

1 AN ACT concerning public health.

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

4 Section 5. The State Finance Act is amended by adding
5 Section 5.866 as follows:

6 (30 ILCS 105/5.866 new)

7 Sec. 5.866. The Illinois Sexual Assault Emergency
8 Treatment Program Fund.

9 Section 10. The Sexual Assault Survivors Emergency
10 Treatment Act is amended by changing Sections 1a, 5, 7, and 8
11 and by adding Section 7.5 as follows:

12 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

13 Sec. 1a. Definitions. In this Act:

14 "Ambulance provider" means an individual or entity that
15 owns and operates a business or service using ambulances or
16 emergency medical services vehicles to transport emergency
17 patients.

18 "Areawide sexual assault treatment plan" means a plan,
19 developed by the hospitals in the community or area to be
20 served, which provides for hospital emergency services to
21 sexual assault survivors that shall be made available by each

1 of the participating hospitals.

2 "Department" means the Department of Public Health.

3 "Emergency contraception" means medication as approved by
4 the federal Food and Drug Administration (FDA) that can
5 significantly reduce the risk of pregnancy if taken within 72
6 hours after sexual assault.

7 "Follow-up healthcare" means healthcare services related
8 to a sexual assault, including laboratory services and pharmacy
9 services, rendered within 90 days of the initial visit for
10 hospital emergency services.

11 "Forensic services" means the collection of evidence
12 pursuant to a statewide sexual assault evidence collection
13 program administered by the Department of State Police, using
14 the Illinois State Police Sexual Assault Evidence Collection
15 Kit.

16 "Health care professional" means a physician, a physician
17 assistant, or an advanced practice nurse.

18 "Hospital" has the meaning given to that term in the
19 Hospital Licensing Act.

20 "Hospital emergency services" means healthcare delivered
21 to outpatients within or under the care and supervision of
22 personnel working in a designated emergency department of a
23 hospital, including, but not limited to, care ordered by such
24 personnel for a sexual assault survivor in the emergency
25 department.

26 "Illinois State Police Sexual Assault Evidence Collection

1 Kit" means a prepackaged set of materials and forms to be used
2 for the collection of evidence relating to sexual assault. The
3 standardized evidence collection kit for the State of Illinois
4 shall be the Illinois State Police Sexual Assault Evidence
5 Collection Kit.

6 "Nurse" means a nurse licensed under the Nurse Practice
7 Act.

8 "Physician" means a person licensed to practice medicine in
9 all its branches.

10 "Sexual assault" means an act of nonconsensual sexual
11 conduct or sexual penetration, as defined in Section 11-0.1 of
12 the Criminal Code of 2012, including, without limitation, acts
13 prohibited under Sections 11-1.20 through 11-1.60 of the
14 Criminal Code of 2012.

15 "Sexual assault survivor" means a person who presents for
16 hospital emergency services in relation to injuries or trauma
17 resulting from a sexual assault.

18 "Sexual assault transfer plan" means a written plan
19 developed by a hospital and approved by the Department, which
20 describes the hospital's procedures for transferring sexual
21 assault survivors to another hospital in order to receive
22 emergency treatment.

23 "Sexual assault treatment plan" means a written plan
24 developed by a hospital that describes the hospital's
25 procedures and protocols for providing hospital emergency
26 services and forensic services to sexual assault survivors who

1 present themselves for such services, either directly or
2 through transfer from another hospital.

3 "Transfer services" means the appropriate medical
4 screening examination and necessary stabilizing treatment
5 prior to the transfer of a sexual assault survivor to a
6 hospital that provides hospital emergency services and
7 forensic services to sexual assault survivors pursuant to a
8 sexual assault treatment plan or areawide sexual assault
9 treatment plan.

10 "Voucher" means a document generated by a hospital at the
11 time the sexual assault survivor receives hospital emergency
12 and forensic services that a sexual assault survivor may
13 present to providers for follow-up healthcare.

14 (Source: P.A. 96-328, eff. 8-11-09; 96-1551, eff. 7-1-11;
15 97-1150, eff. 1-25-13.)

