



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4393

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 18418 MJP 33632 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.