

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

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

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

9 "Ambulance provider" means an individual or entity that  
10 owns and operates a business or service using ambulances or  
11 emergency medical services vehicles to transport emergency  
12 patients.

13 "Areawide sexual assault treatment plan" means a plan,  
14 developed by the hospitals in the community or area to be  
15 served, which provides for hospital emergency services to  
16 sexual assault survivors that shall be made available by each  
17 of the participating hospitals.

18 "Department" means the Department of Public Health.

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

23 "Follow-up healthcare" means healthcare services related

1 to a sexual assault, including laboratory services and pharmacy  
2 services, rendered within 90 days of the initial visit for  
3 hospital emergency services.

4 "Forensic services" means the collection of evidence  
5 pursuant to a statewide sexual assault evidence collection  
6 program administered by the Department of State Police, using  
7 the Illinois State Police Sexual Assault Evidence Collection  
8 Kit.

9 "Health care professional" means a physician, a physician  
10 assistant, or an advanced practice nurse.

11 "Hospital" has the meaning given to that term in the  
12 Hospital Licensing Act.

13 "Hospital emergency services" means healthcare delivered  
14 to outpatients within or under the care and supervision of  
15 personnel working in a designated emergency department of a  
16 hospital, including, but not limited to, care ordered by such  
17 personnel for a sexual assault survivor in the emergency  
18 department.

19 "Illinois State Police Sexual Assault Evidence Collection  
20 Kit" means a prepackaged set of materials and forms to be used  
21 for the collection of evidence relating to sexual assault. The  
22 standardized evidence collection kit for the State of Illinois  
23 shall be the Illinois State Police Sexual Assault Evidence  
24 Collection Kit.

25 "Nurse" means a nurse licensed under the Nurse Practice  
26 Act.

1 "Physician" means a person licensed to practice medicine in  
2 all its branches.

3 "Sexual assault" means an act of nonconsensual sexual  
4 conduct or sexual penetration, as defined in Section 11-0.1 of  
5 the Criminal Code of 2012, including, without limitation, acts  
6 prohibited under Sections 11-1.20 through 11-1.60 of the  
7 Criminal Code of 2012.

8 "Sexual assault survivor" means a person who presents for  
9 hospital emergency services in relation to injuries or trauma  
10 resulting from a sexual assault.

11 "Sexual assault transfer plan" means a written plan  
12 developed by a hospital and approved by the Department, which  
13 describes the hospital's procedures for transferring sexual  
14 assault survivors to another hospital in order to receive  
15 emergency treatment.

16 "Sexual assault treatment plan" means a written plan  
17 developed by a hospital that describes the hospital's  
18 procedures and protocols for providing hospital emergency  
19 services and forensic services to sexual assault survivors who  
20 present themselves for such services, either directly or  
21 through transfer from another hospital.

22 "Transfer services" means the appropriate medical  
23 screening examination and necessary stabilizing treatment  
24 prior to the transfer of a sexual assault survivor to a  
25 hospital that provides hospital emergency services and  
26 forensic services to sexual assault survivors pursuant to a

1 sexual assault treatment plan or areawide sexual assault  
2 treatment plan.

3 "Voucher" means a document generated by a hospital at the  
4 time the sexual assault survivor receives hospital emergency  
5 and forensic services that a sexual assault survivor may  
6 present to providers for follow-up healthcare.

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

9 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

10 Sec. 5. Minimum requirements for hospitals providing  
11 hospital emergency services and forensic services to sexual  
12 assault survivors.

