

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 Hospital Licensing Act is amended by  
5 changing Sections 3 and 4.6 as follows:

6 (210 ILCS 85/3)

7 Sec. 3. As used in this Act:

8 (A) "Hospital" means any institution, place, building,  
9 buildings on a campus, or agency, public or private, whether  
10 organized for profit or not, devoted primarily to the  
11 maintenance and operation of facilities for the diagnosis and  
12 treatment or care of 2 or more unrelated persons admitted for  
13 overnight stay or longer in order to obtain medical, including  
14 obstetric, psychiatric and nursing, care of illness, disease,  
15 injury, infirmity, or deformity.

16 The term "hospital", without regard to length of stay,  
17 shall also include:

18 (a) any facility which is devoted primarily to  
19 providing psychiatric and related services and programs  
20 for the diagnosis and treatment or care of 2 or more  
21 unrelated persons suffering from emotional or nervous  
22 diseases;

23 (b) all places where pregnant females are received,

1           cared for, or treated during delivery irrespective of the  
2           number of patients received.

3           The term "hospital" includes general and specialized  
4           hospitals, tuberculosis sanitarium, mental or psychiatric  
5           hospitals and sanitarium, and includes maternity homes,  
6           lying-in homes, and homes for unwed mothers in which care is  
7           given during delivery.

8           The term "hospital" does not include:

9                   (1) any person or institution required to be licensed  
10                   pursuant to the Nursing Home Care Act or the MR/DD  
11                   Community Care Act;

12                   (2) hospitalization or care facilities maintained by  
13                   the State or any department or agency thereof, where such  
14                   department or agency has authority under law to establish  
15                   and enforce standards for the hospitalization or care  
16                   facilities under its management and control;

17                   (3) hospitalization or care facilities maintained by  
18                   the federal government or agencies thereof;

19                   (4) hospitalization or care facilities maintained by  
20                   any university or college established under the laws of  
21                   this State and supported principally by public funds raised  
22                   by taxation;

23                   (5) any person or facility required to be licensed  
24                   pursuant to the Alcoholism and Other Drug Abuse and  
25                   Dependency Act;

26                   (6) any facility operated solely by and for persons who

1           rely exclusively upon treatment by spiritual means through  
2           prayer, in accordance with the creed or tenets of any  
3           well-recognized church or religious denomination;

4           (7) an Alzheimer's disease management center  
5           alternative health care model licensed under the  
6           Alternative Health Care Delivery Act; or

7           (8) any veterinary hospital or clinic operated by a  
8           veterinarian or veterinarians licensed under the  
9           Veterinary Medicine and Surgery Practice Act of 2004 or  
10          maintained by a State-supported or publicly funded  
11          university or college.

12          (B) "Person" means the State, and any political subdivision  
13          or municipal corporation, individual, firm, partnership,  
14          corporation, company, association, or joint stock association,  
15          or the legal successor thereof.

16          (C) "Department" means the Department of Public Health of  
17          the State of Illinois.

18          (D) "Director" means the Director of Public Health of the  
19          State of Illinois.

20          (E) "Perinatal" means the period of time between the  
21          conception of an infant and the end of the first month after  
22          birth.

23          (F) "Federally designated organ procurement agency" means  
24          the organ procurement agency designated by the Secretary of the  
25          U.S. Department of Health and Human Services for the service  
26          area in which a hospital is located; except that in the case of

1 a hospital located in a county adjacent to Wisconsin which  
2 currently contracts with an organ procurement agency located in  
3 Wisconsin that is not the organ procurement agency designated  
4 by the U.S. Secretary of Health and Human Services for the  
5 service area in which the hospital is located, if the hospital  
6 applies for a waiver pursuant to 42 USC 1320b-8(a), it may  
7 designate an organ procurement agency located in Wisconsin to  
8 be thereafter deemed its federally designated organ  
9 procurement agency for the purposes of this Act.

10 (G) "Tissue bank" means any facility or program operating  
11 in Illinois that is certified by the American Association of  
12 Tissue Banks or the Eye Bank Association of America and is  
13 involved in procuring, furnishing, donating, or distributing  
14 corneas, bones, or other human tissue for the purpose of  
15 injecting, transfusing, or transplanting any of them into the  
16 human body. "Tissue bank" does not include a licensed blood  
17 bank. For the purposes of this Act, "tissue" does not include  
18 organs.

19 (H) "Campus", as this terms applies to operations, has the  
20 same meaning as the term "campus" as set forth in federal  
21 Medicare regulations, 42 CFR 413.65.

22 (Source: P.A. 96-219, eff. 8-10-09; 96-339, eff. 7-1-10;  
23 96-1000, eff. 7-2-10.)

24 (210 ILCS 85/4.6)

25 Sec. 4.6. Additional licensing requirements.

1           (a) Notwithstanding any other law or rule to the contrary,  
2 the Department may license as a hospital a building that (i) is  
3 owned or operated by a hospital licensed under this Act, (ii)  
4 is located in a municipality with a population of less than  
5 60,000, and (iii) includes a postsurgical recovery care center  
6 licensed under the Alternative Health Care Delivery Act for a  
7 period of not less than 2 years, an ambulatory surgical  
8 treatment center licensed under the Ambulatory Surgical  
9 Treatment Center Act, and a Freestanding Emergency Center  
10 licensed under the Emergency Medical Services (EMS) Systems  
11 Act. Only the components of the building which are currently  
12 licensed shall be eligible under the provisions of this  
13 Section.

14           (b) Prior to issuing a license, the Department shall  
15 inspect the facility and require the facility to meet such of  
16 the Department's rules relating to the establishment of  
17 hospitals as the Department determines are appropriate to such  
18 facility. Once the Department approves the facility and issues  
19 a hospital license, all other licenses as listed in subsection  
20 (a) above shall be null and void.

21           (c) Only one license may be issued under the authority of  
22 this Section. No license may be issued after 18 months after  
23 the effective date of this amendatory Act of the 91st General  
24 Assembly.

25           (d) Beginning on the effective date of this amendatory Act  
26 of the 96th General Assembly, each hospital building or

1 facility that is (i) located on the campus of the licensee but  
2 on a site that is not contiguous, adjacent, or otherwise  
3 attached to the main hospital building of the campus of the  
4 licensee, (ii) operated by the licensee, and (iii) provides  
5 inpatient services to patients at this building or facility  
6 shall, at a minimum, individually comply with the Department's  
7 hospital licensing requirements for emergency services. The  
8 hospital shall submit to the Department a comprehensive plan  
9 describing the services and operations of each facility or  
10 building and how common services or operations will be  
11 coordinated between the various locations. The Department  
12 shall review the plan and may authorize a waiver granting an  
13 exemption for compliance with the hospital licensing  
14 requirements for specific buildings or facilities, including  
15 requirements for emergency services, provided that the  
16 hospital has documented which other building or facility under  
17 its single license provides that service or operation, and that  
18 doing so would not endanger the public's health, safety, or  
19 welfare. Nothing in this Section relieves a hospital from the  
20 requirements of the Illinois Health Facilities Planning Act.

21 (Source: P.A. 91-736, eff. 6-2-00.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.