal, that otherwise might result by
4 reason of such actions. For the purpose of any proceedings,
5 whether civil, professional, or criminal, the good faith of any
6 persons required to report cases of suspected abuse under this
7 Section or who disclose information concerning reports of abuse
8 in compliance with this Section, shall be presumed.

9 (j) No administrator, agent, or employee of a hospital
10 shall adopt or employ practices or procedures designed to
11 discourage good faith reporting of patient abuse under this
12 Section.

13 (k) Every hospital shall ensure that all new and existing
14 employees are trained in the detection and reporting of abuse
15 of patients and retrained at least every 2 years thereafter.

16 (l) The Department shall investigate each report of patient
17 abuse made under this Section according to the procedures of
18 the Department, except that a report of abuse which indicates
19 that a patient's life or safety is in imminent danger shall be
20 investigated within 24 hours of such report. Under no
21 circumstances may a hospital's internal review of an allegation
22 of abuse replace an investigation of the allegation by the
23 Department.

24 (m) The Department shall keep a continuing record of all
25 reports made pursuant to this Section, including indications of
26 the final determination of any investigation and the final

1 disposition of all reports. The Department shall inform the
2 investigated hospital and any other person making a report
3 under subsection (g) of its final determination or disposition
4 in writing.

5 (n) The Department shall not disclose to the public any
6 information regarding any reports and investigations under
7 this Section unless and until the report of abuse is
8 substantiated following a full and proper investigation.

9 (o) All patient identifiable information in any report or
10 investigation under this Section shall be confidential and
11 shall not be disclosed except as authorized by this Act or
12 other applicable law.

13 (p) Nothing in this Section relieves a hospital
14 administrator, employee, agent, or medical staff member from
15 contacting appropriate law enforcement authorities as required
16 by law.

17 (q) Nothing in this Section shall be construed to mean that
18 a patient is a victim of abuse because of health care services
19 provided or not provided by health care professionals.

20 (r) Nothing in this Section shall require a hospital,
21 including its employees, agents, and medical staff members, to
22 provide any services to a patient in contravention of his or
23 her stated or implied objection thereto upon grounds that such
24 services conflict with his or her religious beliefs or
25 practices, nor shall such a patient be considered abused under
26 this Section for the exercise of such beliefs or practices.

1 (s) The Department's implementation of this Section is
2 subject to appropriations to the Department for that purpose.

3 (t) As used in this Section, the following terms have the
4 following meanings:

5 "Abuse" means any physical or mental injury or sexual abuse
6 intentionally inflicted by a hospital employee, agent, or
7 medical staff member on a patient of the hospital and does not
8 include any hospital, medical, health care, or other personal
9 care services done in good faith in the interest of the patient
10 according to established medical and clinical standards of
11 care.

12 "Mental injury" means intentionally caused emotional
13 distress in a patient from words or gestures that would be
14 considered by a reasonable person to be humiliating, harassing,
15 or threatening and which causes observable and substantial
16 impairment.

17 "Sexual abuse" means any intentional act of sexual contact
18 or sexual penetration of a patient in the hospital.

19 "Substantiated", with respect to a report of abuse, means
20 that a preponderance of the evidence indicates that abuse
21 occurred.

22 (Source: P.A. 96-692, eff. 1-1-10.)

23 (210 ILCS 85/10) (from Ch. 111 1/2, par. 151)

24 Sec. 10. Board creation; Department rules.

25 (a) The Governor shall appoint a Hospital Licensing Board

1 composed of 14 persons, which shall advise and consult with the
2 Director in the administration of this Act. The Secretary of
3 Human Services (or his or her designee) shall serve on the
4 Board, along with one additional representative of the
5 Department of Human Services to be designated by the Secretary.
6 Four appointive members shall represent the general public and
7 2 of these shall be members of hospital governing boards; one
8 appointive member shall be a registered professional nurse or
9 advanced practice, nurse as defined in the Nurse Practice Act,
10 who is employed in a hospital; 3 appointive members shall be
11 hospital administrators actively engaged in the supervision or
12 administration of hospitals; 2 appointive members shall be
13 practicing physicians, licensed in Illinois to practice
14 medicine in all of its branches; and one appointive member
15 shall be a physician licensed to practice podiatric medicine
16 under the Podiatric Medical Practice Act of 1987; and one
17 appointive member shall be a dentist licensed to practice
18 dentistry under the Illinois Dental Practice Act. In making
19 Board appointments, the Governor shall give consideration to
20 recommendations made through the Director by professional
21 organizations concerned with hospital administration for the
22 hospital administrative and governing board appointments,
23 registered professional nurse organizations for the registered
24 professional nurse appointment, professional medical
25 organizations for the physician appointments, and professional
26 dental organizations for the dentist appointment.