13 (a) Every hospital providing hospital emergency services  
14 and forensic services to sexual assault survivors under this  
15 Act shall, as minimum requirements for such services, provide,  
16 with the consent of the sexual assault survivor, and as ordered  
17 by the attending physician, an advanced practice nurse who has  
18 a written collaborative agreement with a collaborating  
19 physician that authorizes provision of emergency services, or a  
20 physician assistant who has been delegated authority to provide  
21 hospital emergency services and forensic services, the  
22 following:

23 (1) appropriate medical examinations and laboratory  
24 tests required to ensure the health, safety, and welfare of  
25 a sexual assault survivor or which may be used as evidence

1 in a criminal proceeding against a person accused of the  
2 sexual assault, or both; and records of the results of such  
3 examinations and tests shall be maintained by the hospital  
4 and made available to law enforcement officials upon the  
5 request of the sexual assault survivor;

6 (2) appropriate oral and written information  
7 concerning the possibility of infection, sexually  
8 transmitted disease and pregnancy resulting from sexual  
9 assault;

10 (3) appropriate oral and written information  
11 concerning accepted medical procedures, medication, and  
12 possible contraindications of such medication available  
13 for the prevention or treatment of infection or disease  
14 resulting from sexual assault;

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

20 (5) an evaluation of the sexual assault survivor's risk  
21 of contracting human immunodeficiency virus (HIV) from the  
22 sexual assault;

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

1 (7) referral by hospital personnel for appropriate  
2 counseling; and

3 (8) when HIV prophylaxis is deemed appropriate, an  
4 initial dose or doses of HIV prophylaxis, along with  
5 written and oral instructions indicating the importance of  
6 timely follow-up healthcare.

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

12 (b-5) Every treating hospital providing hospital emergency  
13 and forensic services to sexual assault survivors shall issue a  
14 voucher to any sexual assault survivor who is eligible to  
15 receive one. The hospital shall make a copy of the voucher and  
16 place it in the medical record of the sexual assault survivor.  
17 The hospital shall provide a copy of the voucher to the sexual  
18 assault survivor after discharge upon request.

19 (c) Nothing in this Section creates a physician-patient  
20 relationship that extends beyond discharge from the hospital  
21 emergency department.

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

23 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

24 Sec. 7. Reimbursement.

25 (a) A hospital or health care professional furnishing

1 hospital emergency services or forensic services, an ambulance  
2 provider furnishing transportation to a sexual assault  
3 survivor, a hospital, health care professional, or laboratory  
4 providing follow-up healthcare, or a pharmacy dispensing  
5 prescribed medications to any sexual assault survivor shall  
6 furnish such services or medications to that person without  
7 charge and shall seek payment as follows:

8 (1) If a sexual assault survivor is eligible to receive  
9 benefits under the medical assistance program under  
10 Article V of the Illinois Public Aid Code, the ambulance  
11 provider, hospital, health care professional, laboratory,  
12 or pharmacy must submit the bill to the Department of  
13 Healthcare and Family Services or the appropriate Medicaid  
14 managed care organization and accept the amount paid as  
15 full payment.

16 (2) If a sexual assault survivor is covered by one or  
17 more policies of health insurance or is a beneficiary under  
18 a public or private health coverage program, the ambulance  
19 provider, hospital, health care professional, laboratory,  
20 or pharmacy shall bill the insurance company or program.  
21 With respect to such insured patients, applicable  
22 deductible, co-pay, co-insurance, denial of claim, or any  
23 other out-of-pocket insurance-related expense may be  
24 submitted to the Illinois Sexual Assault Emergency  
25 Treatment Program of the Department of Healthcare and  
26 Family Services in accordance with 89 Ill. Adm. Code

1       148.510 for payment at the Department of Healthcare and  
2       Family Services' allowable rates under the Illinois Public  
3       Aid Code. The ambulance provider, hospital, health care  
4       professional, laboratory, or pharmacy shall accept the  
5       amounts paid by the insurance company or health coverage  
6       program and the Illinois Sexual Assault Treatment Program  
7       as full payment.

