



Rep. Michael D. Unes

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LRB101 10078 CPF 58123 a

1 AMENDMENT TO HOUSE BILL 3038

2 AMENDMENT NO. _____. Amend House Bill 3038 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sexual Assault Survivors Emergency
5 Treatment Act is amended by changing Section 2 as follows:

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

7 Sec. 2. Hospital and approved pediatric health care
8 facility requirements for sexual assault plans.

9 (a) Every hospital required to be licensed by the
10 Department pursuant to the Hospital Licensing Act, or operated
11 under the University of Illinois Hospital Act that provides
12 general medical and surgical hospital services shall provide
13 either (i) transfer services to all sexual assault survivors,
14 (ii) medical forensic services to all sexual assault survivors,
15 or (iii) transfer services to pediatric sexual assault
16 survivors and medical forensic services to sexual assault

1 survivors 13 years old or older, in accordance with rules
2 adopted by the Department.

3 In addition, every such hospital, regardless of whether or
4 not a request is made for reimbursement, shall submit to the
5 Department a plan to provide either (i) transfer services to
6 all sexual assault survivors, (ii) medical forensic services to
7 all sexual assault survivors, or (iii) transfer services to
8 pediatric sexual assault survivors and medical forensic
9 services to sexual assault survivors 13 years old or older. The
10 Department shall approve such plan for either (i) transfer
11 services to all sexual assault survivors, (ii) medical forensic
12 services to all sexual assault survivors, or (iii) transfer
13 services to pediatric sexual assault survivors and medical
14 forensic services to sexual assault survivors 13 years old or
15 older, if it finds that the implementation of the proposed plan
16 would provide (i) transfer services or (ii) medical forensic
17 services for sexual assault survivors in accordance with the
18 requirements of this Act and provide sufficient protections
19 from the risk of pregnancy to sexual assault survivors.
20 Notwithstanding anything to the contrary in this paragraph, the
21 Department may approve a sexual assault transfer plan for the
22 provision of medical forensic services until January 1, 2022
23 if:

24 (1) a treatment hospital with approved pediatric
25 transfer has agreed, as part of an areawide treatment plan,
26 to accept sexual assault survivors 13 years of age or older

1 from the proposed transfer hospital, if the treatment
2 hospital with approved pediatric transfer is
3 geographically closer to the transfer hospital than a
4 treatment hospital or another treatment hospital with
5 approved pediatric transfer and such transfer is not unduly
6 burdensome on the sexual assault survivor; and

7 (2) a treatment hospital has agreed, as a part of an
8 areawide treatment plan, to accept sexual assault
9 survivors under 13 years of age from the proposed transfer
10 hospital and transfer to the treatment hospital would not
11 unduly burden the sexual assault survivor.

12 The Department may not approve a sexual assault transfer
13 plan unless a treatment hospital has agreed, as a part of an
14 areawide treatment plan, to accept sexual assault survivors
15 from the proposed transfer hospital and a transfer to the
16 treatment hospital would not unduly burden the sexual assault
17 survivor.

18 In counties with a population of less than 1,000,000, the
19 Department may not approve a sexual assault transfer plan for a
20 hospital located within a 20-mile radius of a 4-year public
21 university, not including community colleges, unless there is a
22 treatment hospital with a sexual assault treatment plan
23 approved by the Department within a 20-mile radius of the
24 4-year public university.

25 A transfer must be in accordance with federal and State
26 laws and local ordinances.

1 A treatment hospital with approved pediatric transfer must
2 submit an areawide treatment plan under Section 3 of this Act
3 that includes a written agreement with a treatment hospital
4 stating that the treatment hospital will provide medical
5 forensic services to pediatric sexual assault survivors
6 transferred from the treatment hospital with approved
7 pediatric transfer. The areawide treatment plan may also
8 include an approved pediatric health care facility.

