

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 Emergency Medical Treatment Act is amended  
5 by changing Section 2 as follows:

6 (210 ILCS 70/2)

7 Sec. 2. Findings; prohibited terms.

8 (a) The Illinois General Assembly makes all of the  
9 following findings:

10 (1) Hospital emergency services are not always the most  
11 appropriate level of care for patients seeking unscheduled  
12 medical care or for patients who do not have a regular  
13 physician who can treat a significant or acute medical  
14 condition not considered critical, debilitating, or  
15 life-threatening.

16 (2) Hospital emergency rooms are over-utilized and too  
17 often over-burdened with many injuries or illnesses that  
18 could be managed in a less intensive clinical setting or  
19 physician's office.

20 (3) Over-utilization of hospital emergency departments  
21 contributes to excess medical and health insurance costs.

22 (4) The use of the term ~~"urgent"~~ or "emergi-" or a  
23 similar term in a facility's posted or advertised name may

1 confuse the public and prospective patients regarding the  
2 type of services offered relative to those provided by a  
3 hospital emergency department. There is significant risk  
4 to the public health and safety if persons requiring  
5 treatment for a critical or life-threatening condition  
6 inappropriately use such facilities.

7 (5) Many times patients are not clearly aware of the  
8 policies and procedures of their insurer or health plan  
9 that must be followed in the use of emergency rooms versus  
10 non-emergent clinics and what rights they have under the  
11 law in regard to appropriately sought emergency care.

12 (6) There is a need to more effectively educate health  
13 care payers and consumers about the most appropriate use of  
14 the various available levels of medical care and  
15 particularly the use of hospital emergency rooms and  
16 walk-in medical clinics that do not require appointments.

17 (b) ~~No After the effective date of this amendatory Act of~~  
18 ~~the 93rd General Assembly, no person, facility, or entity shall~~  
19 hold itself out to the public as an ~~"urgent", "urgi",~~  
20 ~~"emerg-~~ or "emergent" care center or use any similar term,  
21 as defined by rule, that would give the impression that  
22 emergency medical treatment is provided by the person or entity  
23 or at the facility unless the facility is the emergency room of  
24 a facility licensed as a hospital under the Hospital Licensing  
25 Act or a facility licensed as a freestanding emergency center  
26 under the Emergency Medical Services (EMS) Systems Act. This

1 Section does not prohibit a person, facility, or entity from  
2 holding itself out to the public as an "urgi-" or "urgent" care  
3 center.

4 (c) Violation of this Section constitutes a business  
5 offense with a minimum fine of \$5,000 plus \$1,000 per day for a  
6 continuing violation, with a maximum of \$25,000.

7 (d) The Director of Public Health in the name of the people  
8 of the State, through the Attorney General, may bring an action  
9 for an injunction or to restrain a violation of this Section or  
10 the rules adopted pursuant to this Section or to enjoin the  
11 future operation or maintenance of any facility in violation of  
12 this Section or the rules adopted pursuant to this Section.

13 (e) The Department of Public Health shall adopt rules  
14 necessary for the implementation of this Section.

15 (Source: P.A. 93-540, eff. 8-18-03.)