



# Illinois Hospital Association

2007 Session

General Assembly

Legislation

As this report went to press, the record-breaking 2007 legislative session was still breaking records – for both length and acrimony. Despite the difficult advocacy environment in Springfield, IHA achieved many significant victories on behalf of its members. We succeeded in not only opposing or mitigating bills that would have harmed hospitals, but in some cases – such as the nurse staffing ratio issue – we developed a hospital-friendly alternative that was acceptable to all stakeholders.

While political posturing and gridlock have dominated the headlines, IHA has been busy throughout the session, developing strategies and working with legislators to protect the interests of the hospital community. All the while, IHA staff analyzed the implications and monitored the progress of more than 800 bills of concern to hospitals filed in the General Assembly. The information on the following pages reflects that work, providing key information about health-related bills that have passed and have been signed by the Governor as well as those that have been held or stopped.

Information is accurate as of Nov. 1, 2007. See IHA's web site, [www.ihatoday.org](http://www.ihatoday.org), for more information or the General Assembly web site, [www.ilga.gov](http://www.ilga.gov), for the text of the bills.

# 2007 Legislation

## Bills Signed or Awaiting Action by the Governor

### CON/Health Facilities

#### HB 304 - Health Facilities-Publish Reports (PA 95-0237)

Requires that IHFPB make State Agency Reports available to the public 14 days prior to the Board meeting where the project will be considered. Parties can submit written information up to 2 business days prior to the meeting. The Board may accept additional written materials at the Board meeting at its discretion.

*Sponsors: Rep. Elizabeth Coulson / Sen. Susan Garrett*

**Effective: January 1, 2008**

#### HB 625 - Nursing Homes/CON (PA 95-0543)

Will exclude closures, bed reductions and changes of ownership of most nursing homes from IHFPB oversight. Nursing homes will still have to give 30 days notice of their intent to close and will have to meet the requirements of the Nursing Home Care Act for both closure and change of ownership. Also sets forth the specific actions taken under the Nursing Home Care Act that could result in permit denial.

*Sponsors: Reps. Patricia Bellock, Lou Lang, Elizabeth Colson, William Black, Aaron Schock / Sen. Ira Silverstein*

**Effective: August 28, 2007**

#### SB 866 - Healthcare Worker Background Check (PA 95-0120)

On or soon after Oct. 1, 2007, a livescan fingerprint-based criminal history records check shall be conducted on specific employment applicants at health care facilities through livescan vendors contracted by IDPH. IDPH then will maintain the "Health Care Worker Registry," obviating the need for future criminal history record checks every time a new employee is hired. Employers will only need to initiate criminal background checks on unlisted applicants, since the State Police will notify IDPH of any additional convictions

associated with fingerprints previously submitted.

*Sponsors: Sen. Kimberly Lightford / Rep. Kevin Joyce*

**Effective: August 13, 2007**

#### SB 244 - CON Evaluation/Task Force (PA 95-0005)

At IHA Board direction, IHA initiated legislation to extend the sunset of the Illinois Health Facilities Planning Act. An agreement was reached to extend the Act until Aug. 31, 2008. A 19-member task force is charged with gathering information and making recommendations to the General Assembly for further reforms to the Act by March 31, 2008. Reforms to be recommended include:

- Role, size and membership of the Board;
- Appropriate scope and process for project review;
- Development of a long-range health facility plan to be updated every 2 years;
- More frequent updates on standards and criteria;
- Compliance standards appropriate to the violation.

In addition, the Agency is required to immediately update the bed inventory and associated bed need projections using the most recent published utilization data, 10-year projections, and migration factor of not less than 50% for medical/surgical and pediatric categories of service.

*Sponsors: Sen. Susan Garrett / Rep. Lisa Dugan*

**Effective: May 31, 2007**

#### SB 611 - Health Facilities Sunset (PA 95-0001)

Enacted prior to **SB 244**, extends the previous sunset set to expire April 15, 2007 until May 31, 2007. Provided time to create the final task force as embodied in **SB 244**.

*Sponsors: Sen. Susan Garrett / Rep. Lisa Dugan*

**Effective: March 30, 2007**

### **SB 1579 - Freestanding Emergency Centers (PA 95-0584)**

Creates a window until June 30, 2009 to allow IDPH to license new freestanding emergency centers. Under current law, they must be located near a hospital and a resource hospital, integrated into the EMS system, meet the requirements for a comprehensive emergency department, and comply with IDPH regulations.