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

20           (4) If a sexual assault survivor presents a voucher for  
21       follow-up healthcare, the healthcare professional or  
22       laboratory that provides follow-up healthcare or the  
23       pharmacy that dispenses prescribed medications to a sexual  
24       assault survivor shall submit the request for  
25       reimbursement for follow-up healthcare, laboratory, or  
26       pharmacy services to the Illinois Sexual Assault Emergency



1 Treatment Program under the Department of Healthcare and  
2 Family Services in accordance with 89 Ill. Adm. Code  
3 148.510 at the Department of Healthcare and Family  
4 Services' allowable rates under the Illinois Public Aid  
5 Code. Nothing in this subsection (a) precludes hospitals  
6 from providing follow-up healthcare and receiving  
7 reimbursement under this Section.

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

24 (b) Nothing in this Section precludes a hospital, health  
25 care provider, ambulance provider, laboratory, or pharmacy  
26 from billing the sexual assault survivor or any applicable

1 health insurance or coverage for inpatient services. ~~The~~  
2 ~~hospital is responsible for submitting the request for~~  
3 ~~reimbursement for ambulance services, hospital emergency~~  
4 ~~services, and forensic services to the Illinois Sexual Assault~~  
5 ~~Emergency Treatment Program. Nothing in this Section precludes~~  
6 ~~hospitals from providing follow up healthcare and receiving~~  
7 ~~reimbursement under this Section.~~

8 (c) (Blank). ~~The health care professional who provides~~  
9 ~~follow up healthcare and the pharmacy that dispenses~~  
10 ~~prescribed medications to a sexual assault survivor are~~  
11 ~~responsible for submitting the request for reimbursement for~~  
12 ~~follow up healthcare or pharmacy services to the Illinois~~  
13 ~~Sexual Assault Emergency Treatment Program.~~

14 (d) On and after July 1, 2012, the Department shall reduce  
15 any rate of reimbursement for services or other payments or  
16 alter any methodologies authorized by this Act or the Illinois  
17 Public Aid Code to reduce any rate of reimbursement for  
18 services or other payments in accordance with Section 5-5e of  
19 the Illinois Public Aid Code.

20 (e) The Department of Healthcare and Family Services shall  
21 establish standards, rules, and regulations to implement this  
22 Section.

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

24 (410 ILCS 70/7.5 new)

25 Sec. 7.5. Prohibition on billing sexual assault survivors

1 directly for certain services; written notice; billing  
2 protocols.

3 (a) A hospital, health care professional, ambulance  
4 provider, laboratory, or pharmacy furnishing hospital  
5 emergency services, forensic services, transportation,  
6 follow-up healthcare, or medication to a sexual assault  
7 survivor shall not:

8 (1) charge or submit a bill for any portion of the  
9 costs of the services, transportation, or medications to  
10 the sexual assault survivor, including any insurance  
11 deductible, co-pay, co-insurance, denial of claim by an  
12 insurer, spenddown, or any other out-of-pocket expense;

13 (2) communicate with, harass, or intimidate the sexual  
14 assault survivor for payment of services, including, but  
15 not limited to, repeatedly calling or writing to the sexual  
16 assault survivor and threatening to refer the matter to a  
17 debt collection agency or to an attorney for collection,  
18 enforcement, or filing of other process;

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

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

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

26 (b) Nothing in this Section precludes a hospital, health

1 care provider, ambulance provider, laboratory, or pharmacy  
2 from billing the sexual assault survivor or any applicable  
3 health insurance or coverage for inpatient services.

