

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 Section 9.6 as follows:

6 (210 ILCS 85/9.6)

7 Sec. 9.6. Patient protection from abuse.

8 (a) No administrator, agent, or employee of a hospital or
9 a hospital affiliate, or a member of a hospital's ~~its~~ medical
10 staff, may abuse a patient in the hospital or in a facility
11 operated by a hospital affiliate.

12 (b) Any hospital administrator, agent, employee, or
13 medical staff member, or an administrator, employee, or
14 physician employed by a hospital affiliate, who has reasonable
15 cause to believe that any patient with whom he or she has
16 direct contact has been subjected to abuse in the hospital or
17 hospital affiliate shall promptly report or cause a report to
18 be made to a designated hospital administrator responsible for
19 providing such reports to the Department as required by this
20 Section.

21 (c) Retaliation against a person who lawfully and in good
22 faith makes a report under this Section is prohibited.

23 (d) Upon receiving a report under subsection (b) of this

1 Section, the hospital or hospital affiliate shall submit the
2 report to the Department within 24 hours of obtaining such
3 report. In the event that the hospital receives multiple
4 reports involving a single alleged instance of abuse, the
5 hospital shall submit one report to the Department.

6 (e) Upon receiving a report under this Section, the
7 hospital or hospital affiliate shall promptly conduct an
8 internal review to ensure the alleged victim's safety.
9 Measures to protect the alleged victim shall be taken as
10 deemed necessary by the hospital's administrator and may
11 include, but are not limited to, removing suspected violators
12 from further patient contact during the hospital's or hospital
13 affiliate's internal review. If the alleged victim lacks
14 decision-making capacity under the Health Care Surrogate Act
15 and no health care surrogate is available, the hospital or
16 hospital affiliate may contact the Illinois Guardianship and
17 Advocacy Commission to determine the need for a temporary
18 guardian of that person.

19 (f) All internal hospital and hospital affiliate reviews
20 shall be conducted by a designated ~~hospital~~ employee or agent
21 who is qualified to detect abuse and is not involved in the
22 alleged victim's treatment. All internal review findings must
23 be documented and filed according to hospital or hospital
24 affiliate procedures and shall be made available to the
25 Department upon request.

26 (g) Any other person may make a report of patient abuse to

1 the Department if that person has reasonable cause to believe
2 that a patient has been abused in the hospital or hospital
3 affiliate.

4 (h) The report required under this Section shall include:
5 the name of the patient; the name and address of the hospital
6 or hospital affiliate treating the patient; the age of the
7 patient; the nature of the patient's condition, including any
8 evidence of previous injuries or disabilities; and any other
9 information that the reporter believes might be helpful in
10 establishing the cause of the reported abuse and the identity
11 of the person believed to have caused the abuse.

12 (i) Except for willful or wanton misconduct, any
13 individual, person, institution, or agency participating in
14 good faith in the making of a report under this Section, or in
15 the investigation of such a report or in making a disclosure of
16 information concerning reports of abuse under this Section,
17 shall have immunity from any liability, whether civil,
18 professional, or criminal, that otherwise might result by
19 reason of such actions. For the purpose of any proceedings,
20 whether civil, professional, or criminal, the good faith of
21 any persons required to report cases of suspected abuse under
22 this Section or who disclose information concerning reports of
23 abuse in compliance with this Section, shall be presumed.

24 (j) No administrator, agent, or employee of a hospital or
25 hospital affiliate shall adopt or employ practices or
26 procedures designed to discourage good faith reporting of

1 patient abuse under this Section.

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

6 (l) The Department shall investigate each report of
7 patient abuse made under this Section according to the
8 procedures of the Department, except that a report of abuse
9 which indicates that a patient's life or safety is in imminent
10 danger shall be investigated within 24 hours of such report.
11 Under no circumstances may a hospital's or hospital
12 affiliate's internal review of an allegation of abuse replace
13 an investigation of the allegation by the Department.

14 (m) The Department shall keep a continuing record of all
15 reports made pursuant to this Section, including indications
16 of the final determination of any investigation and the final
17 disposition of all reports. The Department shall inform the
18 investigated hospital or hospital affiliate and any other
19 person making a report under subsection (g) of its final
20 determination or disposition in writing.

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

25 (o) All patient identifiable information in any report or
26 investigation under this Section shall be confidential and

1 shall not be disclosed except as authorized by this Act or
2 other applicable law.

3 (p) Nothing in this Section relieves a hospital or
4 hospital affiliate administrator, employee, agent, or medical
5 staff member from contacting appropriate law enforcement
6 authorities as required by law.

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

11 (r) Nothing in this Section shall require a hospital or
12 hospital affiliate, including its employees, agents, and
13 medical staff members, to provide any services to a patient in
14 contravention of his or her stated or implied objection
15 thereto upon grounds that such services conflict with his or
16 her religious beliefs or practices, nor shall such a patient
17 be considered abused under this Section for the exercise of
18 such beliefs or practices.

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

21 (t) As used in this Section, the following terms have the
22 following meanings:

23 "Abuse" means any physical or mental injury or sexual
24 abuse intentionally inflicted by a hospital or hospital
25 affiliate employee, agent, or medical staff member on a
26 patient of the hospital or hospital affiliate and does not

1 include any hospital or hospital affiliate, medical, health
2 care, or other personal care services done in good faith in the
3 interest of the patient according to established medical and
4 clinical standards of care.

5 "Hospital affiliate" has the meaning given to that term in
6 Section 10.8.

7 "Mental injury" means intentionally caused emotional
8 distress in a patient from words or gestures that would be
9 considered by a reasonable person to be humiliating,
10 harassing, or threatening and which causes observable and
11 substantial impairment.

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

14 "Substantiated", with respect to a report of abuse, means
15 that a preponderance of the evidence indicates that abuse
16 occurred.

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