



Sen. Karina Villa

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10300HB3521sam002

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1 AMENDMENT TO HOUSE BILL 3521

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3521, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Hospital Licensing Act is amended by  
6 changing Section 9.6 as follows:

7 (210 ILCS 85/9.6)

8 Sec. 9.6. Patient protection from abuse.

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

13 (b) Any hospital administrator, agent, employee, or  
14 medical staff member, or an administrator, employee, or  
15 physician employed by a hospital affiliate, who has reasonable  
16 cause to believe that any patient with whom he or she has

1 direct contact has been subjected to abuse in the hospital or  
2 hospital affiliate shall promptly report or cause a report to  
3 be made to a designated hospital administrator responsible for  
4 providing such reports to the Department as required by this  
5 Section.

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

8 (d) Upon receiving a report under subsection (b) of this  
9 Section, the hospital or hospital affiliate shall submit the  
10 report to the Department within 24 hours of obtaining such  
11 report. In the event that the hospital receives multiple  
12 reports involving a single alleged instance of abuse, the  
13 hospital shall submit one report to the Department.

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

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

8 (g) Any other person may make a report of patient abuse to  
9 the Department if that person has reasonable cause to believe  
10 that a patient has been abused in the hospital or hospital  
11 affiliate.

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

20 (i) Except for willful or wanton misconduct, any  
21 individual, person, institution, or agency participating in  
22 good faith in the making of a report under this Section, or in  
23 the investigation of such a report or in making a disclosure of  
24 information concerning reports of abuse under this Section,  
25 shall have immunity from any liability, whether civil,  
26 professional, or criminal, that otherwise might result by

1 reason of such actions. For the purpose of any proceedings,  
2 whether civil, professional, or criminal, the good faith of  
3 any persons required to report cases of suspected abuse under  
4 this Section or who disclose information concerning reports of  
5 abuse in compliance with this Section, shall be presumed.

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

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

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

22 (m) The Department shall keep a continuing record of all  
23 reports made pursuant to this Section, including indications  
24 of the final determination of any investigation and the final  
25 disposition of all reports. The Department shall inform the  
26 investigated hospital or hospital affiliate and any other

1 person making a report under subsection (g) of its final  
2 determination or disposition in writing.

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

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

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

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

19 (r) Nothing in this Section shall require a hospital or  
20 hospital affiliate, including its employees, agents, and  
21 medical staff members, to provide any services to a patient in  
22 contravention of his or her stated or implied objection  
23 thereto upon grounds that such services conflict with his or  
24 her religious beliefs or practices, nor shall such a patient  
25 be considered abused under this Section for the exercise of  
26 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  
6 abuse intentionally inflicted by a hospital or hospital  
7 affiliate employee, agent, or medical staff member on a  
8 patient of the hospital or hospital affiliate and does not  
9 include any hospital or hospital affiliate, medical, health  
10 care, or other personal care services done in good faith in the  
11 interest of the patient according to established medical and  
12 clinical standards of care.

13 "Hospital affiliate" has the meaning given to that term in  
14 Section 10.8.

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

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

22 "Substantiated", with respect to a report of abuse, means  
23 that a preponderance of the evidence indicates that abuse  
24 occurred.

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