

1 AN ACT concerning health.

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

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

19 In addition, every such hospital, regardless of whether or
20 not a request is made for reimbursement, shall submit to the
21 Department a plan to provide either (i) transfer services to
22 all sexual assault survivors, (ii) medical forensic services to
23 all sexual assault survivors, or (iii) transfer services to

1 pediatric sexual assault survivors and medical forensic
2 services to sexual assault survivors 13 years old or older. The
3 Department shall approve such plan for either (i) transfer
4 services to all sexual assault survivors, (ii) medical forensic
5 services to all sexual assault survivors, or (iii) transfer
6 services to pediatric sexual assault survivors and medical
7 forensic services to sexual assault survivors 13 years old or
8 older, if it finds that the implementation of the proposed plan
9 would provide (i) transfer services or (ii) medical forensic
10 services for sexual assault survivors in accordance with the
11 requirements of this Act and provide sufficient protections
12 from the risk of pregnancy to sexual assault survivors.
13 Notwithstanding anything to the contrary in this paragraph, the
14 Department may approve a sexual assault transfer plan for the
15 provision of medical forensic services until January 1, 2022
16 if:

17 (1) a treatment hospital with approved pediatric
18 transfer has agreed, as part of an areawide treatment plan,
19 to accept sexual assault survivors 13 years of age or older
20 from the proposed transfer hospital, if the treatment
21 hospital with approved pediatric transfer is
22 geographically closer to the transfer hospital than a
23 treatment hospital or another treatment hospital with
24 approved pediatric transfer and such transfer is not unduly
25 burdensome on the sexual assault survivor; and

26 (2) a treatment hospital has agreed, as a part of an

1 areawide treatment plan, to accept sexual assault
2 survivors under 13 years of age from the proposed transfer
3 hospital and transfer to the treatment hospital would not
4 unduly burden the sexual assault survivor.

5 The Department may not approve a sexual assault transfer
6 plan unless a treatment hospital has agreed, as a part of an
7 areawide treatment plan, to accept sexual assault survivors
8 from the proposed transfer hospital and a transfer to the
9 treatment hospital would not unduly burden the sexual assault
10 survivor.

11 In counties with a population of less than 1,000,000, the
12 Department may not approve a sexual assault transfer plan for a
13 hospital located within a 20-mile radius of a 4-year public
14 university, not including community colleges, unless there is a
15 treatment hospital with a sexual assault treatment plan
16 approved by the Department within a 20-mile radius of the
17 4-year public university.

18 A transfer must be in accordance with federal and State
19 laws and local ordinances.

20 A treatment hospital with approved pediatric transfer must
21 submit an areawide treatment plan under Section 3 of this Act
22 that includes a written agreement with a treatment hospital
23 stating that the treatment hospital will provide medical
24 forensic services to pediatric sexual assault survivors
25 transferred from the treatment hospital with approved
26 pediatric transfer. The areawide treatment plan may also

1 include an approved pediatric health care facility.

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

23 Beginning January 1, 2019, each treatment hospital and
24 treatment hospital with approved pediatric transfer shall
25 ensure that emergency department attending physicians,
26 physician assistants, advanced practice registered nurses, and

1 registered professional nurses providing clinical services,
2 who do not meet the definition of a qualified medical provider
3 in Section 1a of this Act, receive a minimum of 2 hours of
4 sexual assault training by July 1, 2020 or until the treatment
5 hospital or treatment hospital with approved pediatric
6 transfer certifies to the Department, in a form and manner
7 prescribed by the Department, that it employs or contracts with
8 a qualified medical provider in accordance with subsection
9 (a-7) of Section 5, whichever occurs first.

10 After July 1, 2020 or once a treatment hospital or a
11 treatment hospital with approved pediatric transfer certifies
12 compliance with subsection (a-7) of Section 5, whichever occurs
13 first, each treatment hospital and treatment hospital with
14 approved pediatric transfer shall ensure that emergency
15 department attending physicians, physician assistants,
16 advanced practice registered nurses, and registered
17 professional nurses providing clinical services, who do not
18 meet the definition of a qualified medical provider in Section
19 1a of this Act, receive a minimum of 2 hours of continuing
20 education on responding to sexual assault survivors every 2
21 years. Protocols for training shall be included in the
22 hospital's sexual assault treatment plan.

23 Sexual assault training provided under this subsection may
24 be provided in person or online and shall include, but not be
25 limited to:

26 (1) information provided on the provision of medical

1 forensic services;

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

4 (3) information on sexual assault epidemiology,
5 neurobiology of trauma, drug-facilitated sexual assault,
6 child sexual abuse, and Illinois sexual assault-related
7 laws; and

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

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

13 (b) An approved pediatric health care facility may provide
14 medical forensic services, in accordance with rules adopted by
15 the Department, to all pediatric sexual assault survivors who
16 present for medical forensic services in relation to injuries
17 or trauma resulting from a sexual assault. These services shall
18 be provided by a qualified medical provider.