1 (b) Each appointive member shall hold office for a term of
2 3 years, except that any member appointed to fill a vacancy
3 occurring prior to the expiration of the term for which his
4 predecessor was appointed shall be appointed for the remainder
5 of such term and the terms of office of the members first
6 taking office shall expire, as designated at the time of
7 appointment, 2 at the end of the first year, 2 at the end of the
8 second year, and 3 at the end of the third year, after the date
9 of appointment. The initial terms of office of the 2 additional
10 members representing the general public provided for in this
11 Section shall expire at the end of the third year after the
12 date of appointment. The term of office of each original
13 appointee shall commence July 1, 1953; the term of office of
14 the original registered professional nurse appointee shall
15 commence July 1, 1969; the term of office of the original
16 licensed podiatrist appointee shall commence July 1, 1981; the
17 term of office of the original dentist appointee shall commence
18 July 1, 1987; and the term of office of each successor shall
19 commence on July 1 of the year in which his predecessor's term
20 expires. Board members, while serving on business of the Board,
21 shall receive actual and necessary travel and subsistence
22 expenses while so serving away from their places of residence.
23 The Board shall meet as frequently as the Director deems
24 necessary, but not less than once a year. Upon request of 5 or
25 more members, the Director shall call a meeting of the Board.

26 (c) The Director shall prescribe rules, regulations,

1 standards, and statements of policy needed to implement,
2 interpret, or make specific the provisions and purposes of this
3 Act. The Department shall adopt rules which set forth standards
4 for determining when the public interest, safety or welfare
5 requires emergency action in relation to termination of a
6 research program or experimental procedure conducted by a
7 hospital licensed under this Act. No rule, regulation, or
8 standard shall be adopted by the Department concerning the
9 operation of hospitals licensed under this Act ~~which has not~~
10 ~~had prior approval of the Hospital Licensing Board, nor shall~~
11 ~~the Department adopt any rule, regulation or standard relating~~
12 ~~to the establishment of a hospital~~ without consultation with
13 the Hospital Licensing Board.

14 (d) Within one year after the effective date of this
15 amendatory Act of 1984, all hospitals licensed under this Act
16 and providing perinatal care shall comply with standards of
17 perinatal care promulgated by the Department. The Director
18 shall promulgate rules or regulations under this Act which are
19 consistent with "An Act relating to the prevention of
20 developmental disabilities", approved September 6, 1973, as
21 amended.

22 (Source: P.A. 95-639, eff. 10-5-07.)

23 (210 ILCS 85/13) (from Ch. 111 1/2, par. 154)

24 Sec. 13. Administrative decisions. Whenever the Department
25 (i) refuses to grant, or revokes or suspends a permit to

1 establish a hospital, or a license to open, conduct, operate,
2 or maintain a hospital or (ii) upholds a fine based on
3 violations issued pursuant to Section 7 of this Act, the
4 applicant or licensee may have such decision judicially
5 reviewed. The provisions of the Administrative Review Law, as
6 heretofore or hereafter amended, and the rules adopted pursuant
7 thereto shall apply to and govern all proceedings for the
8 judicial review of final administrative decisions of the
9 Department hereunder. The term "administrative decisions" is
10 defined as in Section 3-101 of the Code of Civil Procedure.
11 (Source: P.A. 82-783.)

12 (210 ILCS 85/13.1 new)

13 Sec. 13.1. Judicial review. The Department shall not be
14 required to certify any record or file any answer or otherwise
15 appear in any proceeding for judicial review, unless there is
16 filed in the court with the complaint a receipt from the
17 Department acknowledging payment of the costs of furnishing and
18 certifying the record, which costs shall be computed at the
19 rate of \$1 per page of such record. Failure on the part of the
20 plaintiff to file such receipt in Court shall be grounds for
21 dismissal of the action; provided however, that persons
22 proceeding in forma pauperis with the approval of the circuit
23 court shall not be required to pay these fees.

24 (210 ILCS 85/14.5 new)

1 Sec. 14.5. Hospital Licensure Fund. The Department shall
2 deposit all fees and fines collected in relation to the
3 licensure of hospitals into the Hospital Licensure Fund, a
4 special fund created in the State Treasury, for the purpose of
5 providing funding for the administration of the licensure
6 program for hospitals.

