

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB3383**

Introduced 2/4/2026, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

210 ILCS 85/3
210 ILCS 85/6.23
210 ILCS 83/Act rep.

Amends the Hospital Licensing Act. Defines "pathogens of epidemiological concern". Provides that each hospital shall develop and implement comprehensive interventions to prevent and control pathogens of epidemiological concern (instead of multidrug-resistant organisms) that take into consideration guidelines of the U.S. Centers for Disease Control and Prevention or recommendations from the Infectious Disease Society of America, the Society for Healthcare Epidemiology of America, the Association for Professionals in Infection Control and Epidemiology, or the Pediatric Infectious Disease Society for the management of multidrug-resistant organisms in health care settings. Within 12 months after the effective date of the amendatory Act, requires each hospital to adopt a policy for preventing and controlling the transmission of pathogens of epidemiological concern. Establishes reporting requirements for hospitals with patients carrying pathogens of epidemiological concern. Repeals the MRSA Screening and Reporting Act.

LRB104 20090 BAB 33541 b

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 Hospital Licensing Act is amended by
5 changing Sections 3 and 6.23 as follows:

6 (210 ILCS 85/3)

7 Sec. 3. As used in this Act:

8 (A) "Hospital" means any institution, place, building,
9 buildings on a campus, or agency, public or private, whether
10 organized for profit or not, devoted primarily to the
11 maintenance and operation of facilities for the diagnosis and
12 treatment or care of 2 or more unrelated persons admitted for
13 overnight stay or longer in order to obtain medical, including
14 obstetric, psychiatric and nursing, care of illness, disease,
15 injury, infirmity, or deformity.

16 The term "hospital", without regard to length of stay,
17 shall also include:

18 (a) any facility which is devoted primarily to
19 providing psychiatric and related services and programs
20 for the diagnosis and treatment or care of 2 or more
21 unrelated persons suffering from emotional or nervous
22 diseases;

23 (b) all places where pregnant females are received,

1 cared for, or treated during delivery irrespective of the
2 number of patients received; and

3 (c) on and after January 1, 2023, a rural emergency
4 hospital, as that term is defined under subsection
5 (kkk)(2) of Section 1861 of the federal Social Security
6 Act; to provide for the expeditious and timely
7 implementation of this amendatory Act of the 102nd General
8 Assembly, emergency rules to implement the changes made to
9 the definition of "hospital" by this amendatory Act of the
10 102nd General Assembly may be adopted by the Department
11 subject to the provisions of Section 5-45 of the Illinois
12 Administrative Procedure Act.

13 The term "hospital" includes general and specialized
14 hospitals, tuberculosis sanitarium, mental or psychiatric
15 hospitals and sanitarium, and includes maternity homes,
16 lying-in homes, and homes for unwed mothers in which care is
17 given during delivery.

18 The term "hospital" does not include:

19 (1) any person or institution required to be licensed
20 pursuant to the Nursing Home Care Act, the Specialized
21 Mental Health Rehabilitation Act of 2013, the ID/DD
22 Community Care Act, or the MC/DD Act;

23 (2) hospitalization or care facilities maintained by
24 the State or any department or agency thereof, where such
25 department or agency has authority under law to establish
26 and enforce standards for the hospitalization or care

1 facilities under its management and control;

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

4 (4) hospitalization or care facilities maintained by
5 any university or college established under the laws of
6 this State and supported principally by public funds
7 raised by taxation;

8 (5) any person or facility required to be licensed
9 pursuant to the Substance Use Disorder Act;

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

14 (7) an Alzheimer's disease management center
15 alternative health care model licensed under the
16 Alternative Health Care Delivery Act;

17 (8) any veterinary hospital or clinic operated by a
18 veterinarian or veterinarians licensed under the
19 Veterinary Medicine and Surgery Practice Act of 2004 or
20 maintained by a State-supported or publicly funded
21 university or college; or

22 (9) a psychiatric residential treatment facility
23 certified under the Psychiatric Residential Treatment
24 Facilities (PRTF) Act.

25 (B) "Person" means the State, and any political
26 subdivision or municipal corporation, individual, firm,

1 partnership, corporation, company, association, or joint stock
2 association, or the legal successor thereof.

3 (C) "Department" means the Department of Public Health of
4 the State of Illinois.

5 (D) "Director" means the Director of Public Health of the
6 State of Illinois.