9 A transfer hospital must submit an areawide treatment plan
10 under Section 3 of this Act that includes a written agreement
11 with a treatment hospital stating that the treatment hospital
12 will provide medical forensic services to all sexual assault
13 survivors transferred from the transfer hospital. The areawide
14 treatment plan may also include an approved pediatric health
15 care facility. Notwithstanding anything to the contrary in this
16 paragraph, until January 1, 2022, the areawide treatment plan
17 may include a written agreement with a treatment hospital with
18 approved pediatric transfer that is geographically closer than
19 other hospitals providing medical forensic services to sexual
20 assault survivors 13 years of age or older stating that the
21 treatment hospital with approved pediatric transfer will
22 provide medical services to sexual assault survivors 13 years
23 of age or older who are transferred from the transfer hospital.
24 If the areawide treatment plan includes a written agreement
25 with a treatment hospital with approved pediatric transfer, it
26 must also include a written agreement with a treatment hospital

1 stating that the treatment hospital will provide medical
2 forensic services to sexual assault survivors under 13 years of
3 age who are transferred from the transfer hospital.

4 Beginning January 1, 2019, each treatment hospital and
5 treatment hospital with approved pediatric transfer shall
6 ensure that emergency department attending physicians,
7 physician assistants, advanced practice registered nurses, and
8 registered professional nurses providing clinical services,
9 who do not meet the definition of a qualified medical provider
10 in Section 1a of this Act, receive a minimum of 2 hours of
11 sexual assault training by July 1, 2020 or until the treatment
12 hospital or treatment hospital with approved pediatric
13 transfer certifies to the Department, in a form and manner
14 prescribed by the Department, that it employs or contracts with
15 a qualified medical provider in accordance with subsection
16 (a-7) of Section 5, whichever occurs first.

17 After July 1, 2020 or once a treatment hospital or a
18 treatment hospital with approved pediatric transfer certifies
19 compliance with subsection (a-7) of Section 5, whichever occurs
20 first, each treatment hospital and treatment hospital with
21 approved pediatric transfer shall ensure that emergency
22 department attending physicians, physician assistants,
23 advanced practice registered nurses, and registered
24 professional nurses providing clinical services, who do not
25 meet the definition of a qualified medical provider in Section
26 1a of this Act, receive a minimum of 2 hours of continuing

1 education on responding to sexual assault survivors every 2
2 years. Protocols for training shall be included in the
3 hospital's sexual assault treatment plan.

4 Sexual assault training provided under this subsection may
5 be provided in person or online and shall include, but not be
6 limited to:

7 (1) information provided on the provision of medical
8 forensic services;

9 (2) information on the use of the Illinois Sexual
10 Assault Evidence Collection Kit;

11 (3) information on sexual assault epidemiology,
12 neurobiology of trauma, drug-facilitated sexual assault,
13 child sexual abuse, and Illinois sexual assault-related
14 laws; and

15 (4) information on the hospital's sexual
16 assault-related policies and procedures.

17 The online training made available by the Office of the
18 Attorney General under subsection (b) of Section 10 may be used
19 to comply with this subsection.

20 (b) An approved pediatric health care facility may provide
21 medical forensic services, in accordance with rules adopted by
22 the Department, to all pediatric sexual assault survivors who
23 present for medical forensic services in relation to injuries
24 or trauma resulting from a sexual assault. These services shall
25 be provided by a qualified medical provider.

26 A pediatric health care facility must participate in or

1 submit an areawide treatment plan under Section 3 of this Act
2 that includes a treatment hospital. If a pediatric health care
3 facility does not provide certain medical or surgical services
4 that are provided by hospitals, the areawide sexual assault
5 treatment plan must include a procedure for ensuring a sexual
6 assault survivor in need of such medical or surgical services
7 receives the services at the treatment hospital. The areawide
8 treatment plan may also include a treatment hospital with
9 approved pediatric transfer.