*Sponsors: Sen. Susan Garrett /  
Rep. Barbara Flynn Currie*

**Effective: August 31, 2007**

## **Licensure/ Professional Regulation**

### **HB 121 - Speech Pathology and Audiology Licensure (PA 95-0465)**

In the decennial re-write of the Speech Language Pathology and Audiologist Practice Act, the audiologist association sought to raise the minimal education level to a clinical doctorate (AuD) as of Jan. 1, 2008, for those seeking initial license in Illinois. IHA initially expressed concerns, but learned that the national accrediting body will cease to accredit institutions if their programs do not confer the AuD as of Jan. 1, 2008. Upon learning the profession had already created an environment where new audiologists would be required to earn the advanced degree, IHA did not oppose.

*Sponsors: Rep. Angelo Saviano /  
Sen. Edward Maloney*

**Effective: August 27, 2007**

### **SB 509 - Pharmacy Practice Act**

In the decennial re-write of the Pharmacy Practice Act for licensure of Illinois pharmacists and pharmacies, categories of 6 divisional licenses were eliminated, requiring licenses to be issued in conjunction with the physical address of the pharmacy's primary inventory. Other provisions include telepharmacy, automated pharmacy

systems, centralized prescription filling, remote prescription processing and dispensing systems. Also addressed are collaborative pharmacy practice, medication therapy management services and patient counseling. Specifies the role of the registered pharmacy technician, requiring completion of a mandatory certification process.

*Sponsors: Sen. Terry Link /  
Rep. Jack Franks*

**Sent to Governor: August 30, 2007**

**Effective: Upon becoming law**

### **SB 867 - Nurse Staffing by Patient Acuity (PA 95-0401)**

Addresses nurse staff planning using the hospital's acuity model, based on recommendations from a nursing care committee of 50% direct care nurses. Aligns staffing considerations with patient needs and nursing resources; reinforces evidence-based approaches to staffing; accounts for range and mix of hospitals and staffs. Assures direct care staff a voice in nurse staffing process and complements hospitals' nurse staffing policies and practices.

*Sponsors: Sen. Carol Ronen /  
Rep. Esther Golar*

**Effective: January 1, 2008**

### **SB 360 - Nurse Practice Act (PA 95-0639)**

The decennial re-write of the Nurse Practice Act for Licensed Practical Nurses, Registered Nurses and Advanced Practice Nurses was a collaboration with input from IHA, INA, ISMS, and the Illinois Dept. of Financial and Professional Regulation. Major changes include definitions of nursing activity, tasks and medication administration designation. APNs may practice in a hospital via privileging and credentialing without a written collaborative agreement and may be authorized to order, select and administer medications (including controlled substances) for certain care.

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For APNs with a written collaborative agreement, the prescriptive authority and oversight have different parameters.

*Sponsors: Sen. Carol Ronen /  
Rep. Angelo Saviano*

**Effective: Some sections October 5, 2007,  
others as of January 1, 2008.**

### **SB 259 - Licensure for Deaf Interpreters (PA 95-0617)**

Introduced as **HB 1277**, would have provided that after Jan. 1, 2009, all persons who practice as interpreters for the deaf must be licensed. IHA worked with the sponsor and advocates to include options to preserve the rights of deaf individuals and facilitate the timely delivery of care. Exemptions included the deaf individual choosing a friend or family member to act as interpreter and the use of telecommunication, videoconferencing or other technology. Interpreters with a valid Illinois registration under the Interpreters for the Deaf Act may be issued a license upon filing an application and paying the required fees and will have until Jan. 1, 2011 to meet licensure requirements.

*Sponsors: Sen. Deanna Demuzio /  
Rep. Sara Feigenholtz*

**Effective: September 12, 2007**

## Medicaid

### **HB 982 - Kids with Disabilities (PA 95-0622)**

Categorizes children with various mental or physical disabilities under the broad term "disability." Requires HFS and DHS to report to the Governor and General Assembly by March 8, 2008 children with disabilities currently being served in an institution who could be served in a community-based setting for the same or lower cost. Includes the required report on a pilot of children who are medically fragile and technology dependent.