7 (D-5) "Pathogens of epidemiological concern" means any
8 infectious agent that has one or more of the following
9 characteristics:

10 (1) a propensity for transmission within health care
11 facilities based on published reports from:

12 (A) the Centers for Disease Control and
13 Prevention; or

14 (B) the Department of Public Health;

15 (2) the occurrence of temporal or geographic clusters
16 of 2 or more patients;

17 (3) antimicrobial resistance implications;

18 (4) association with serious clinical disease or
19 increased morbidity and mortality;

20 (5) a newly discovered or reemerging pathogen; or

21 (6) any other characteristic determined by a state or
22 local health department.

23 (E) "Perinatal" means the period of time between the
24 conception of an infant and the end of the first month after
25 birth.

26 (F) "Federally designated organ procurement agency" means

1 the organ procurement agency designated by the Secretary of
2 the U.S. Department of Health and Human Services for the
3 service area in which a hospital is located; except that in the
4 case of a hospital located in a county adjacent to Wisconsin
5 which currently contracts with an organ procurement agency
6 located in Wisconsin that is not the organ procurement agency
7 designated by the U.S. Secretary of Health and Human Services
8 for the service area in which the hospital is located, if the
9 hospital applies for a waiver pursuant to 42 U.S.C.
10 1320b-8(a), it may designate an organ procurement agency
11 located in Wisconsin to be thereafter deemed its federally
12 designated organ procurement agency for the purposes of this
13 Act.

14 (G) "Tissue bank" means any facility or program operating
15 in Illinois that is certified by the American Association of
16 Tissue Banks or the Eye Bank Association of America and is
17 involved in procuring, furnishing, donating, or distributing
18 corneas, bones, or other human tissue for the purpose of
19 injecting, transfusing, or transplanting any of them into the
20 human body. "Tissue bank" does not include a licensed blood
21 bank. For the purposes of this Act, "tissue" does not include
22 organs.

23 (H) "Campus", as this term applies to operations, has the
24 same meaning as the term "campus" as set forth in federal
25 Medicare regulations, 42 CFR 413.65.

26 (Source: P.A. 104-147, eff. 8-1-25.)

1 (210 ILCS 85/6.23)

2 Sec. 6.23. Prevention and control of pathogens of
3 epidemiological concern ~~Multidrug-Resistant Organisms.~~

4 (a) Each hospital shall develop and implement
5 comprehensive interventions to prevent and control pathogens
6 of epidemiological concern ~~multidrug-resistant organisms~~
7 ~~(MDROs), including methicillin resistant Staphylococcus~~
8 ~~aureus (MRSA), vancomycin resistant enterococci (VRE), and~~
9 ~~certain gram negative bacilli (GNB),~~ that take into
10 consideration guidelines of the U.S. Centers for Disease
11 Control and Prevention or recommendations from (A) the
12 Infectious Disease Society of America, (B) the Society for
13 Healthcare Epidemiology of America, (C) the Association for
14 Professionals in Infection Control and Epidemiology, and (D)
15 the Pediatric Infectious Disease Society for the management of
16 multidrug-resistant organisms ~~MDROs~~ in health care ~~healthcare~~
17 settings. The Department may also consider any other credible
18 scientific bodies or organizations in adopting rules and
19 developing policies and findings in relation to the management
20 of multidrug-resistant organisms in health care settings. The
21 Department shall adopt administrative rules that require
22 hospitals to perform an annual facility-wide infection control
23 risk assessment and enforce hand hygiene and contact
24 precaution requirements.

25 (b) Within 12 months after the effective date of this

1 amendatory Act of the 104th General Assembly, each hospital
2 shall adopt a policy for preventing and controlling the
3 transmission of pathogens of epidemiological concern that
4 shall, at a minimum, contain:

5 (1) a facility risk assessment to identify pathogens
6 of epidemiological concern that considers elements such as
7 the probability of occurrence, as determined through
8 surveillance, the potential impact of a pathogen, and
9 measures the hospital has implemented to mitigate the risk
10 to patients, health care workers, and visitors; and

11 (2) appropriate evidence-based procedures and
12 intervention strategies to identify patients carrying
13 pathogens of epidemiological concern and to help prevent
14 patients from transmitting pathogens of epidemiological
15 concern to other patients and health care workers.

16 (c) A hospital that has, through appropriate testing,
17 identified a patient who has a pathogen of epidemiological
18 concern shall report the patient to the United States
19 Department of Health and Human Services or the National
20 Healthcare Safety Network of the United States Centers for
21 Disease Control and Prevention, as required by the Department
22 of Public Health or the United States Centers for Medicare and
23 Medicaid services.

24 (Source: P.A. 95-282, eff. 8-20-07; 95-876, eff. 8-21-08.)

25 (210 ILCS 83/Act rep.)

1 Section 10. The MRSA Screening and Reporting Act is
2 repealed.