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

11 (1) a statement that the sexual assault survivor should  
12 not be directly billed by any ambulance provider providing  
13 transportation services, or by any hospital, health care  
14 professional, laboratory, or pharmacy for the services the  
15 sexual assault survivor received as an outpatient at the  
16 hospital;

17 (2) a statement that a sexual assault survivor who is  
18 admitted to a hospital may be billed for inpatient services  
19 provided by a hospital, health care professional,  
20 laboratory, or pharmacy;

21 (3) a statement that prior to leaving the emergency  
22 department of the treating facility, the hospital will give  
23 the sexual assault survivor a voucher for follow-up  
24 healthcare if the sexual assault survivor is eligible to  
25 receive a voucher;

26 (4) the definition of "follow-up healthcare" as set

1 forth in Section 1a of this Act;

2 (5) a phone number the sexual assault survivor may call  
3 should the sexual assault survivor receive a bill from the  
4 hospital for hospital emergency services and forensic  
5 services;

6 (6) the toll-free phone number of the Office of the  
7 Illinois Attorney General, Crime Victim Services Division,  
8 which the sexual assault survivor may call should the  
9 sexual assault survivor receive a bill from an ambulance  
10 provider, a health care professional, a laboratory, or a  
11 pharmacy.

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

15 (d) Within 60 days after the effective date of this  
16 amendatory Act of the 99th General Assembly, every health care  
17 professional, except for those employed by a hospital or  
18 hospital affiliate, as defined in the Hospital Licensing Act,  
19 or those employed by a hospital operated under the University  
20 of Illinois Hospital Act, who bills separately for hospital  
21 emergency services or forensic services must develop a billing  
22 protocol that ensures that no survivor of sexual assault will  
23 be sent a bill for any hospital emergency services or forensic  
24 services and submit the billing protocol to the Crime Victim  
25 Services Division of the Office of the Attorney General for  
26 approval. Health care professionals who bill as a legal entity

1 may submit a single billing protocol for the billing entity.

2 The billing protocol must include at a minimum:

3 (1) a description of training for persons who prepare  
4 bills for hospital emergency services and forensic  
5 services;

6 (2) a written acknowledgement signed by a person who  
7 has completed the training that the person will not bill  
8 survivors of sexual assault;

9 (3) prohibitions on submitting any bill for any portion  
10 of hospital emergency services or forensic services  
11 provided to a survivor of sexual assault to a collection  
12 agency;

13 (4) prohibitions on taking any action that would  
14 adversely affect the credit of the survivor of sexual  
15 assault;

16 (5) the termination of all collection activities if the  
17 protocol is violated; and

18 (6) the actions to be taken if a bill is sent to a  
19 collection agency or the failure to pay is reported to any  
20 credit reporting agency.

21 The Crime Victim Services Division of the Office of the  
22 Attorney General may provide a sample acceptable billing  
23 protocol upon request.

24 The Office of the Attorney General shall approve a proposed  
25 protocol if it finds that the implementation of the protocol  
26 would result in no survivor of sexual assault being billed or

1 sent a bill for hospital emergency services or forensic  
2 services.

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

14 The health care professional shall submit any proposed  
15 revision to or modification of an approved billing protocol to  
16 the Crime Victim Services Division of the Office of the  
17 Attorney General for approval. The health care professional  
18 shall implement the revised or modified billing protocol upon  
19 approval by the Crime Victim Services Division of the Office of  
20 the Illinois Attorney General.

21 (410 ILCS 70/8) (from Ch. 111 1/2, par. 87-8)

22 Sec. 8. Penalties.

23 (a) Any hospital violating any provisions of this Act other  
24 than Section 7.5 shall be guilty of a petty offense for each  
25 violation, and any fine imposed shall be paid into the general

1 corporate funds of the city, incorporated town or village in  
2 which the hospital is located, or of the county, in case such  
3 hospital is outside the limits of any incorporated  
4 municipality.

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

10 (1) For willful violations of paragraphs (1), (2), (4),  
11 or (5) of subsection (a) of Section 7.5 or subsection (c)  
12 of Section 7.5, the civil monetary penalty shall not exceed  
13 \$500 per violation.

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

18 (3) For violations of paragraph (3) of subsection (a)  
19 of Section 7.5, the civil monetary penalty shall not exceed  
20 \$500 for each day the bill is with a collection agency.

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

26 All civil monetary penalties shall be deposited into the



1 Violent Crime Victims Assistance Fund.

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