*Sponsors: Rep. Beth Coulson /  
Sen. Edward Maloney*

**Effective: September 17, 2007**

### **HB 1256 - Medicaid Disabled Eligibility (PA 95-0546)**

Expands eligibility standards for persons with disabilities who are employed and eligible for Medicaid. Now requires the Dept. of Healthcare and Family Services to set the income eligibility standard at not lower than 350% of the federal poverty level; exempt the income of the person's spouse, the unearned income of the person's dependent child under 18, and retirement accounts that cannot be accessed without penalty until age 59 1/2; and allow non-exempt assets up to \$25,000.

*Sponsors: Rep. Sara Feigenholtz /  
Sen. Don Harmon*

**Effective: August 29, 2007**

## Budget

### **HB 3920 - One-Month Budget (PA 95-0011)**

The 30-day budget the General Assembly agreed to implement as they hammered out details of a 12-month budget. Measure continued appropriations for agencies at the 2006 year level and expired July 31, 2007.

*Sponsors: Speaker Michael Madigan /  
Sen. Donne Trotter*

**Effective: July 2, 2007**

### **HB 3866 - 2008 12-Month Budget (PA 95-0348)**

The 12-month budget included a \$158 million increase for hospitals in the Medicaid program and \$1.2 billion for the Hospital Assessment Program for FY2008. In crafting the plan, lawmakers assumed the Governor would sign **SB241**, which includes \$1.2 billion for the assessment program for FY2007 hospital payments.

*Sponsors: Speaker Michael Madigan /  
Sen. Donne Trotter*

**Effective: August 23, 2007**

**Amendatory Veto: Among other cuts, the Governor reduced the Medicaid hospital line by \$40 million. Although the House voted to restore this reduction, the Senate did not take a vote, so the reduction stands.**

### **SB 241 - Supplemental Appropriation (PA 95-0144)**

Supplemental appropriation for FY2007 included \$1.2 billion for the Hospital Assessment Program as well as pay raises for the General Assembly. Short-term borrowing was executed by the state with FY2007 payments made Sept. 26.

*Sponsors: Sen. Donne Trotter /  
Rep. Gary Hannig*

**Effective: August 23, 2007**

## **Insurance**

### **HB 1628 - Primary Care Case Management/All Kids (PA 95-0650)**

Amends All Kids to require DHFS to report the number of providers in the PCCM program and individuals enrolled by income or premium level and by county. Requires DHFS to ensure adequate access to specialty physicians by allowing referrals without undue delay and outlining a referral process. Disease management program to be developed with evidence-based, scientifically sound medical standards and enrollees may be excused from the program by DHFS if a physician determines it is not beneficial to enrollee. The Governor amendatorily vetoed the bill to recommend administrative changes to reporting and PCCM and DM program requirements under DHFS, giving DHFS discretion on recognizing secondary referrals from specialists under the PCCM program and recommendations from physicians to exclude individuals from the DM program.

*Sponsors: Rep. Frank Mautino /  
Sen. Jeffrey Schoenberg*

**Amendatory Veto: Both the House and Senate voted to override the AV.**

**Effective: October 17, 2007**

### **SB 21 - Narcotic Exclusion (PA 95-0230)**

Amends the Illinois Insurance Code so that after Jan. 1, 2008 no major medical policy may exclude coverage for any medical, hospital or surgical expenses solely on the basis of the insured being intoxicated or under the influence of a narcotic when injured.

*Sponsors: Sen. John Cullerton /  
Rep. Frank Mautino*

**Effective: January 1, 2008**

### **SB 1365 - Breast Ultrasound Screening (PA 95-0431)**

Amends the insurance mammography mandate to require insurance and HMO policies to require coverage for a mammogram at intervals medically necessary by a woman's health care provider when under age 40 or with a family history of breast cancer, positive genetic testing or other indications as determined by the provider. Mandates comprehensive ultrasound screenings be covered when medically necessary.

*Sponsors: Sen. Dan Kotowski /  
Rep. Sandy Cole*

**Effective: August 24, 2007**

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## Bills Signed or Awaiting Action by the Governor

### **HB 732 - The Health Access Network Act (PA 95-0645)**

Requires the State to establish a pilot program in Kane County to provide funding for and coordination of specialty health care services, pharmaceutical drug assistance and diagnostic testing for individuals ineligible for public assistance and not otherwise covered by insurance. The Governor amendatorily vetoed the bill to recommend that the program be statewide and NOT subject to appropriation.

