

1 AN ACT concerning hospitals.

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

4 Section 1. Short title. This Act may be cited as the
5 Hospital Report Card Act.

6 Section 5. Findings. The General Assembly finds that
7 Illinois consumers have a right to access information about
8 the quality of health care provided in Illinois hospitals in
9 order to make better decisions about their choice of health
10 care provider.

11 Section 10. Definitions. For the purposes of this Act:

12 "Direct-care nurse" and "direct-care nursing staff"
13 includes any registered nurse, licensed practical nurse, or
14 assistive nursing personnel with direct responsibility to
15 oversee or carry out medical regimens or nursing care for one
16 or more patients.

17 "Hospital" means a health care facility licensed under
18 the Hospital Licensing Act.

19 "Nursing care" means the care that falls within the scope
20 of practice set forth in the Nursing and Advanced Practice
21 Nursing Act or is otherwise encompassed within recognized
22 professional standards of nursing practice, including
23 assessment, nursing diagnosis, planning, intervention,
24 evaluation, and patient advocacy.

25 "Retaliate" means the discipline, discharge, suspension,
26 demotion, harassment, denial of employment or promotion,
27 layoff, or any other adverse action taken against direct-care
28 nursing staff as a result of nursing staff taking any action
29 described in this Act.

30 "Skill mix" means the differences in licensing,

1 specialty, and experience among direct-care nurses.

2 "Staffing level" means the numerical nurse to patient
3 ratio by licensed nurse classification within a nursing
4 department or unit.

5 "Unit" means a functional division or area of a hospital
6 in which nursing care is provided.

7 Section 15. Staffing levels.

8 (a) Staffing levels in hospitals must be based on
9 patient acuity, how much care a patient needs as determined
10 by a professional nursing assessment of the patient, the
11 skill mix of the staff, and additional criteria established
12 by the hospital.

13 (b) Staffing levels must be posted daily in a
14 conspicuous place readily accessible by the general public.

15 (c) Personnel not documented as competent for a given
16 unit shall not be assigned to work there without direct
17 supervision until appropriately trained.

18 Section 20. Hospital quarterly reports.

19 (a) Individual hospitals shall prepare a quarterly
20 report including all of the following:

21 (1) Mortality and morbidity rates for each nursing
22 unit or department.

23 (2) Average staffing levels, patient acuity, and
24 duty hours by nursing unit or department.

25 (3) Infection rates for each nursing unit or
26 department within the facility by the following
27 categories: urinary tract, surgical wound, lower
28 respiratory tract, and blood stream.

29 (4) Training hours completed in the quarter by
30 category of staff and type of training.

31 (5) Staff retention rates by nursing unit or
32 department.

1 (b) Quarterly reports shall be a condition of licensure,
2 submitted to the Department of Public Health by March 31,
3 June 30, September 30, and December 31 each year for the
4 previous quarter, and made available to the public on-site
5 and through the Department of Public Health.

6 (c) If the hospital is a division or subsidiary of
7 another entity that owns or operates other hospitals or
8 related organizations, the annual public disclosure report
9 shall be for the specific division or subsidiary and not for
10 the other entity.

11 Section 25. Department reports. The Department of Public
12 Health shall annually submit to the General Assembly a report
13 summarizing the quarterly reports by region and shall publish
14 that report on its website. The Department of Public Health
15 may issue quarterly informational bulletins at its
16 discretion, summarizing all or part of the information
17 submitted in the quarterly reports.

18 Section 30. Whistleblower protections.

19 (a) A hospital covered by this Act shall not penalize,
20 discriminate, or retaliate in any manner against an employee
21 with respect to compensation or the terms, conditions or
22 privileges of employment who in good faith, individually or
23 in conjunction with another person or persons, does any of
24 the following:

25 (1) Discloses or intends to disclose to the nursing
26 staff supervisor or manager, a private accreditation
27 organization, the nurse's collective bargaining agent, or
28 a regulatory agency any activity, policy, or practice of
29 a hospital that violates this Act or any other law, rule,
30 or professional standard of practice and which the
31 employee reasonably believes poses a risk to the health,
32 safety, or welfare of a patient or the public.

1 (2) Initiates, cooperates, or otherwise
2 participates in an investigation or proceeding brought by
3 a regulatory agency or private accreditation body
4 concerning matters covered by this Act or any other law,
5 rule, or professional standard of practice that the
6 employee reasonably believes poses a risk to the health,
7 safety, or welfare of a patient or the public.

8 (3) Objects to or refuses to participate in any
9 activity, policy, or practice of a hospital that violates
10 this Act or any law, rule, or professional standard of
11 practice and which the employee staff reasonably believes
12 poses a risk to the health, safety, or welfare of a
13 patient or the public.

14 (4) Participates in a committee or peer review
15 process or files a report or complaint that discusses
16 allegation of unsafe, dangerous, or potentially dangerous
17 care within the hospital.

18 (b) For the purposes of this Section, an employee is
19 presumed to act in good faith if the employee reasonably
20 believes that (i) the information reported or disclosed is
21 true and (ii) a violation has occurred or may occur.

22 Section 35. Private right of action.

23 (a) Any health care facility that violates the
24 provisions of Section 30 may be held liable to the employee
25 affected in an action brought in a court of competent
26 jurisdiction for such legal or equitable relief as may be
27 appropriate to effectuate the purposes of this Act, including
28 but not limited to reinstatement, promotion, lost wages and
29 benefits, and compensatory and consequential damages
30 resulting from the violation together with an equal amount in
31 liquidated damages. The court in such action shall, in
32 addition to any judgment awarded to the plaintiff, award
33 reasonable attorney's fees and costs of action to be paid by

1 the defendant.

2 (b) The employee's right to institute a private action
3 under this Section is not limited by any other rights granted
4 under this Act.

