



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1943

Introduced 2/10/2011, by Sen. William Delgado

SYNOPSIS AS INTRODUCED:

410 ILCS 50/5
410 ILCS 50/5.1 new
410 ILCS 50/5.2 new

Amends the Medical Patient Rights Act. Provides that a hospital must include in its written statement of patients' rights the right not to be discriminated against by the hospital due to the patient's race, color, or national origin where such characteristics are not relevant to the patient's medical diagnosis and treatment, and that the statement should put the patient on notice on how to initiate a grievance with the hospital or with the Illinois Department of Public Health regarding improper discrimination. Sets forth discrimination grievance procedures and provides language all hospitals must post for the benefit of patients regarding the hospital's emergency room anti-discrimination policy. Effective immediately.

LRB097 07224 RPM 47331 b

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Medical Patient Rights Act is amended by
5 changing Section 5 and adding Sections 5.1 and 5.2 as follows:

6 (410 ILCS 50/5)

7 Sec. 5. Statement of hospital patient's rights.

8 (a) Each patient admitted to a hospital, and the guardian
9 or authorized representative or parent of a minor patient,
10 shall be given a written statement of all the rights enumerated
11 in this Act, or a similar statement of patients' rights
12 required of the hospital by the Joint Commission on
13 Accreditation of Healthcare Organizations or a similar
14 accrediting organization. The statement shall be given at the
15 time of admission or as soon thereafter as the condition of the
16 patient permits.

17 (b) If a patient is unable to read the written statement, a
18 hospital shall make a reasonable effort to provide it to the
19 guardian or authorized representative of the patient.

20 (c) The statement shall also include the right not to be
21 discriminated against by the hospital due to the patient's
22 race, color, or national origin where such characteristics are
23 not relevant to the patient's medical diagnosis and treatment.

1 The statement shall further provide each admitted patient or
2 the patient's representative or guardian with notice of how to
3 initiate a grievance regarding improper discrimination with
4 the hospital and how the patient may lodge a grievance with the
5 Illinois Department of Public Health regardless of whether the
6 patient has first used the hospital's grievance process.

7 (Source: P.A. 88-56; 88-670, eff. 12-2-94.)

8 (410 ILCS 50/5.1 new)

9 Sec. 5.1. Discrimination grievance procedures. Upon
10 receipt of a grievance alleging unlawful discrimination on the
11 basis of race, color, or national origin, the hospital must
12 investigate the claim and work with the patient to address
13 valid or proven concerns in accordance with the hospital's
14 grievance process. At the conclusion of the hospital's
15 grievance process, the hospital shall inform the patient that
16 such grievances may be reported to the Illinois Department of
17 Public Health if not resolved to the patient's satisfaction at
18 the hospital level.

19 (410 ILCS 50/5.2 new)

20 Sec. 5.2. Emergency room anti-discrimination notice. Every
21 hospital shall post a sign next to or in close proximity of its
22 sign required by Section 489.20 (q) (1) of Title 42 of the Code
23 of Federal Regulations stating the following:

24 "You have the right not to be discriminated against by the

1 hospital due to your race, color, or national origin if these
2 characteristics are unrelated to your diagnosis or treatment.
3 If you believe this right has been violated, please call
4 (insert number for hospital grievance officer).".

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