16 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

17 Sec. 5. Minimum requirements for hospitals providing
18 hospital emergency services and forensic services to sexual
19 assault survivors.

20 (a) Every hospital providing hospital emergency services
21 and forensic services to sexual assault survivors under this
22 Act shall, as minimum requirements for such services, provide,
23 with the consent of the sexual assault survivor, and as ordered
24 by the attending physician, an advanced practice nurse who has
25 a written collaborative agreement with a collaborating

1 physician that authorizes provision of emergency services, or a
2 physician assistant who has been delegated authority to provide
3 hospital emergency services and forensic services, the
4 following:

5 (1) appropriate medical examinations and laboratory
6 tests required to ensure the health, safety, and welfare of
7 a sexual assault survivor or which may be used as evidence
8 in a criminal proceeding against a person accused of the
9 sexual assault, or both; and records of the results of such
10 examinations and tests shall be maintained by the hospital
11 and made available to law enforcement officials upon the
12 request of the sexual assault survivor;

13 (2) appropriate oral and written information
14 concerning the possibility of infection, sexually
15 transmitted disease and pregnancy resulting from sexual
16 assault;

17 (3) appropriate oral and written information
18 concerning accepted medical procedures, medication, and
19 possible contraindications of such medication available
20 for the prevention or treatment of infection or disease
21 resulting from sexual assault;

22 (4) an amount of medication for treatment at the
23 hospital and after discharge as is deemed appropriate by
24 the attending physician, an advanced practice nurse, or a
25 physician assistant and consistent with the hospital's
26 current approved protocol for sexual assault survivors;

1 (5) an evaluation of the sexual assault survivor's risk
2 of contracting human immunodeficiency virus (HIV) from the
3 sexual assault;

4 (6) written and oral instructions indicating the need
5 for follow-up examinations and laboratory tests after the
6 sexual assault to determine the presence or absence of
7 sexually transmitted disease;

8 (7) referral by hospital personnel for appropriate
9 counseling; and

10 (8) when HIV prophylaxis is deemed appropriate, an
11 initial dose or doses of HIV prophylaxis, along with
12 written and oral instructions indicating the importance of
13 timely follow-up healthcare.

14 (b) Any person who is a sexual assault survivor who seeks
15 emergency hospital services and forensic services or follow-up
16 healthcare under this Act shall be provided such services
17 without the consent of any parent, guardian, custodian,
18 surrogate, or agent.

19 (b-5) Every treating hospital providing hospital emergency
20 and forensic services to sexual assault survivors shall issue a
21 voucher to any sexual assault survivor who is eligible to
22 receive one. The hospital shall make a copy of the voucher and
23 place it in the medical record of the sexual assault survivor.
24 The hospital shall provide a copy of the voucher to the sexual
25 assault survivor after discharge upon request.

26 (c) Nothing in this Section creates a physician-patient

1 relationship that extends beyond discharge from the hospital
2 emergency department.

3 (Source: P.A. 95-432, eff. 1-1-08; 96-318, eff. 1-1-10.)

4 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

5 Sec. 7. Reimbursement.

6 (a) A hospital or health care professional furnishing
7 hospital emergency services or forensic services, an ambulance
8 provider furnishing transportation to a sexual assault
9 survivor, a hospital, health care professional, or laboratory
10 providing follow-up healthcare, or a pharmacy dispensing
11 prescribed medications to any sexual assault survivor shall
12 furnish such services or medications to that person without
13 charge and shall seek payment as follows:

14 (1) If a sexual assault survivor is eligible to receive
15 benefits under the medical assistance program under
16 Article V of the Illinois Public Aid Code, the ambulance
17 provider, hospital, health care professional, laboratory,
18 or pharmacy must submit the bill to the Department of
19 Healthcare and Family Services and accept the amount paid
20 as full payment.

21 (2) If a sexual assault survivor is covered by one or
22 more policies of health insurance or is a beneficiary under
23 a public or private health coverage program, the ambulance
24 provider, hospital, health care professional, laboratory,
25 or pharmacy shall bill the insurance company or program.

