

1 AMENDMENT TO SENATE BILL 552

2 AMENDMENT NO. _____. Amend Senate Bill 552 replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Discriminatory Pricing Act

6 Section 5. Definitions. As used in this Act:

7 "Charge" means the uniform price for a specific service
8 charged by a hospital.

9 "Cost of providing services" means a hospital's published
10 charges at the time of billing of an uninsured patient,
11 multiplied by the hospital's most recent relationship of
12 costs to charges as taken from the Medicaid cost report.

13 "Hospital" means a health care facility licensed under
14 the Hospital Licensing Act. "Hospital" does not include
15 health care facilities whose most recent relationship of
16 costs to charges as taken from the Medicaid cost report is
17 one or greater.

18 "Income" means income defined as federal adjusted gross
19 income from the previous year. Patients who are unemployed
20 may request a determination based on an estimate of their
21 current year income.

22 "Medically needy patient" means any person or household

1 with total medical bills for medically necessary medical
2 services that were not covered by any medical or health
3 coverage that exceed 20% of their income in the previous year
4 and who (A) have previously applied and been denied
5 eligibility for any medical or health care coverage provided
6 under the general assistance program or the Medicaid program
7 due to failure to satisfy income or other eligibility
8 requirements, and (B) are not eligible for coverage for
9 hospital services under the Medicare or under any Medicaid or
10 health insurance program of any other nation, state,
11 territory, or commonwealth, or under any other governmental
12 or privately sponsored health or accident insurance or
13 benefit program including, but not limited to, workers'
14 compensation and awards, settlements, or judgments arising
15 from claims, suits, or proceedings involving motor vehicle
16 accidents or alleged negligence.

17 "Uninsured patient" means a person whose income is at or
18 below 300% of the poverty income guidelines who (A) has
19 previously applied and been denied eligibility for any
20 medical or health care coverage provided under the general
21 assistance program or the Medicaid program due to failure to
22 satisfy income or other eligibility requirements, and (B) is
23 not eligible for coverage for hospital services under the
24 Medicare or under any Medicaid or health insurance program of
25 any other nation, state, territory, or commonwealth, or under
26 any other governmental or privately sponsored health or
27 accident insurance or benefit program including, but not
28 limited to, workers' compensation and awards, settlements, or
29 judgments arising from claims, suits, or proceedings
30 involving motor vehicle accidents or alleged negligence.

31 "Medically necessary service" means a service that is
32 reasonably expected to prevent, diagnose, prevent the
33 worsening of, alleviate, correct, or cure conditions that
34 endanger life, cause suffering or pain, cause physical

1 deformity or malfunction, threaten to cause or to aggravate a
2 handicap, or result in illness or infirmity. "Medically
3 necessary service" shall include inpatient and outpatient
4 services as mandated under Title XIX of the Federal Social
5 Security Act. "Medically necessary service" shall not include
6 non-medical services, such as social, educational, and
7 vocational services, or cosmetic surgery.

8 Section 10. Uninsured or medically needy patients. No
9 hospital that has provided health care services to an
10 uninsured patient or medically needy patient may collect from
11 the uninsured or medically needy patient more than the cost
12 of providing services.

13 Section 15. Debt collection activities prohibited. No
14 hospital may initiate debt collection activities against a
15 patient until a determination has been made as to whether the
16 patient qualifies as an uninsured or medically needy patient.

17 Section 20. Compliance. The Department of Public Health
18 must develop appropriate reporting mechanisms to enforce the
19 provisions of this Act.

20 Section 25. Penalties. A determination that a hospital
21 has violated the provisions of this Act may result in the
22 termination of licensure under the Hospital Licensing Act.

23 Section 90. The Hospital Licensing Act is amended by
24 changing Section 7 as follows:

25 (210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

26 Sec. 7. (a) The Director after notice and opportunity
27 for hearing to the applicant or licensee may deny, suspend,
28 or revoke a permit to establish a hospital or deny, suspend,

1 or revoke a license to open, conduct, operate, and maintain a
2 hospital in any case in which he finds that there has been a
3 substantial failure to comply with the provisions of this Act
4 or the standards, rules, and regulations established by
5 virtue thereof or the Discriminatory Pricing Act or the rules
6 established by virtue thereof.

