

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 Hospital Licensing Act is amended by  
5 changing Section 9 and by adding Section 9.6 as follows:

6 (210 ILCS 85/9) (from Ch. 111 1/2, par. 150)

7 Sec. 9. Inspections and investigations. The Department  
8 shall make or cause to be made such inspections and  
9 investigations as it deems necessary, except that, subject to  
10 appropriation, the Department shall investigate every  
11 allegation of abuse of a patient received by the Department.  
12 Information received by the Department through filed reports,  
13 inspection, or as otherwise authorized under this Act shall not  
14 be disclosed publicly in such manner as to identify individuals  
15 or hospitals, except (i) in a proceeding involving the denial,  
16 suspension, or revocation of a permit to establish a hospital  
17 or a proceeding involving the denial, suspension, or revocation  
18 of a license to open, conduct, operate, and maintain a  
19 hospital, (ii) to the Department of Children and Family  
20 Services in the course of a child abuse or neglect  
21 investigation conducted by that Department or by the Department  
22 of Public Health, (iii) in accordance with Section 6.14a of  
23 this Act, or (iv) in other circumstances as may be approved by

1 the Hospital Licensing Board.

2 (Source: P.A. 90-608, eff. 6-30-98; 91-242, eff. 1-1-00.)

3 (210 ILCS 85/9.6 new)

4 Sec. 9.6. Patient protection from abuse.

5 (a) No administrator, agent, or employee of a hospital or a  
6 member of its medical staff may abuse a patient in the  
7 hospital.

8 (b) Any hospital administrator, agent, employee, or  
9 medical staff member who has reasonable cause to believe that  
10 any patient with whom he or she has direct contact has been  
11 subjected to abuse in the hospital shall promptly report or  
12 cause a report to be made to a designated hospital  
13 administrator responsible for providing such reports to the  
14 Department as required by this Section.

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

17 (d) Upon receiving a report under subsection (b) of this  
18 Section, the hospital shall submit the report to the Department  
19 within 24 hours of obtaining such report. In the event that the  
20 hospital receives multiple reports involving a single alleged  
21 instance of abuse, the hospital shall submit one report to the  
22 Department.

23 (e) Upon receiving a report under this Section, the  
24 hospital shall promptly conduct an internal review to ensure  
25 the alleged victim's safety. Measures to protect the alleged

1 victim shall be taken as deemed necessary by the hospital's  
2 administrator and may include, but are not limited to, removing  
3 suspected violators from further patient contact during the  
4 hospital's internal review. If the alleged victim lacks  
5 decision-making capacity under the Health Care Surrogate Act  
6 and no health care surrogate is available, the hospital may  
7 contact the Illinois Guardianship and Advocacy Commission to  
8 determine the need for a temporary guardian of that person.

9 (f) All internal hospital reviews shall be conducted by a  
10 designated hospital employee or agent who is qualified to  
11 detect abuse and is not involved in the alleged victim's  
12 treatment. All internal review findings must be documented and  
13 filed according to hospital procedures and shall be made  
14 available to the Department upon request.

15 (g) Any other person may make a report of patient abuse to  
16 the Department if that person has reasonable cause to believe  
17 that a patient has been abused in the hospital.

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

26 (i) Except for willful or wanton misconduct, any

1 individual, person, institution, or agency participating in  
2 good faith in the making of a report under this Section, or in  
3 the investigation of such a report or in making a disclosure of  
4 information concerning reports of abuse under this Section,  
5 shall have immunity from any liability, whether civil,  
6 professional, or criminal, that otherwise might result by  
7 reason of such actions. For the purpose of any proceedings,  
8 whether civil, professional, or criminal, the good faith of any  
9 persons required to report cases of suspected abuse under this  
10 Section or who disclose information concerning reports of abuse  
11 in compliance with this Section, shall be presumed.

12 (j) No administrator, agent, or employee of a hospital  
13 shall adopt or employ practices or procedures designed to  
14 discourage good faith reporting of patient abuse under this  
15 Section.

16 (k) Every hospital shall ensure that all new and existing  
17 employees are trained in the detection and reporting of abuse  
18 of patients and retrained at least every 2 years thereafter.

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

1       (m) The Department shall keep a continuing record of all  
2 reports made pursuant to this Section, including indications of  
3 the final determination of any investigation and the final  
4 disposition of all reports. The Department shall inform the  
5 investigated hospital and any other person making a report  
6 under subsection (g) of its final determination or disposition  
7 in writing.

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

12       (o) All patient identifiable information in any report or  
13 investigation under this Section shall be confidential and  
14 shall not be disclosed except as authorized by this Act or  
15 other applicable law.

16       (p) Nothing in this Section relieves a hospital  
17 administrator, employee, agent, or medical staff member from  
18 contacting appropriate law enforcement authorities as required  
19 by law.

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

23       (r) Nothing in this Section shall require a hospital,  
24 including its employees, agents, and medical staff members, to  
25 provide any services to a patient in contravention of his or  
26 her stated or implied objection thereto upon grounds that such

1 services conflict with his or her religious beliefs or  
2 practices, nor shall such a patient be considered abused under  
3 this Section for the exercise of such beliefs or practices.

4 (s) The Department's implementation of this Section is  
5 subject to appropriations to the Department for that purpose.

6 (t) As used in this Section, the following terms have the  
7 following meanings:

8 "Abuse" means any physical or mental injury or sexual abuse  
9 intentionally inflicted by a hospital employee, agent, or  
10 medical staff member on a patient of the hospital and does not  
11 include any hospital, medical, health care, or other personal  
12 care services done in good faith in the interest of the patient  
13 according to established medical and clinical standards of  
14 care.

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, harassing,  
18 or threatening and which causes observable and substantial  
19 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.