1 With respect to such insured patients, applicable
2 deductible, co-pay, co-insurance, denial of claim, or any
3 other out-of-pocket insurance-related expense may be
4 submitted to the Illinois Sexual Assault Emergency
5 Treatment Program of the Department of Healthcare and
6 Family Services in accordance with 89 Ill. Adm. Code
7 148.510 for payment at the Department of Healthcare and
8 Family Services' allowable rates under the Illinois Public
9 Aid Code. The ambulance provider, hospital, health care
10 professional, laboratory, or pharmacy shall accept the
11 amounts paid by the insurance company or health coverage
12 program and the Illinois Sexual Assault Treatment Program
13 as full payment.

14 (3) If a sexual assault survivor is neither eligible to
15 receive benefits under the medical assistance program
16 under Article V of the Public Aid Code nor covered by a
17 policy of insurance or a public or private health coverage
18 program, the ambulance provider, hospital, health care
19 professional, laboratory, or pharmacy shall submit the
20 request for reimbursement to the Illinois Sexual Assault
21 Emergency Treatment Program under the Department of
22 Healthcare and Family Services in accordance with 89 Ill.
23 Adm. Code 148.510 at the Department of Healthcare and
24 Family Services' allowable rates under the Illinois Public
25 Aid Code.

26 (4) If a sexual assault survivor presents a voucher for

1 follow-up healthcare, the healthcare professional or
2 laboratory that provides follow-up healthcare or the
3 pharmacy that dispenses prescribed medications to a sexual
4 assault survivor shall submit the request for
5 reimbursement for follow-up healthcare, laboratory, or
6 pharmacy services to the Illinois Sexual Assault Emergency
7 Treatment Program under the Department of Healthcare and
8 Family Services in accordance with 89 Ill. Adm. Code
9 148.510 at the Department of Healthcare and Family
10 Services' allowable rates under the Illinois Public Aid
11 Code. Nothing in this subsection (a) precludes hospitals
12 from providing follow-up healthcare and receiving
13 reimbursement under this Section.

14 ~~When any ambulance provider furnishes transportation, hospital~~
15 ~~provides hospital emergency services and forensic services,~~
16 ~~hospital or health care professional or laboratory provides~~
17 ~~follow up healthcare, or pharmacy dispenses prescribed~~
18 ~~medications to any sexual assault survivor, as defined by the~~
19 ~~Department of Healthcare and Family Services, who is neither~~
20 ~~eligible to receive such services under the Illinois Public Aid~~
21 ~~Code nor covered as to such services by a policy of insurance,~~
22 ~~the ambulance provider, hospital, health care professional,~~
23 ~~pharmacy, or laboratory shall furnish such services to that~~
24 ~~person without charge and shall be entitled to be reimbursed~~
25 ~~for providing such services by the Illinois Sexual Assault~~
26 ~~Emergency Treatment Program under the Department of Healthcare~~

1 ~~and Family Services and at the Department of Healthcare and~~
2 ~~Family Services' allowable rates under the Illinois Public Aid~~
3 ~~Code.~~

4 (b) Nothing in this Section precludes a hospital, health
5 care provider, ambulance provider, laboratory, or pharmacy
6 from billing the sexual assault survivor or any applicable
7 health insurance or coverage for inpatient services. ~~The~~
8 ~~hospital is responsible for submitting the request for~~
9 ~~reimbursement for ambulance services, hospital emergency~~
10 ~~services, and forensic services to the Illinois Sexual Assault~~
11 ~~Emergency Treatment Program. Nothing in this Section precludes~~
12 ~~hospitals from providing follow up healthcare and receiving~~
13 ~~reimbursement under this Section.~~

14 (c) (Blank). ~~The health care professional who provides~~
15 ~~follow up healthcare and the pharmacy that dispenses~~
16 ~~prescribed medications to a sexual assault survivor are~~
17 ~~responsible for submitting the request for reimbursement for~~
18 ~~follow up healthcare or pharmacy services to the Illinois~~
19 ~~Sexual Assault Emergency Treatment Program.~~

20 (d) On and after July 1, 2012, the Department shall reduce
21 any rate of reimbursement for services or other payments or
22 alter any methodologies authorized by this Act or the Illinois
23 Public Aid Code to reduce any rate of reimbursement for
24 services or other payments in accordance with Section 5-5e of
25 the Illinois Public Aid Code.