*Sponsors: Rep. Ruth Munson / Sen. Linda Holmes*

**Amendatory Veto: Both the House and Senate voted to override the AV.**

**Effective: October 17, 2007**

### **HB 928 - Workers' Compensation-Firefighter-EMT (PA 95-0316)**

Provides that any condition/impairment of health of a firefighter, EMT or paramedic resulting directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in employee disability shall be presumed to arise out of and in the course of employment and be causally connected to the hazards or exposures of the employment and covered under workers' compensation.

*Sponsors: Rep. Jay Hoffman / Sen. Terry Link*

**Effective: January 1, 2008**

## **MRSA**

### **HB 192 - Multi-Drug Resistant Organisms - IDPH (PA 95-0282)**

Originally would have required all hospitals licensed under the Hospital Licensing Act, the University of Illinois Act and facilities under the Mental Health and Developmental Disabilities Administrative Act, to routinely test all patients upon admission and on a repeated basis

throughout hospitalization for MRSA (methicillin-resistant Staphylococcus aureus). IDPH also was directed to adopt rules for mandatory implementation by hospitals for comprehensive interventions to prevent and control Multi-Drug Resistant Organisms (MDROs), including MRSA, vancomycin-resistant enterococci (VRE) and certain gram-negative bacilli (GNB) pursuant to the Centers for Disease Control and Prevention (CDC) 2006 recommended intervention. IHA worked with the sponsor to require facilities to develop and adopt infection control policies for MDROs, taking into consideration CDC guidelines. Hospitals must also perform annual facility-wide infection control risk assessments and enforce hand hygiene and contact precautions. IDPH must mount a public education and professional training campaign addressing MDROs.

*Sponsors: Rep. Mary Flowers / Sen. Donne Trotter*

**Effective: August 20, 2007**

### **SB 233 - MRSA-Hospital Screen (PA 95-0312)**

IHA staff worked with sponsors and advocates of MRSA screening to have a bill meaningful to both patients and health care professionals. Bill requires identification of all MRSA colonized patients in the ICU and other at-risk patients as identified by the hospital through active surveillance testing. Requires MRSA infected or colonized patients to be isolated and monitored as appropriate. Hand hygiene requirements are to be strictly enforced and maintenance of records and reporting of cases is required. The Act is repealed on Jan. 1, 2011.

*Sponsors: Sen. Christine Radogno / Rep. Patricia Bellock*

**Effective: August 20, 2007**

## Public Health

### **HB 642 - Cord Blood Donation Information (PA 95-0073)**

Amends PA 94-0832, which extends until Jan. 1, 2008 the time IDPH has to prepare and distribute to health and maternal care providers written publications containing information on umbilical cord blood banking to pregnant women.

*Sponsors: Rep. Rich Brauer / Sen. Bill Haine*

**Effective: August 13, 2007**

### **SB 19 - Cord Blood-Stem Cell Bank-Networks (PA 95-0406)**

Permits IDPH to establish cord blood and stem cell bank networks subject to certain guidelines and regulations. An advisory committee established to advise IDPH on administration and implementation.

*Sponsors: Sen. Bill Haine / Rep. Dan Reitz*

**Effective: August 24, 2007**

### **HB 653 - Return of Abandoned Newborns (PA 95-0549)**

Would have required hospitals, police stations and fire stations that received relinquished infants to return the infant to the parent within the first 72 hours if the parent comes to reclaim the child. The bill was problematic, as personnel may not have seen the parent, and may not be able to verify identity. As amended, the bill provides public disclosure of information concerning the relinquishment of a newborn infant is prohibited except as otherwise provided by law.

*Sponsors: Rep. Sara Feigenholtz / Sen. Iris Martinez*

**Effective: June 1, 2008**

### **SB 335 - Abandoned Newborns-Signage (PA 95-0275)**

As introduced, would require all safe havens to post a conspicuous exterior sign that states a newborn infant may be relinquished there. The City of Chicago passed an ordinance to require Chicago safe havens to post the sign developed by The Save Abandoned Babies Foundation. This same sign is now required statewide. IHA secured an amendment to clarify that those safe havens that have already posted a sign consistent with the requirements are not required to post another one.

