

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:

10 "Closing" means ceasing all operations under an existing
11 facility license that results in patients no longer being
12 treated at the closed location. The term "closing" does not
13 include a situation where a facility ceases operations at one
14 location while contemporaneously establishing a replacement
15 facility in another location.

16 "Health care facility" or "facility" means a public or
17 private hospital, ambulatory surgical treatment center,
18 nursing home, or kidney disease treatment center.

19 (b) A hospital must provide a written pre-closing statement
20 to the Department no less than 90 days before permanently
21 closing its facility. A health care facility other than a
22 hospital must provide a written pre-closing statement to the
23 Department no less than 90 days before permanently closing its

1 facility. The statement must address all of the following:

2 (1) Whether arrangements have been made for the timely
3 transfer of patient records, regardless of format, to
4 another health care facility, or another secure facility.
5 The name of the new location shall be published on the
6 Department's website.

7 (2) Whether an agreement with the facility receiving
8 the patient records has been made that provides for the
9 following:

10 (A) Safe storage of patient records.

11 (B) Privacy of patient record information.

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

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

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

24 (4) In the case of a hospital, whether arrangements
25 have been made for (i) the timely transfer of medical staff
26 credentialing files and (ii) notification to physicians on

1 the hospital's staff of the location of 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.