26 (e) The Department of Healthcare and Family Services shall

1 establish standards, rules, and regulations to implement this
2 Section.

3 (Source: P.A. 97-689, eff. 6-14-12; 98-463, eff. 8-16-13.)

4 (410 ILCS 70/7.5 new)

5 Sec. 7.5. Prohibition on billing sexual assault survivors
6 directly for certain services; written notice; billing
7 protocols.

8 (a) A hospital, health care professional, ambulance
9 provider, laboratory, or pharmacy furnishing hospital
10 emergency services, forensic services, transportation,
11 follow-up healthcare, or medication to a sexual assault
12 survivor shall not:

13 (1) charge or submit a bill for any portion of the
14 costs of the services, transportation, or medications to
15 the sexual assault survivor, including any insurance
16 deductible, co-pay, co-insurance, denial of claim by an
17 insurer, spenddown, or any other out-of-pocket expense;

18 (2) communicate with, harass, or intimidate the sexual
19 assault survivor for payment of services, including, but
20 not limited to, repeatedly calling or writing to the sexual
21 assault survivor and threatening to refer the matter to a
22 debt collection agency or to an attorney for collection,
23 enforcement, or filing of other process.

24 (3) refer a bill to a collection agency or attorney for
25 collection action against the sexual assault survivor;

1 (4) contact or distribute information to affect the
2 sexual assault survivor's credit rating; or

3 (5) take any other action adverse to the sexual assault
4 survivor or his or her family on account of providing
5 services to the sexual assault survivor.

6 (b) Nothing in this Section precludes a hospital, health
7 care provider, ambulance provider, laboratory, or pharmacy
8 from billing the sexual assault survivor or any applicable
9 health insurance or coverage for inpatient services.

10 (c) Within 60 days after the effective date of this
11 amendatory Act of the 99th General Assembly, every hospital
12 providing treatment services to sexual assault survivors in
13 accordance with a plan approved under Section 2 of this Act
14 shall provide a written notice to a sexual assault survivor.
15 The written notice must include, but is not limited to, the
16 following:

17 (1) a statement that the sexual assault survivor should
18 not be directly billed by any ambulance provider providing
19 transportation services, or by any hospital, health care
20 professional, laboratory, or pharmacy for the services the
21 sexual assault survivor received as an outpatient at the
22 hospital;

23 (2) a statement that a sexual assault survivor who is
24 admitted to a hospital may be billed for inpatient services
25 provided by a hospital, health care professional,
26 laboratory, or pharmacy;

1 (3) a statement that prior to leaving the emergency
2 department of the treating facility, the hospital will give
3 the sexual assault survivor a voucher for follow-up
4 healthcare if the sexual assault survivor is eligible to
5 receive a voucher;

6 (4) the definition of "follow-up healthcare" as set
7 forth in Section 1a of this Act;

8 (5) a phone number the sexual assault survivor may call
9 should the sexual assault survivor receive a bill from the
10 hospital for hospital emergency services and forensic
11 services;

12 (6) the toll-free phone number of the Office of the
13 Illinois Attorney General, Crime Victim Services Division,
14 which the sexual assault survivor may call should the
15 sexual assault survivor receive a bill from an ambulance
16 provider, a health care professional, a laboratory, or a
17 pharmacy.

18 This subsection (c) shall not apply to hospitals that
19 provide transfer services as defined under Section 1a of this
20 Act.

