



Sen. Steve Stadelman

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10400HB1431sam001

LRB104 06839 BAB 25608 a

1 AMENDMENT TO HOUSE BILL 1431

2 AMENDMENT NO. _____. Amend House Bill 1431 on page 1,
3 line 5, after "12", by inserting "and by changing Section 55";
4 and

5 on page 1, immediately below line 17, by inserting the
6 following:

7 "(210 ILCS 88/55)

8 Sec. 55. Enforcement.

9 (a) The Attorney General is responsible for administering
10 and ensuring compliance with this Act, including the
11 development of any rules necessary for the implementation and
12 enforcement of this Act.

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

16 (c) The Attorney General may conduct any investigation

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

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

19 (e) This Section applies if:

20 (i) a court orders a party to make payments to the
21 Attorney General and the payments are to be used for the
22 operations of the Office of the Attorney General; or

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

26 (f) Moneys paid under any of the conditions described in

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

10 (g) The Attorney General may seek the assessment of one or
11 more of the following civil monetary penalties in any action
12 filed under this Act where the hospital knowingly violates the
13 Act:

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

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

22 (h) In the event a court grants a final order of relief
23 against any hospital for a violation of this Act, the Attorney
24 General may, after all appeal rights have been exhausted,
25 refer the hospital to the Illinois Department of Public Health
26 for possible adverse licensure action under the Hospital

1 Licensing Act.

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