*Sponsors: Sen. Donne Trotter / Rep. Elizabeth Coulson*

**Effective: August 17, 2007**

### **HB 809 - Hospital Discharge Planning (PA 95-0080)**

As introduced, this bill would have required an assessment by a case coordination unit (CCU) prior to discharge when a Medicare patient was to be discharged to a skilled nursing facility. IHA sought an amendment which was adopted that clarifies the responsibility for prescreening lies with the CCU, and that hospitals are to notify the CCU. The amendment also requires hospitals to notify the CCU at the same time they notify the patient. Currently hospitals must notify Medicare patients of their pending discharge 24 hours in advance. The hospital must also notify the CCU and give the patient contact information for the CCU.

*Sponsors: Rep. Beth Coulson / Sen. William Delgado*

**Effective: August 13, 2007**

### **SB 545 - Cultural Health Care (PA 95-0630)**

Subject to appropriation, IDPH shall establish the Culturally Competent Health Care Demonstration Program to understand and respond to patients' cultural and linguistic needs during health care encounters. Establishes models that reflect best

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## Bills Signed or Awaiting Action by the Governor

practices and expand the delivery of culturally competent health care in Illinois. Other aspects include: IDPH demonstration grants to public or private health care entities; ongoing collaborative learning projects among grantees; and evaluation of demonstration grants in improving health care for racial and ethnic minorities.

*Sponsors: Sen. William Delgado /  
Rep. Elizabeth Hernandez*

**Effective: September 25, 2007**

### **SB 544 - Health Facility-Language Assistance (PA 95-0667)**

IHA staff worked with the sponsor and advocates to assure that changes sought were meaningful. Hospitals must adopt and annually review policies for providing language assistance services to patients with language or communication barriers; develop and post notices that advise patients of the services, and advise and train employees about the services. The Governor's amendatory veto limited the patient's choice to an adult family member or friend whenever a family member or friend was chosen to interpret.

*Sponsors: Sen. William Delgado /  
Rep. Elizabeth Hernandez*

**Amendatory Veto: Both the House and Senate voted to override the AV.**

**Effective: October 17, 2007**

### **HB 1759 - HIV Prenatal Testing**

As introduced, would have placed into statute the Sept. 22, 2006 revised CDC recommendations on HIV testing of pregnant women. IHA objected to the elevation of recommendations to the level of statute. The bill as passed was significantly improved, but inconsistencies regarding documentation and other requirements remained between this and **SB929**, which amended the AIDS Confidentiality Act. The Governor's amendatory veto seeks to coordinate both bills by using language that IHA had agreed to during the course of discussions.

*Sponsors: Rep. Mary Flowers /  
Sen. Jacqueline Collins*

**Amendatory Veto: Both the House and Senate accepted the Governor's AV. After the Governor certifies the bill, it will become law with his AV changes.**

### **SB 929 - HIV Testing Provisions (PA 95-0007)**

The original bill, embodied in **HB980**, would have mandated that IDPH promulgate rules by Jan. 2008 requiring health care facilities to comply with Sept. 2006 revised CDC recommendations on HIV opt-out screening. Amended as **SB 929**, it promotes the expansion of HIV testing and provides that a facility or provider may offer opt-out testing, but is not required to do so and allows for streamlined consent procedures.

*Sponsors: Sen. Carol Ronen /  
Rep. La Shawn Ford*

**Effective: June 1, 2008**

### **HB 3604 - Patient Religion-Time of Death (PA 95-0181)**

As introduced, would have set into statute very broad parameters requiring hospitals to adopt policies and procedures to ensure that health care professionals take into account the patient's religious beliefs during treatment. IHA staff worked with the sponsor and proponents to craft legislation addressing their primary concern — documentation of the time of death. As passed, the bill requires hospitals to adopt policies and procedures to allow health care professionals, in documenting time of death, to take into account the patient's religious beliefs concerning time of death.