21 (d) Within 60 days after the effective date of this
22 amendatory Act of the 99th General Assembly, every health care
23 professional, except for those employed by a hospital or
24 hospital affiliate, as defined in the Hospital Licensing Act,
25 or those employed by a hospital operated under the University
26 of Illinois Hospital Act who bills separately for hospital

1 emergency services or forensic services must develop a billing
2 protocol that ensures that no survivor of sexual assault will
3 be sent a bill for any hospital emergency services or forensic
4 services and submit the billing protocol to the Crime Victim
5 Services Division of the Office of the Attorney General for
6 approval. Health care professionals who bill as a legal entity
7 may submit a single billing protocol for the billing entity.
8 The billing protocol must include at a minimum:

9 (1) a description of training for persons who prepare
10 bills for hospital emergency services and forensic
11 services;

12 (2) a written acknowledgement signed by a person who
13 has completed the training sign that the person will not
14 bill survivors of sexual assault;

15 (3) prohibitions on submitting any bill for any portion
16 of hospital emergency services or forensic services
17 provided to a survivor of sexual assault to a collection
18 agency;

19 (4) prohibitions on taking any action that would
20 adversely affect the credit of the survivor of sexual
21 assault;

22 (5) the termination of all collection activities if the
23 protocol is violated, and

24 (6) the actions to be taken if a bill is sent to a
25 collection agency or the failure to pay is reported to any
26 credit reporting agency.

1 The Crime Victim Services Division of the Office of the
2 Attorney General may provide a sample acceptable billing
3 protocol upon request.

4 The Office of the Attorney General shall approve a proposed
5 protocol if it finds that the implementation of the protocol
6 would result in no survivor of sexual assault being billed or
7 sent a bill for hospital emergency services or forensic
8 services.

9 If the Office of the Attorney General determines that
10 implementation of the protocol could result in the billing of a
11 survivor of sexual assault for hospital emergency services or
12 forensic services, the Office of the Attorney General shall
13 provide the health care professional with a written statement
14 of the deficiencies in the protocol. The health care
15 professional shall have 30 days to submit a revised billing
16 protocol addressing the deficiencies to the Office of the
17 Attorney General. The health care professional shall implement
18 the protocol upon approval by the Crime Victim Services
19 Division of the Office of the Attorney General.

20 The health care professional shall submit any proposed
21 revision to or modification of an approved billing protocol to
22 the Crime Victim Services Division of the Office of the
23 Attorney General for approval. The health care professional
24 shall implement the revised or modified billing protocol upon
25 approval by the Crime Victim Services Division of the Office of
26 the Illinois Attorney General.

1 (410 ILCS 70/8) (from Ch. 111 1/2, par. 87-8)

2 Sec. 8. Penalties.

3 (a) Any hospital violating any provisions of this Act other
4 than Section 7.5 shall be guilty of a petty offense for each
5 violation, and any fine imposed shall be paid into the general
6 corporate funds of the city, incorporated town or village in
7 which the hospital is located, or of the county, in case such
8 hospital is outside the limits of any incorporated
9 municipality.

10 (b) The Attorney General may seek the assessment of one or
11 more of the following civil monetary penalties in any action
12 filed in any action filed under this Act where the hospital,
13 health care professional, ambulance provider, laboratory, or
14 pharmacy knowingly violates Section 7.5 of the Act:

15 (1) For willful violations of paragraphs (1), (2), (4),
16 or (5) of subsection (a) of Section 7.5 or subsection (c)
17 of Section 7.5, the civil monetary penalty shall not exceed
18 \$500 per violation.

19 (2) For violations of paragraphs (1), (2), (4), or (5)
20 of subsection (a) of Section 7.5 or subsection (c) of
21 Section 7.5 involving a pattern or practice, the civil
22 monetary penalty shall not exceed \$500 per violation.

23 (3) For violations of paragraph (3) of subsection (a)
24 of Section 7.5, the civil monetary penalty shall not exceed
25 \$500 for each day the bill is with a collection agency.

1 (4) For violations involving the failure to submit
2 billing protocols within the time period required under
3 subsection (d) of Section 7.5, the civil monetary penalty
4 shall not exceed \$100 per day until the health care
5 professional complies with subsection (d) of Section 7.5.

6 All civil monetary penalties shall be deposited in the
7 Illinois Sexual Assault Emergency Treatment Program Fund to pay
8 for hospital emergency services, forensic services, follow-up
9 healthcare, and medications for sexual assault survivors.

10 (Source: P.A. 79-564.)