

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 Fair Patient Billing Act is amended by
5 adding Section 12 and by changing Section 55 as follows:

6 (210 ILCS 88/12 new)

7 Sec. 12. Facility fee disclosure. If a hospital charges a
8 facility fee for outpatient services separate and distinct
9 from a professional fee, then the hospital shall develop a
10 policy to inform patients as soon as reasonably practicable
11 that they may be subject to a facility fee. The policy shall
12 include, but not be limited to, the method the facility will
13 use to inform patients that they may be charged a facility fee;
14 the services and operating expenses generally covered by
15 facility fees; the reason for charging a facility fee on the
16 patient or patient's health plan; and contact information to
17 allow the patient to request more information.

18 (210 ILCS 88/55)

19 Sec. 55. Enforcement.

20 (a) The Attorney General is responsible for administering
21 and ensuring compliance with this Act, including the
22 development of any rules necessary for the implementation and

1 enforcement of this Act.

2 (b) The Attorney General shall develop and implement a
3 process for receiving and handling complaints from individuals
4 or hospitals regarding possible violations of this Act.

5 (c) The Attorney General may conduct any investigation
6 deemed necessary regarding possible violations of this Act by
7 any hospital including, without limitation, the issuance of
8 subpoenas to: (i) require the hospital to file a statement or
9 report or answer interrogatories in writing as to all
10 information relevant to the alleged violations; (ii) examine
11 under oath any person who possesses knowledge or information
12 directly related to the alleged violations; and (iii) examine
13 any record, book, document, account, or paper necessary to
14 investigate the alleged violation.

15 (d) If the Attorney General determines that there is a
16 reason to believe that any hospital has violated the Act, the
17 Attorney General may bring an action in the name of the People
18 of the State against the hospital to obtain temporary,
19 preliminary, or permanent injunctive relief for any act,
20 policy, or practice by the hospital that violates this Act.
21 Before bringing such an action, the Attorney General may
22 permit the hospital to submit a Correction Plan for the
23 Attorney General's approval.

24 (e) This Section applies if:

25 (i) a court orders a party to make payments to the
26 Attorney General and the payments are to be used for the

1 operations of the Office of the Attorney General; or

2 (ii) a party agrees in a Correction Plan under this
3 Act, to make payments to the Attorney General for the
4 operations of the Office of the Attorney General.

5 (f) Moneys paid under any of the conditions described in
6 (e) shall be deposited into the Attorney General Court Ordered
7 and Voluntary Compliance Payment Projects Fund. Moneys in the
8 Fund shall be used, subject to appropriation, for the
9 performance of any function pertaining to the exercise of the
10 duties to the Attorney General including, but not limited to,
11 enforcement of any law of this State and conducting public
12 education programs; however, any moneys in the Fund that are
13 required by the court to be used for a particular purpose shall
14 be used for that purpose.

15 (g) The Attorney General may seek the assessment of one or
16 more of the following civil monetary penalties in any action
17 filed under this Act where the hospital knowingly violates the
18 Act:

19 (1) For violations, involving a pattern or practice,
20 of not providing the information to patients under
21 Sections 12, 15, 20, 25, and 50, the civil monetary
22 penalty shall not exceed \$500 per violation.

23 (2) For violations involving the failure to engage in
24 or refrain from certain activities under Sections 30, 35
25 and 40, the civil monetary penalty shall not exceed \$1000
26 per violation.

1 (h) In the event a court grants a final order of relief
2 against any hospital for a violation of this Act, the Attorney
3 General may, after all appeal rights have been exhausted,
4 refer the hospital to the Illinois Department of Public Health
5 for possible adverse licensure action under the Hospital
6 Licensing Act.

7 (Source: P.A. 94-885, eff. 1-1-07.)