



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0467

by Rep. Sheri Jesiel

#### SYNOPSIS AS INTRODUCED:

210 ILCS 5/3

from Ch. 111 1/2, par. 157-8.3

210 ILCS 5/6.3 new

Amends the Ambulatory Surgical Treatment Center Act. Provides for the licensure of pregnancy termination specialty centers. Defines "pregnancy termination specialty center" as a facility that performs 50 or more surgical abortions in one calendar year. Provides that the definition of "ambulatory surgical treatment center" does not include a pregnancy termination specialty center. Contains certain requirements for pregnancy termination specialty centers. Provides that certain requirements pertaining to ambulatory surgical treatment centers do not apply to pregnancy termination specialty centers. Provides that the provisions of the Act apply to pregnancy termination specialty centers, but if a provision of the Act is in conflict with a provision concerning pregnancy termination specialty centers, then the provision concerning pregnancy termination specialty centers shall control. Requires the Department of Public Health to annually conduct at least one unannounced inspection of each pregnancy termination specialty center. Contains provisions requiring the notification of patients if the Department finds a violation of the Act that could threaten patients' health. Effective immediately.

LRB100 05393 MJP 15404 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Ambulatory Surgical Treatment Center Act is  
5 amended by changing Section 3 and by adding Section 6.3 as  
6 follows:

7 (210 ILCS 5/3) (from Ch. 111 1/2, par. 157-8.3)

8 Sec. 3. As used in this Act, unless the context otherwise  
9 requires, the following words and phrases shall have the  
10 meanings ascribed to them:

11 (A) "Ambulatory surgical treatment center" means any  
12 institution, place or building devoted primarily to the  
13 maintenance and operation of facilities for the performance of  
14 surgical procedures. "Ambulatory surgical treatment center"  
15 includes any place that meets and complies with the definition  
16 of an ambulatory surgical treatment center under the rules  
17 adopted by the Department or any facility in which a medical or  
18 surgical procedure is utilized to terminate a pregnancy,  
19 irrespective of whether the facility is devoted primarily to  
20 this purpose. Such facility shall not provide beds or other  
21 accommodations for the overnight stay of patients; however,  
22 facilities devoted exclusively to the treatment of children may  
23 provide accommodations and beds for their patients for up to 23

1 hours following admission. Individual patients shall be  
2 discharged in an ambulatory condition without danger to the  
3 continued well being of the patients or shall be transferred to  
4 a hospital.

5 The term "ambulatory surgical treatment center" does not  
6 include any of the following:

7 (1) Any institution, place, building or agency  
8 required to be licensed pursuant to the "Hospital Licensing  
9 Act", approved July 1, 1953, as amended.

10 (2) Any person or institution required to be licensed  
11 pursuant to the Nursing Home Care Act, the Specialized  
12 Mental Health Rehabilitation Act of 2013, the ID/DD  
13 Community Care Act, or the MC/DD Act.

14 (3) Hospitals or ambulatory surgical treatment centers  
15 maintained by the State or any department or agency  
16 thereof, where such department or agency has authority  
17 under law to establish and enforce standards for the  
18 hospitals or ambulatory surgical treatment centers under  
19 its management and control.

20 (4) Hospitals or ambulatory surgical treatment centers  
21 maintained by the Federal Government or agencies thereof.

22 (5) Any place, agency, clinic, or practice, public or  
23 private, whether organized for profit or not, devoted  
24 exclusively to the performance of dental or oral surgical  
25 procedures.

26 (6) Any pregnancy termination specialty center.

1 (B) "Person" means any individual, firm, partnership,  
2 corporation, company, association, or joint stock association,  
3 or the legal successor thereof.

4 (C) "Department" means the Department of Public Health of  
5 the State of Illinois.

6 (D) "Director" means the Director of the Department of  
7 Public Health of the State of Illinois.

8 (E) "Physician" means a person licensed to practice  
9 medicine in all of its branches in the State of Illinois.

10 (F) "Dentist" means a person licensed to practice dentistry  
11 under the Illinois Dental Practice Act.

12 (G) "Podiatric physician" means a person licensed to  
13 practice podiatry under the Podiatric Medical Practice Act of  
14 1987.

15 (H) "Pregnancy termination specialty center" means any  
16 facility that performs 50 or more surgical abortions in one  
17 calendar year.

18 (Source: P.A. 98-214, eff. 8-9-13; 98-1123, eff. 1-1-15;  
19 99-180, eff. 7-29-15.)

20 (210 ILCS 5/6.3 new)

21 Sec. 6.3. Pregnancy termination specialty centers.

22 (a) On and after the effective date of this amendatory Act  
23 of the 100th General Assembly, a pregnancy termination  
24 specialty center must be licensed to operate in this State.

25 The initial and renewal application for licensure must

1 include the name, address, and telephone number of all owners,  
2 administrators, and medical directors of the pregnancy  
3 termination specialty center. However, the other information  
4 required by this Section shall be maintained at the pregnancy  
5 termination specialty center and be available for inspection by  
6 the Department. The information shall include the original or  
7 notarized copies of the credentials of all licensed or  
8 certified personnel.

9 (b) A pregnancy termination specialty center must comply  
10 with the provisions of this Act and the rules adopted under  
11 this Act. However, if there is any conflict between this  
12 Section and a provision of this Act or rule adopted under this  
13 Act, this Section shall control.

14 (c) A pregnancy termination specialty center must comply  
15 with the following requirements:

16 (1) Mechanical ventilation devices and intubation  
17 equipment shall be available on-site if intravenous  
18 sedation is used.

