



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1617

Introduced 2/19/2009, by Sen. Heather Steans

SYNOPSIS AS INTRODUCED:

210 ILCS 5/6
420 ILCS 40/5

from Ch. 111 1/2, par. 157-8.6
from Ch. 111 1/2, par. 210-5

Amends the Ambulatory Surgical Treatment Center Act and the Radiation Protection Act of 1990. Provides that on and after the effective date of the amendatory Act, no license shall be granted or renewed under the Ambulatory Surgical Treatment Center Act unless the applicant: (i) submits, and the Department of Public Health (IDPH) approves, a plan for providing service to Medicaid recipients and medically underserved populations in its service area; or (ii) submits a plan for charity care that has been approved by the Illinois Attorney General; or (iii) submits a notarized statement signed by the Chief Executive Officer of the organization certifying that the applicant will not refuse service to any patient because the services the patient seeks may be reimbursed under Medicaid. Provides that no person may administer radiation to a human being in a Class C or D radiation installation, other than a hospital, unless the radiation installation submits similar items to the Illinois Emergency Management Agency (IEMA). Provides that in addition, no ambulatory surgical treatment center license shall be granted or renewed, and radiation may not be administered in a Class C or D installation other than a hospital, if IDPH or IEMA, respectively, determines that the license applicant or radiation installation has not complied with a prior plan or notarized statement submitted pursuant to these provisions. Effective immediately.

LRB096 10987 DRJ 21268 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 6 as follows:

6 (210 ILCS 5/6) (from Ch. 111 1/2, par. 157-8.6)

7 Sec. 6. Upon receipt of an application for a license, the
8 Director may deny the application for any of the following
9 reasons:

10 (1) Conviction of the applicant, or if the applicant is
11 a firm, partnership or association, of any of its members,
12 or if a corporation, of any of its officers or directors,
13 or of the person designated to manage or supervise the
14 facility, of a felony, or of 2 or more misdemeanors
15 involving moral turpitude, as shown by a certified copy of
16 the record of the court of conviction, or, in the case of
17 the conviction of a misdemeanor by a court not of record,
18 as shown by other evidence, if the Director determines,
19 after investigation, that such person has not been
20 sufficiently rehabilitated to warrant the public trust; or
21 other satisfactory evidence that the moral character of the
22 applicant, or manager, or supervisor of the facility is not
23 reputable;

1 (2) The licensure status or record of the applicant, or
2 if the applicant is a firm, partnership or association, of
3 any of its members, or if a corporation, of any of its
4 officers or directors, or of the person designated to
5 manage or supervise the facility, from any other state
6 where the applicant has done business in a similar capacity
7 indicates that granting a license to the applicant would be
8 detrimental to the interests of the public; or

9 (3) The applicant has insufficient financial or other
10 resources to operate and conduct the facility in accordance
11 with the requirements of this Act and the minimum
12 standards, rules and regulations promulgated thereunder.

13 The Director shall only issue a license if he finds that
14 the applicant facility complies with this Act and the rules,
15 regulations and standards promulgated pursuant thereto and:

16 (a) is under the medical supervision of one or more
17 physicians;

18 (b) permits a surgical procedure to be performed only
19 by a physician, podiatrist or dentist who at the time is
20 privileged to have his patients admitted by himself or an
21 associated physician and is himself privileged to perform
22 surgical procedures in at least one Illinois hospital; and

23 (c) maintains adequate medical records for each
24 patient.

25 A license, unless sooner suspended or revoked, shall be
26 renewable annually upon approval by the Department and payment

1 of a license fee of \$300. Each license shall be issued only for
2 the premises and persons named in the application and shall not
3 be transferable or assignable. The licenses shall be posted in
4 a conspicuous place on the licensed premises. A placard or
5 registry of all physicians on staff in the facility shall be
6 centrally located and available for inspection to any
7 interested person. The Department may, either before or after
8 the issuance of a license, request the cooperation of the State
9 Fire Marshal. The report and recommendations of this agency
10 shall be in writing and shall state with particularity its
11 findings with respect to compliance or noncompliance with such
12 minimum standards, rules and regulations.

13 On and after the effective date of this amendatory Act of
14 the 96th General Assembly, no license shall be granted or
15 renewed unless the applicant:

16 (i) submits, and the Department approves, a plan for
17 providing service to Medicaid recipients and medically
18 underserved populations in its service area; the
19 Department shall adopt rules indicating the requirements
20 for such plans, including a definition for "medically
21 underserved population" and standards for minimum
22 proportions of Medicaid recipients and medically
23 underserved patients that must be served; or

24 (ii) submits a plan for charity care that has been
25 approved by the Illinois Attorney General; or

26 (iii) submits a notarized statement signed by the Chief

1 Executive Officer of the organization certifying that the
2 applicant will not refuse service to any patient because
3 the services the patient seeks may be reimbursed under the
4 program of Medical Assistance under Article V of the
5 Illinois Public Aid Code.

6 In addition, no license shall be granted or renewed if the
7 Department determines that the applicant has not complied with
8 a prior plan or notarized statement submitted pursuant to this
9 paragraph.