7 (210 ILCS 85/15) (from Ch. 111 1/2, par. 156)

8 Sec. 15. Injunction; other relief. Notwithstanding the
9 existence or pursuit of any other remedy, the Director may, in
10 the manner provided by law, upon the advice of the State's
11 Attorney or Attorney General who shall represent the Director
12 in the proceedings, maintain an action in the name of the State
13 for injunction or other process against any person or
14 governmental unit to restrain or prevent the establishment of a
15 hospital without a permit issued pursuant to this Act, or to
16 restrain or prevent the opening, conducting, operating, or
17 maintaining of a hospital without a license issued pursuant to
18 this Act. In addition, the Director may, in the manner provided
19 by law, in the name of the People of this State and through the
20 State's Attorney or Attorney General, who shall represent the
21 Director in the proceedings, maintain an action for injunction
22 or other relief or process against any licensee to enforce and
23 compel compliance with the provisions of this Act and the
24 standards, rules, and regulations established by virtue of this
25 Act and any order entered for any response action pursuant to

1 this Act and such standards, rules, and regulations.

2 (Source: Laws 1965, p. 2350.)

3 Section 25. The Abused and Neglected Child Reporting Act is
4 amended by changing Section 7.20 as follows:

5 (325 ILCS 5/7.20)

6 Sec. 7.20. Inter-agency agreements for information. The
7 Department shall enter into an inter-agency agreement with the
8 Secretary of State to establish a procedure by which employees
9 of the Department may have immediate access to driver's license
10 records maintained by the Secretary of State if the Department
11 determines the information is necessary to perform its duties
12 under the Abused and Neglected Child Reporting Act, the Child
13 Care Act of 1969, and the Children and Family Services Act. The
14 Department shall enter into an inter-agency agreement with the
15 Department of Healthcare and Family Services and the Department
16 of Human Services (acting as successor to the Department of
17 Public Aid under the Department of Human Services Act) to
18 establish a procedure by which employees of the Department may
19 have immediate access to records, files, papers, and
20 communications (except medical, alcohol or drug assessment or
21 treatment, mental health, or any other medical records) of the
22 Department of Healthcare and Family Services, county
23 departments of public aid, the Department of Human Services,
24 and local governmental units receiving State or federal funds

1 or aid to provide public aid, if the Department determines the
2 information is necessary to perform its duties under the Abused
3 and Neglected Child Reporting Act, the Child Care Act of 1969,
4 and the Children and Family Services Act. The Department shall
5 enter into an inter-agency agreement with the Department of
6 Public Health to establish a procedure by which the Department
7 of Public Health will receive notification of indicated child
8 abuse or neglect reports involving staff of, or occurring in,
9 facilities licensed under the Hospital Licensing Act.

10 (Source: P.A. 95-331, eff. 8-21-07.)

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

1 INDEX
2 Statutes amended in order of appearance

3 30 ILCS 105/5.650
4 30 ILCS 105/5.786 new
5 30 ILCS 105/5.787 new
6 210 ILCS 5/5 from Ch. 111 1/2, par. 157-8.5
7 210 ILCS 5/6 from Ch. 111 1/2, par. 157-8.6
8 210 ILCS 5/12.5 new
9 210 ILCS 55/4 from Ch. 111 1/2, par. 2804
10 210 ILCS 55/10.05
11 210 ILCS 85/3
12 210 ILCS 85/5 from Ch. 111 1/2, par. 146
13 210 ILCS 85/6 from Ch. 111 1/2, par. 147
14 210 ILCS 85/7 from Ch. 111 1/2, par. 148
15 210 ILCS 85/7.1 new
16 210 ILCS 85/7.2 new
17 210 ILCS 85/7.3 new
18 210 ILCS 85/7.4 new
19 210 ILCS 85/7.6 new
20 210 ILCS 85/9 from Ch. 111 1/2, par. 150
21 210 ILCS 85/9.3
22 210 ILCS 85/9.4
23 210 ILCS 85/9.6
24 210 ILCS 85/10 from Ch. 111 1/2, par. 151
25 210 ILCS 85/13 from Ch. 111 1/2, par. 154

1 210 ILCS 85/13.1 new

2 210 ILCS 85/14.5 new

3 210 ILCS 85/15 from Ch. 111 1/2, par. 156

4 325 ILCS 5/7.20