10 The Department shall review a proposed sexual assault
11 treatment plan submitted by a pediatric health care facility
12 within 60 days after receipt of the plan. If the Department
13 finds that the proposed plan meets the minimum requirements set
14 forth in Section 5 of this Act and that implementation of the
15 proposed plan would provide medical forensic services for
16 pediatric sexual assault survivors, then the Department shall
17 approve the plan. If the Department does not approve a plan,
18 then the Department shall notify the pediatric health care
19 facility that the proposed plan has not been approved. The
20 pediatric health care facility shall have 30 days to submit a
21 revised plan. The Department shall review the revised plan
22 within 30 days after receipt of the plan and notify the
23 pediatric health care facility whether the revised plan is
24 approved or rejected. A pediatric health care facility may not
25 provide medical forensic services to pediatric sexual assault
26 survivors who present with a complaint of sexual assault within

1 a minimum of the last 7 days or who have disclosed past sexual
2 assault by a specific individual and were in the care of that
3 individual within a minimum of the last 7 days until the
4 Department has approved a treatment plan.

5 If an approved pediatric health care facility is not open
6 24 hours a day, 7 days a week, it shall post signage at each
7 public entrance to its facility that:

8 (1) is at least 14 inches by 14 inches in size;

9 (2) directs those seeking services as follows: "If
10 closed, call 911 for services or go to the closest hospital
11 emergency department, (insert name) located at (insert
12 address).";

13 (3) lists the approved pediatric health care
14 facility's hours of operation;

15 (4) lists the street address of the building;

16 (5) has a black background with white bold capital
17 lettering in a clear and easy to read font that is at least
18 72-point type, and with "call 911" in at least 125-point
19 type;

20 (6) is posted clearly and conspicuously on or adjacent
21 to the door at each entrance and, if building materials
22 allow, is posted internally for viewing through glass; if
23 posted externally, the sign shall be made of
24 weather-resistant and theft-resistant materials,
25 non-removable, and adhered permanently to the building;
26 and

1 (7) has lighting that is part of the sign itself or is
2 lit with a dedicated light that fully illuminates the sign.

3 A copy of the proposed sign must be submitted to the
4 Department and approved as part of the approved pediatric
5 health care facility's sexual assault treatment plan.

6 (c) Each treatment hospital, treatment hospital with
7 approved pediatric transfer, and approved pediatric health
8 care facility must enter into a memorandum of understanding
9 with a rape crisis center for medical advocacy services, if
10 these services are available to the treatment hospital,
11 treatment hospital with approved pediatric transfer, or
12 approved pediatric health care facility. With the consent of
13 the sexual assault survivor, a rape crisis counselor shall
14 remain in the exam room during the collection for forensic
15 evidence.

16 (d) Every treatment hospital, treatment hospital with
17 approved pediatric transfer, and approved pediatric health
18 care facility's sexual assault treatment plan shall include
19 procedures for complying with mandatory reporting requirements
20 pursuant to (1) the Abused and Neglected Child Reporting Act;
21 (2) the Abused and Neglected Long Term Care Facility Residents
22 Reporting Act; (3) the Adult Protective Services Act; and (iv)
23 the Criminal Identification Act.

24 (e) Each treatment hospital, treatment hospital with
25 approved pediatric transfer, and approved pediatric health
26 care facility shall submit to the Department every 6 months, in

1 a manner prescribed by the Department, the following
2 information:

3 (1) The total number of patients who presented with a
4 complaint of sexual assault.

5 (2) The total number of Illinois Sexual Assault
6 Evidence Collection Kits:

7 (A) offered to (i) all sexual assault survivors and
8 (ii) pediatric sexual assault survivors pursuant to
9 paragraph (1.5) of subsection (a-5) of Section 5;

10 (B) completed for (i) all sexual assault survivors
11 and (ii) pediatric sexual assault survivors; and

12 (C) declined by (i) all sexual assault survivors
13 and (ii) pediatric sexual assault survivors.

14 This information shall be made available on the
15 Department's website.

16 (Source: P.A. 100-775, eff. 1-1-19.)".