19 A pediatric health care facility must participate in or
20 submit an areawide treatment plan under Section 3 of this Act
21 that includes a treatment hospital. If a pediatric health care
22 facility does not provide certain medical or surgical services
23 that are provided by hospitals, the areawide sexual assault
24 treatment plan must include a procedure for ensuring a sexual
25 assault survivor in need of such medical or surgical services
26 receives the services at the treatment hospital. The areawide

1 treatment plan may also include a treatment hospital with
2 approved pediatric transfer.

3 The Department shall review a proposed sexual assault
4 treatment plan submitted by a pediatric health care facility
5 within 60 days after receipt of the plan. If the Department
6 finds that the proposed plan meets the minimum requirements set
7 forth in Section 5 of this Act and that implementation of the
8 proposed plan would provide medical forensic services for
9 pediatric sexual assault survivors, then the Department shall
10 approve the plan. If the Department does not approve a plan,
11 then the Department shall notify the pediatric health care
12 facility that the proposed plan has not been approved. The
13 pediatric health care facility shall have 30 days to submit a
14 revised plan. The Department shall review the revised plan
15 within 30 days after receipt of the plan and notify the
16 pediatric health care facility whether the revised plan is
17 approved or rejected. A pediatric health care facility may not
18 provide medical forensic services to pediatric sexual assault
19 survivors who present with a complaint of sexual assault within
20 a minimum of the last 7 days or who have disclosed past sexual
21 assault by a specific individual and were in the care of that
22 individual within a minimum of the last 7 days until the
23 Department has approved a treatment plan.

24 If an approved pediatric health care facility is not open
25 24 hours a day, 7 days a week, it shall post signage at each
26 public entrance to its facility that:

- 1 (1) is at least 14 inches by 14 inches in size;
 - 2 (2) directs those seeking services as follows: "If
3 closed, call 911 for services or go to the closest hospital
4 emergency department, (insert name) located at (insert
5 address).";
 - 6 (3) lists the approved pediatric health care
7 facility's hours of operation;
 - 8 (4) lists the street address of the building;
 - 9 (5) has a black background with white bold capital
10 lettering in a clear and easy to read font that is at least
11 72-point type, and with "call 911" in at least 125-point
12 type;
 - 13 (6) is posted clearly and conspicuously on or adjacent
14 to the door at each entrance and, if building materials
15 allow, is posted internally for viewing through glass; if
16 posted externally, the sign shall be made of
17 weather-resistant and theft-resistant materials,
18 non-removable, and adhered permanently to the building;
19 and
 - 20 (7) has lighting that is part of the sign itself or is
21 lit with a dedicated light that fully illuminates the sign.
- 22 A copy of the proposed sign must be submitted to the
23 Department and approved as part of the approved pediatric
24 health care facility's sexual assault treatment plan.
- 25 (c) Each treatment hospital, treatment hospital with
26 approved pediatric transfer, and approved pediatric health

1 care facility must enter into a memorandum of understanding
2 with a rape crisis center for medical advocacy services, if
3 these services are available to the treatment hospital,
4 treatment hospital with approved pediatric transfer, or
5 approved pediatric health care facility. With the consent of
6 the sexual assault survivor, a rape crisis counselor shall
7 remain in the exam room during the collection for forensic
8 evidence.

9 (d) Every treatment hospital, treatment hospital with
10 approved pediatric transfer, and approved pediatric health
11 care facility's sexual assault treatment plan shall include
12 procedures for complying with mandatory reporting requirements
13 pursuant to (1) the Abused and Neglected Child Reporting Act;
14 (2) the Abused and Neglected Long Term Care Facility Residents
15 Reporting Act; (3) the Adult Protective Services Act; and (iv)
16 the Criminal Identification Act.

17 (e) Each treatment hospital, treatment hospital with
18 approved pediatric transfer, and approved pediatric health
19 care facility shall submit to the Department every 6 months, in
20 a manner prescribed by the Department, the following
21 information:

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

24 (2) The total number of Illinois Sexual Assault
25 Evidence Collection Kits:

26 (A) offered to (i) all sexual assault survivors and

1 (ii) pediatric sexual assault survivors pursuant to
2 paragraph (1.5) of subsection (a-5) of Section 5;

3 (B) completed for (i) all sexual assault survivors
4 and (ii) pediatric sexual assault survivors; and

5 (C) declined by (i) all sexual assault survivors
6 and (ii) pediatric sexual assault survivors.

7 This information shall be made available on the
8 Department's website.

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

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