7 (b) Such notice shall be effected by registered mail or
8 by personal service setting forth the particular reasons for
9 the proposed action and fixing a date, not less than 15 days
10 from the date of such mailing or service, at which time the
11 applicant or licensee shall be given an opportunity for a
12 hearing. Such hearing shall be conducted by the Director or
13 by an employee of the Department designated in writing by the
14 Director as Hearing Officer to conduct the hearing. On the
15 basis of any such hearing, or upon default of the applicant
16 or licensee, the Director shall make a determination
17 specifying his findings and conclusions. In case of a denial
18 to an applicant of a permit to establish a hospital, such
19 determination shall specify the subsection of Section 6 under
20 which the permit was denied and shall contain findings of
21 fact forming the basis of such denial. A copy of such
22 determination shall be sent by registered mail or served
23 personally upon the applicant or licensee. The decision
24 denying, suspending, or revoking a permit or a license shall
25 become final 35 days after it is so mailed or served, unless
26 the applicant or licensee, within such 35 day period,
27 petitions for review pursuant to Section 13.

28 (c) The procedure governing hearings authorized by this
29 Section shall be in accordance with rules promulgated by the
30 Department and approved by the Hospital Licensing Board. A
31 full and complete record shall be kept of all proceedings,
32 including the notice of hearing, complaint, and all other
33 documents in the nature of pleadings, written motions filed
34 in the proceedings, and the report and orders of the Director

1 and Hearing Officer. All testimony shall be reported but need
2 not be transcribed unless the decision is appealed pursuant
3 to Section 13. A copy or copies of the transcript may be
4 obtained by any interested party on payment of the cost of
5 preparing such copy or copies.

6 (d) The Director or Hearing Officer shall upon his own
7 motion, or on the written request of any party to the
8 proceeding, issue subpoenas requiring the attendance and the
9 giving of testimony by witnesses, and subpoenas duces tecum
10 requiring the production of books, papers, records, or
11 memoranda. All subpoenas and subpoenas duces tecum issued
12 under the terms of this Act may be served by any person of
13 full age. The fees of witnesses for attendance and travel
14 shall be the same as the fees of witnesses before the Circuit
15 Court of this State, such fees to be paid when the witness is
16 excused from further attendance. When the witness is
17 subpoenaed at the instance of the Director, or Hearing
18 Officer, such fees shall be paid in the same manner as other
19 expenses of the Department, and when the witness is
20 subpoenaed at the instance of any other party to any such
21 proceeding the Department may require that the cost of
22 service of the subpoena or subpoena duces tecum and the fee
23 of the witness be borne by the party at whose instance the
24 witness is summoned. In such case, the Department in its
25 discretion, may require a deposit to cover the cost of such
26 service and witness fees. A subpoena or subpoena duces tecum
27 issued as aforesaid shall be served in the same manner as a
28 subpoena issued out of a court.

29 (e) Any Circuit Court of this State upon the application
30 of the Director, or upon the application of any other party
31 to the proceeding, may, in its discretion, compel the
32 attendance of witnesses, the production of books, papers,
33 records, or memoranda and the giving of testimony before the
34 Director or Hearing Officer conducting an investigation or

1 holding a hearing authorized by this Act, by an attachment
2 for contempt, or otherwise, in the same manner as production
3 of evidence may be compelled before the court.

4 (f) The Director or Hearing Officer, or any party in an
5 investigation or hearing before the Department, may cause the
6 depositions of witnesses within the State to be taken in the
7 manner prescribed by law for like depositions in civil
8 actions in courts of this State, and to that end compel the
9 attendance of witnesses and the production of books, papers,
10 records, or memoranda.

11 (Source: Laws 1967, p. 3969.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."