19 (2) If the facility does not meet the requirements of  
20 77 Ill. Adm. Code 205.540(d), the medical director or a  
21 physician practicing at the pregnancy termination  
22 specialty center must have a professional working  
23 relationship or agreement, maintained in writing at the  
24 pregnancy termination specialty center and verifiable by  
25 the Department, with a physician (i) who has admitting or  
26 practice privileges at a licensed hospital within 15

1 minutes from the pregnancy termination specialty center  
2 and (ii) who will assume responsibility for all patients  
3 requiring such follow-up care.

4 (3) Adequate space shall be provided to accommodate any  
5 equipment necessary for examination, to perform  
6 examinations safely, and to allow unobstructed ingress and  
7 egress to and from the examination area; however, a  
8 separate examination room is not required.

9 (4) Each room in which a procedure to terminate  
10 pregnancy is performed shall be at least 120 square feet in  
11 size with a minimum dimension of at least 10 feet, unless  
12 the pregnancy termination specialty center demonstrates  
13 that the room size is adequate to accommodate the equipment  
14 required for the procedures, to facilitate the performance  
15 of the procedures safely, and to protect the patients and  
16 staff in the event of fire or other emergency.

17 (5) No fewer than 3 recovery beds or lounge chairs  
18 shall be required for each procedure room. However, if the  
19 pregnancy termination specialty center's narrative program  
20 provides that no more than 2 procedures per hour will be  
21 performed per procedure room, then only 2 recovery beds or  
22 lounge chairs shall be required for each procedure room. A  
23 minimum of 3 feet shall be provided between each recovery  
24 bed or lounge chair, and an unobstructed passageway of a  
25 minimum of 4 feet shall be provided at one end of each bed  
26 or chair.

1           (6) The pregnancy termination specialty center shall  
2           provide for direct visual supervision of the recovery area  
3           for all patients; however, the recovery area is not  
4           required to include a drug distribution station, charting  
5           facility, nurses station, or storage space for supplies and  
6           equipment.

7           (7) A toilet for patient use shall be in the recovery  
8           area or in a location that does not require patients to  
9           enter public areas or other patient care areas in order to  
10           gain access from the recovery area. This toilet shall not  
11           be available for public use. A gray diverter valve is not  
12           required on the toilet in the recovery area if a means of  
13           fluid waste disposal is provided at another location within  
14           the pregnancy termination specialty center.

15           (8) A scrub station is required outside the procedure  
16           room, unless the procedure room contains a sink with hand  
17           washing capabilities.

18           (9) Facilities shall be provided for closed clean  
19           storage that prevents contamination by soiled materials  
20           and for storage and handling of soiled linens and other  
21           soiled materials; however, a separate soiled workroom is  
22           not required. These procedures shall be described in the  
23           pregnancy termination specialty center's narrative  
24           program.

25           (10) Space shall be provided for any changing or  
26           gowning that is required by the specific procedures that

1 are being performed, in accordance with the pregnancy  
2 termination specialty center's narrative program; however,  
3 a one-way traffic pattern through staff change areas is not  
4 required.

5 (11) There must be a separate janitor's closet for the  
6 surgical suite, unless the janitor's closet for the  
7 pregnancy termination specialty center is centrally  
8 located and contains space for the storage of supplies  
9 needed for cleaning both the surgical and non-surgical  
10 areas of the pregnancy termination specialty center.

11 (12) A minimum corridor width of 5 feet and a minimum  
12 door width of 3 feet shall be provided for all corridors  
13 and for all doors that are accessible to the public or  
14 through which patients may need to be transported in an  
15 emergency.

16 (13) Ceilings in procedure and recovery rooms shall be  
17 cleanable; however, the ceilings are not required to be  
18 washable.

19 (14) The temperature in the pregnancy termination  
20 specialty center shall be maintained between 68 and 80  
21 degrees Fahrenheit; however, ventilation, air change, and  
22 air filter requirements applicable to ambulatory surgical  
23 treatment centers do not apply.

24 (d) The following requirements applicable to ambulatory  
25 surgical treatment centers do not apply to pregnancy  
26 termination specialty centers:



1           (1) The requirements of 77 Ill. Adm. Code 205.1400(d)  
2           for flush thresholds and expansion joints.

3           (2) The requirements of 77 Ill. Adm. Code 205.1410 for  
4           elevators.

5           (3) The requirements of 77 Ill. Adm. Code 205.1350 for  
6           administrative and public areas of the pregnancy  
7           termination specialty center.

8           (4) One duplex receptacle for each wall is not  
9           required.

10          (5) A change area for patients is not required.

11          (6) Anesthesia and medical gas storage facilities are  
12          not required.

13          (7) A control station for the operating suite is not  
14          required.

15          (8) A communication system between the control station  
16          and each procedure room is not required.

17          (e) The Department shall annually conduct at least one  
18          unannounced inspection at each pregnancy termination specialty  
19          center. If, during an inspection, the Department finds any  
20          violation of this Act or rule under this Act that could  
21          potentially give a patient an infectious disease that could  
22          threaten the health of the patient, notice of the violation  
23          must be immediately provided, in writing, to the patient by (i)  
24          the pregnancy termination specialty center or (ii) the  
25          Department, if the pregnancy termination specialty center has  
26          closed. The notice to the patient shall include a description

1 of the violation, the time frame during which the violation  
2 occurred, the location of the violation, and the potential  
3 health risks to the patient. The pregnancy termination  
4 specialty center shall submit a copy of the notice in the  
5 pregnancy termination specialty center's plan of correction to  
6 the Department.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.