10 The Director may issue a provisional license to any
11 ambulatory surgical treatment center which does not
12 substantially comply with the provisions of this Act and the
13 standards, rules and regulations promulgated by virtue thereof
14 provided that he finds that such ambulatory surgical treatment
15 center will undertake changes and corrections which upon
16 completion will render the ambulatory surgical treatment
17 center in substantial compliance with the provisions of this
18 Act, and the standards, rules and regulations adopted
19 hereunder, and provided that the health and safety of the
20 patients of the ambulatory surgical treatment center will be
21 protected during the period for which such provisional license
22 is issued. The Director shall advise the licensee of the
23 conditions under which such provisional license is issued,
24 including the manner in which the facilities fail to comply
25 with the provisions of the Act, standards, rules and
26 regulations, and the time within which the changes and

1 corrections necessary for such ambulatory surgical treatment
2 center to substantially comply with this Act, and the
3 standards, rules and regulations of the Department relating
4 thereto shall be completed.

5 A person or facility not licensed under this Act or the
6 Hospital Licensing Act shall not hold itself out to the public
7 as a "surgery center" or as a "center for surgery".

8 (Source: P.A. 88-490.)

9 Section 10. The Radiation Protection Act of 1990 is amended
10 by changing Section 5 as follows:

11 (420 ILCS 40/5) (from Ch. 111 1/2, par. 210-5)

12 (Section scheduled to be repealed on January 1, 2011)

13 Sec. 5. Limitations on application of radiation to human
14 beings and requirements for radiation installation operators
15 providing mammography services.

16 (a) No person shall intentionally administer radiation to a
17 human being unless such person is licensed to practice a
18 treatment of human ailments by virtue of the Illinois Medical,
19 Dental or Podiatric Medical Practice Acts, or, as physician
20 assistant, advanced practice nurse, technician, nurse, or
21 other assistant, is acting under the supervision, prescription
22 or direction of such licensed person. However, no such
23 physician assistant, advanced practice nurse, technician,
24 nurse, or other assistant acting under the supervision of a

1 person licensed under the Medical Practice Act of 1987, shall
2 administer radiation to human beings unless accredited by the
3 Agency, except that persons enrolled in a course of education
4 approved by the Agency may apply ionizing radiation to human
5 beings as required by their course of study when under the
6 direct supervision of a person licensed under the Medical
7 Practice Act of 1987. No person authorized by this Section to
8 apply ionizing radiation shall apply such radiation except to
9 those parts of the human body specified in the Act under which
10 such person or his supervisor is licensed. No person may
11 operate a radiation installation where ionizing radiation is
12 administered to human beings unless all persons who administer
13 ionizing radiation in that radiation installation are
14 licensed, accredited, or exempted in accordance with this
15 Section. Nothing in this Section shall be deemed to relieve a
16 person from complying with the provisions of Section 10.

17 (a-5) On or after the effective date of this amendatory Act
18 of the 96th General Assembly, no person may administer
19 radiation to a human being in a Class C or Class D radiation
20 installation, as defined in Section 25 of this Act, other than
21 a hospital, unless the radiation installation:

22 (i) submits, and the Agency approves, a plan for
23 providing service to Medicaid recipients and medically
24 underserved populations in its service area; the Agency
25 shall adopt rules indicating the requirements for such
26 plans, including a definition for "medically underserved

1 population" and standards for minimum proportions of
2 Medicaid recipients and medically underserved patients
3 that must be served; or

4 (ii) submits a plan for charity care that has been
5 approved by the Illinois Attorney General; or

6 (iii) submits a notarized statement signed by the Chief
7 Executive Officer of the radiation installation certifying
8 that the radiation installation will not refuse service to
9 any patient because the services the patient seeks may be
10 reimbursed under the program of Medical Assistance under
11 Article V of the Illinois Public Aid Code.

12 In addition, radiation may not be administered to a human
13 being in a Class C or Class D installation other than a
14 hospital if the Agency determines that the radiation
15 installation has not complied with a prior plan or notarized
16 statement submitted pursuant to this subsection.

17 (b) In addition, no person shall provide mammography
18 services unless all of the following requirements are met:

19 (1) the mammography procedures are performed using a
20 radiation machine that is specifically designed for
21 mammography;

22 (2) the mammography procedures are performed using a
23 radiation machine that is used solely for performing
24 mammography procedures;

25 (3) the mammography procedures are performed using
26 equipment that has been subjected to a quality assurance

1 program that satisfies quality assurance requirements
2 which the Agency shall establish by rule;

3 (4) beginning one year after the effective date of this
4 amendatory Act of 1991, if the mammography procedure is
5 performed by a radiologic technologist, that technologist,
6 in addition to being accredited by the Agency to perform
7 radiography, has satisfied training requirements specific
8 to mammography, which the Agency shall establish by rule.

9 (c) Every operator of a radiation installation at which
10 mammography services are provided shall ensure and have
11 confirmed by each mammography patient that the patient is
12 provided with a pamphlet which is orally reviewed with the
13 patient and which contains the following:

14 (1) how to perform breast self-examination;

15 (2) that early detection of breast cancer is maximized
16 through a combined approach, using monthly breast
17 self-examination, a thorough physical examination
18 performed by a physician, and mammography performed at
19 recommended intervals;

20 (3) that mammography is the most accurate method for
21 making an early detection of breast cancer, however, no
22 diagnostic tool is 100% effective;

23 (4) that if the patient is self-referred and does not
24 have a primary care physician, or if the patient is
25 unfamiliar with the breast examination procedures, that
26 the patient has received information regarding public

1 health services where she can obtain a breast examination
2 and instructions.

3 (Source: P.A. 93-149, eff. 7-10-03; 94-104, eff. 7-1-05.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.