5 Section 40. Regulatory oversight. The Department of
6 Public Health shall be responsible for ensuring compliance
7 with this Act as a condition of licensure and is hereby
8 empowered to issue such rules as may be necessary or
9 appropriate to carry out this function. At a minimum, such
10 rules shall provide for all of the following:

11 (1) Unannounced, random compliance site visits of
12 licensed health care facilities covered by this Act.

13 (2) An accessible and confidential system for the
14 public and nursing staff to report a health facility's
15 failure to comply with the requirements of this Act.

16 (3) A systematic means for investigating and
17 correcting violation of this Act.

18 (4) Public access to information regarding reports
19 of inspections, results, deficiencies and corrections.

20 (5) A process for imposing the statutory penalties
21 for violations of the staffing requirements of this Act.

22 Section 45. Penalties.

23 (a) A determination that a hospital has violated the
24 provisions of this Act may result in the termination of
25 licensure under the Hospital Licensing Act.

26 (b) A hospital that fails to post a notice required
27 under this Act is subject to a civil penalty of \$1,000 per
28 day for each day that the required notice is not posted.

29 (c) A hospital that violates Section 30 is subject to a
30 civil penalty of \$15,000 per violation.

31 (d) A person or hospital that fails to report or
32 falsifies information or coerces, threatens, intimidates, or

1 otherwise influences another person to fail to report or to
2 falsify information required to be reported under this Act is
3 subject to a civil penalty of up to \$15,000 for each such
4 incident.

5 Section 90. The Hospital Licensing Act is amended by
6 changing Section 7 as follows:

7 (210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

8 Sec. 7. (a) The Director after notice and opportunity for
9 hearing to the applicant or licensee may deny, suspend, or
10 revoke a permit to establish a hospital or deny, suspend, or
11 revoke a license to open, conduct, operate, and maintain a
12 hospital in any case in which he finds that there has been a
13 substantial failure to comply with the provisions of this Act
14 or the Hospital Report Card Act or the standards, rules, and
15 regulations established by virtue of either of those Acts
16 thereof.

17 (b) Such notice shall be effected by registered mail or
18 by personal service setting forth the particular reasons for
19 the proposed action and fixing a date, not less than 15 days
20 from the date of such mailing or service, at which time the
21 applicant or licensee shall be given an opportunity for a
22 hearing. Such hearing shall be conducted by the Director or
23 by an employee of the Department designated in writing by the
24 Director as Hearing Officer to conduct the hearing. On the
25 basis of any such hearing, or upon default of the applicant
26 or licensee, the Director shall make a determination
27 specifying his findings and conclusions. In case of a denial
28 to an applicant of a permit to establish a hospital, such
29 determination shall specify the subsection of Section 6 under
30 which the permit was denied and shall contain findings of
31 fact forming the basis of such denial. A copy of such
32 determination shall be sent by registered mail or served

1 personally upon the applicant or licensee. The decision
2 denying, suspending, or revoking a permit or a license shall
3 become final 35 days after it is so mailed or served, unless
4 the applicant or licensee, within such 35 day period,
5 petitions for review pursuant to Section 13.

6 (c) The procedure governing hearings authorized by this
7 Section shall be in accordance with rules promulgated by the
8 Department and approved by the Hospital Licensing Board. A
9 full and complete record shall be kept of all proceedings,
10 including the notice of hearing, complaint, and all other
11 documents in the nature of pleadings, written motions filed
12 in the proceedings, and the report and orders of the Director
13 and Hearing Officer. All testimony shall be reported but need
14 not be transcribed unless the decision is appealed pursuant
15 to Section 13. A copy or copies of the transcript may be
16 obtained by any interested party on payment of the cost of
17 preparing such copy or copies.

18 (d) The Director or Hearing Officer shall upon his own
19 motion, or on the written request of any party to the
20 proceeding, issue subpoenas requiring the attendance and the
21 giving of testimony by witnesses, and subpoenas duces tecum
22 requiring the production of books, papers, records, or
23 memoranda. All subpoenas and subpoenas duces tecum issued
24 under the terms of this Act may be served by any person of
25 full age. The fees of witnesses for attendance and travel
26 shall be the same as the fees of witnesses before the Circuit
27 Court of this State, such fees to be paid when the witness is
28 excused from further attendance. When the witness is
29 subpoenaed at the instance of the Director, or Hearing
30 Officer, such fees shall be paid in the same manner as other
31 expenses of the Department, and when the witness is
32 subpoenaed at the instance of any other party to any such
33 proceeding the Department may require that the cost of
34 service of the subpoena or subpoena duces tecum and the fee

1 of the witness be borne by the party at whose instance the
2 witness is summoned. In such case, the Department in its
3 discretion, may require a deposit to cover the cost of such
4 service and witness fees. A subpoena or subpoena duces tecum
5 issued as aforesaid shall be served in the same manner as a
6 subpoena issued out of a court.

7 (e) Any Circuit Court of this State upon the application
8 of the Director, or upon the application of any other party
9 to the proceeding, may, in its discretion, compel the
10 attendance of witnesses, the production of books, papers,
11 records, or memoranda and the giving of testimony before the
12 Director or Hearing Officer conducting an investigation or
13 holding a hearing authorized by this Act, by an attachment
14 for contempt, or otherwise, in the same manner as production
15 of evidence may be compelled before the court.

16 (f) The Director or Hearing Officer, or any party in an
17 investigation or hearing before the Department, may cause the
18 depositions of witnesses within the State to be taken in the
19 manner prescribed by law for like depositions in civil
20 actions in courts of this State, and to that end compel the
21 attendance of witnesses and the production of books, papers,
22 records, or memoranda.

23 (Source: Laws 1967, p. 3969.)