



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3878

Introduced 2/26/2009, by Rep. John E. Bradley

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-67 new

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Provides that a health care facility must provide a written pre-closing statement to the Department no less than 90 days before permanently closing its facility. Provides that the statement must address certain matters, including: whether arrangements have been made for the timely transfer of patient records, regardless of format, to another health care facility, a health care practitioner, or another secure facility; whether the health care facility has arranged to provide notice to the public, at least 30 days before closing, of the planned closing of the facility; whether arrangements have been made for the transfer or disposal of hazardous and other waste and the disposition of legend drugs; whether arrangements have been made for securing the health care facility building or buildings and remaining medical equipment; and the intended date upon which business will cease. Also requires a closed health care facility, or its designee, to provide to the Department a written post-closing statement. Effective immediately.

LRB096 08362 DRJ 18472 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Department of Public Health Powers and  
5 Duties Law of the Civil Administrative Code of Illinois is  
6 amended by adding Section 2310-67 as follows:

7 (20 ILCS 2310/2310-67 new)

8 Sec. 2310-67. Health care facility closure.

9 (a) In this Section, "health care facility" or "facility"  
10 means a public or private hospital, ambulatory surgical  
11 treatment center, nursing home, kidney disease treatment  
12 center, or practice or clinic owned and operated by a licensed  
13 health care professional.

14 (b) A health care facility must provide a written  
15 pre-closing statement to the Department no less than 90 days  
16 before permanently closing its facility. The statement must  
17 address all of the following:

18 (1) Whether arrangements have been made for the timely  
19 transfer of patient records, regardless of format, to  
20 another health care facility, a health care practitioner,  
21 or another secure facility. The name of the new location  
22 shall be published on the Department's website. If no  
23 facility is willing or able to assume responsibility for

1 the patient records from a facility that is closing, the  
2 Department shall assume responsibility for those records.

3 (2) Whether an agreement with the facility or health  
4 care practitioner receiving the patient records has been  
5 made that provides for the following:

6 (A) Safe storage of patient records.

7 (B) Privacy of patient record information.

8 (C) Availability of patient records for release to  
9 individuals lawfully authorized to receive them.

10 (D) Periodic destruction of patient records for  
11 which the statutory retention period has expired.

12 (3) Whether the health care facility has arranged to  
13 provide notice to the public, at least 30 days before  
14 closing, of the planned closing of the facility. The notice  
15 must include an explanation of how to obtain copies of the  
16 patient records for those authorized to access those  
17 records. Notice may be given by publication in a newspaper  
18 of general circulation in the area in which the health care  
19 facility is located.

20 (4) In the case of a hospital, whether arrangements  
21 have been made for (i) the timely transfer of medical staff  
22 credentialing files and (ii) notification to physicians on  
23 the hospital's staff of the location of those files. If no  
24 other facility is willing or able to assume responsibility  
25 for the medical staff credentialing files from a hospital  
26 that is closing, the Department shall assume

1 responsibility for those files.

2 (5) Whether arrangements have been made for the  
3 transfer or disposal of hazardous and other waste, if any,  
4 in accordance with the Radiation Protection Act, the  
5 Environmental Protection Act, and other applicable laws  
6 and regulations.

7 (6) Whether arrangements have been made for the  
8 disposition of legend drugs, if any, in accordance with the  
9 Pharmacy Practice Act and other applicable laws and  
10 regulations.

11 (7) Whether arrangements have been made for securing  
12 the health care facility building or buildings and  
13 remaining medical equipment, if any.

14 (8) The intended date upon which business will cease.

15 (b) The Department shall require a closed health care  
16 facility, or its designee, to provide to the Department a  
17 written post-closing statement that (i) describes the  
18 completion of, and any changes to, the plan of closure set  
19 forth in the facility's pre-closing statement and (ii) states  
20 the actual date on which business ceased. The Department may  
21 verify that the arrangements or other provisions of the plan of  
22 closure have been implemented and shall notify appropriate  
23 State and federal authorities of the closure to ensure  
24 compliance with other applicable laws and regulations.

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.