

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 Section 9 and by adding Section 9.6 as follows:

6 (210 ILCS 85/9) (from Ch. 111 1/2, par. 150)

7 Sec. 9. Inspections and investigations. The Department
8 shall make or cause to be made such inspections and
9 investigations as it deems necessary, except that the
10 Department shall investigate every allegation of abuse of a
11 patient received by the Department. Information received by the
12 Department through filed reports, inspection, or as otherwise
13 authorized under this Act shall not be disclosed publicly in
14 such manner as to identify individuals or hospitals, except (i)
15 in a proceeding involving the denial, suspension, or revocation
16 of a permit to establish a hospital or a proceeding involving
17 the denial, suspension, or revocation of a license to open,
18 conduct, operate, and maintain a hospital, (ii) to the
19 Department of Children and Family Services in the course of a
20 child abuse or neglect investigation conducted by that
21 Department or by the Department of Public Health, (iii) in
22 accordance with Section 6.14a of this Act, or (iv) in other
23 circumstances as may be approved by the Hospital Licensing

1 Board.

2 (Source: P.A. 90-608, eff. 6-30-98; 91-242, eff. 1-1-00.)

3 (210 ILCS 85/9.6 new)

4 Sec. 9.6. Patient protection from abuse.

5 (a) No administrator, agent, or employee of a hospital or a
6 member of its medical staff may abuse a patient in the
7 hospital.

8 (b) Any hospital administrator, agent, employee, or
9 medical staff member who has reasonable cause to believe that
10 any patient with whom he or she has direct contact has been
11 subjected to abuse in the hospital shall promptly report or
12 cause a report to be made to a designated hospital
13 administrator responsible for providing such reports to the
14 Department as required by this Section.

15 (c) Retaliation against a person who lawfully and in good
16 faith makes a report under this Section is prohibited.

17 (d) Upon receiving a report under subsection (b) of this
18 Section, the hospital shall submit the report to the Department
19 within 24 hours of obtaining such report. In the event that the
20 hospital receives multiple reports involving a single alleged
21 instance of abuse, the hospital shall submit one report to the
22 Department.

23 (e) Upon receiving a report under this Section, the
24 hospital shall promptly conduct an internal review to ensure
25 the alleged victim's safety. Measures to protect the alleged

1 victim shall be taken as deemed necessary by the hospital's
2 administrator and may include, but are not limited to, removing
3 suspected violators from further patient contact during the
4 hospital's internal review. If the alleged victim lacks
5 decision-making capacity under the Health Care Surrogate Act
6 and no health care surrogate is available, the hospital may
7 contact the Illinois Guardianship and Advocacy Commission to
8 determine the need for a temporary guardian of that person.

9 (f) All internal hospital reviews shall be conducted by a
10 designated hospital employee or agent who is qualified to
11 detect abuse and is not involved in the alleged victim's
12 treatment. All internal review findings must be documented and
13 filed according to hospital procedures and shall be made
14 available to the Department upon request.

15 (g) Any other person may make a report of patient abuse to
16 the Department if that person has reasonable cause to believe
17 that a patient has been abused in the hospital.

18 (h) The report required under this Section shall include:
19 the name of the patient; the name and address of the hospital
20 treating the patient; the age of the patient; the nature of the
21 patient's condition, including any evidence of previous
22 injuries or disabilities; and any other information that the
23 reporter believes might be helpful in establishing the cause of
24 the reported abuse and the identity of the person believed to
25 have caused the abuse.

26 (i) Any individual, person, institution, or agency

1 participating in good faith in the making of a report under
2 this Section, or in the investigation of such a report or in
3 making a disclosure of information concerning reports of abuse
4 under this Section, shall have immunity from any liability,
5 whether civil, professional, or criminal, that otherwise might
6 result by reason of such actions. For the purpose of any
7 proceedings, whether civil, professional, or criminal, the
8 good faith of any persons required to report cases of suspected
9 abuse under this Section or who disclose information concerning
10 reports of abuse in compliance with this Section, shall be
11 presumed.

12 (j) No administrator, agent, or employee of a hospital
13 shall adopt or employ practices or procedures designed to
14 discourage good faith reporting of patient abuse under this
15 Section.

16 (k) Every hospital shall ensure that all new and existing
17 employees are trained in the detection and reporting of abuse
18 of patients and retrained at least every 2 years thereafter.

19 (l) The Department shall investigate each report of patient
20 abuse made under this Section according to the procedures of
21 the Department, except that a report of abuse which indicates
22 that a patient's life or safety is in imminent danger shall be
23 investigated within 24 hours of such report. Under no
24 circumstances may a hospital's internal review of an allegation
25 of abuse replace an investigation of the allegation by the
26 Department.

1 (m) The Department shall keep a continuing record of all
2 reports made pursuant to this Section, including indications of
3 the final determination of any investigation and the final
4 disposition of all reports. The Department shall inform the
5 investigated hospital and any other person making a report
6 under subsection (g) of its final determination or disposition
7 in writing.

8 (n) The Department shall not disclose to the public any
9 information regarding any reports and investigations under
10 this Section unless and until the report of abuse is
11 substantiated following a full and proper investigation.

12 (o) All patient identifiable information in any report or
13 investigation under this Section shall be confidential and
14 shall not be disclosed except as authorized by this Act or
15 other applicable law.

16 (p) Nothing in this Section relieves a hospital
17 administrator, employee, agent, or medical staff member from
18 contacting appropriate law enforcement authorities as required
19 by law.

20 (q) Nothing in this Section shall be construed to mean that
21 a patient is a victim of abuse because of health care services
22 provided or not provided by health care professionals.

23 (r) Nothing in this Section shall require a hospital,
24 including its employees, agents, and medical staff members, to
25 provide any services to a patient in contravention of his or
26 her stated or implied objection thereto upon grounds that such

1 services conflict with his or her religious beliefs or
2 practices, nor shall such a patient be considered abused under
3 this Section for the exercise of such beliefs or practices.

4 (s) As used in this Section, the following terms have the
5 following meanings:

6 "Abuse" means any physical or mental injury or sexual abuse
7 intentionally inflicted by a hospital employee, agent, or
8 medical staff member on a patient of the hospital and does not
9 include any hospital, medical, health care, or other personal
10 care services done in good faith in the interest of the patient
11 according to established medical and clinical standards of
12 care.

13 "Mental injury" means intentionally caused emotional
14 distress in a patient from words or gestures that would be
15 considered by a reasonable person to be humiliating, harassing,
16 or threatening and which causes observable and substantial
17 impairment.

18 "Sexual abuse" means any intentional act of sexual contact
19 or sexual penetration of a patient in the hospital.

20 "Substantiated", with respect to a report of abuse, means
21 that a preponderance of the evidence indicates that abuse
22 occurred.