*Sponsors: Rep. Sara Feigenholtz /  
Sen. Ira Silverstein*

**Effective: January 1, 2008**

### **SB 15 - Postpartum Mood Disorders (PA 95-0469)**

As introduced, created broad definitions for pre- and post-natal care that may have inadvertently captured hospital outpatient care. In discussions with the sponsor and others, IHA succeeded in seeking changes that more clearly defined pre- and post-natal care. As passed, requires hospitals that provide labor and delivery services to provide new mothers and, if possible, fathers and family members, with information about perinatal mental health disorders. The Department of Human Services shall provide written materials for hospital use.

*Sponsors: Sen. Don Harmon /  
Rep. Deborah Graham*

**Effective: January 1, 2008**

### **SB 264 - Birthing Centers (PA 95-0445)**

Would create 10 birthing centers throughout Illinois: 4 in Cook and the collar counties, 3 in larger municipalities and 3 in rural areas. In each of the 3 categories, one is to be owned/operated by a hospital and one is to be owned/operated by a federally qualified health center. Issues of concern to IHA were quality oversight, distance to the hospital with which the center had a transfer agreement and the type of patient eligible for admission. As directed by its Policy and Advocacy Councils, IHA successfully worked with proponents and others to address concerns.

*Sponsors: Sen. John Cullerton /  
Rep. Julie Hamos*

**Effective : January 1, 2008**

### **SB 1618 - Sexual Assault Survivors Treatment Act - Re-write (PA 95-0432)**

Last summer the Illinois Coalition Against Sexual Assault (ICASA) convened a work group including IHA, DHFS, IDPH, Office of the Attorney General, Illinois State Medical Society, and other parties to address issues of concern to ICASA and sexual assault survivors. Among the issues was reducing inadvertent billing for medical care to survivors. Due to the cumbersome way hospitals were required to gather medical bills from all treatment providers (ambulance, radiology, lab, etc.) many bills fell through the cracks. The work group created a new billing and voucher system within DHFS that allows each provider to submit bills directly to DHFS for reimbursement. After the initial ED care, survivors may receive follow-up care from a provider of their choice (rather than return to the ED) and have that care reimbursed by DHFS, along with a pharmaceutical benefit for medications prescribed as a result of the assault.

*Sponsors: Sen. Jeffrey Schoenberg /  
Rep. Beth Coulson*

**Effective: January 1, 2008**

### **SB 1566 - Newborn Metabolic Screening**

IDPH is to expand newborn metabolic screening to include specified Lysosomal Storage Disorders known as Krabbe, Pompe, Gaucher, Fabry and Niemann-Pick. The testing shall begin within 6 months following FDA's registration of reagents, availability of reagents from CDC, availability of quality assurance testing and methodology, and installment of equipment at IDPH's state lab to perform the testing. IDPH is authorized to assess a fee to provide resources for associated costs.

*Sponsors: Sen. Dale Righter /  
Rep. JoAnn Osmond*

**Sent to Governor: September 6, 2007**

**Effective: Upon the Governor's signature**

# 2007 Legislation

## Bills Signed or Awaiting Action by the Governor

### **HR 511 - Safe Patient Handling Task Force**

The Illinois House of Representatives shall convene an interagency Safe Patient Handling Task Force comprised of members from several state agencies, hospitals, health care providers and others to study and recommend policy guidelines to eliminate manual lifting of patients. The Task Force report to the General Assembly is due Jan. 1, 2008.

*Sponsor: Rep. Beth Coulson*

**Adopted by the House**

### **Other**

### **HB 1798 - Expansion of Non-Economic Damage Awards (PA 95-0003)**

Allows plaintiffs to obtain higher and excessive awards for new non-economic damages in cases of wrongful death.

*Sponsors: Rep. James Brosnahan /  
Sen. Kwame Raoul*

**Effective: May 31, 2007**

### **SB 108 - Child Neglect-No Return Home (PA 95-0443)**

Requires DCFS to respond within 24 hours when a child is unable to return home.

*Sponsors: Sen. Bill Haine/  
Rep. Greg Harris*

**Effective: January 1, 2008**

### **SB 290 - Hospital District Bonds (PA 95-366)**

Amends Hospital District Law to allow district hospitals to secure borrowing through tax revenues, unencumbered accounts receivables or other revenues.

*Sponsors: Sen. David Luechtefeld /  
Rep. Brandon Phelps*

**Effective: August 23, 2007**

### **HB 830 - Medical Record Copying (PA 95-480)**

Earlier the legislature approved **SB 472**, backed by trial lawyers, that would have limited hospitals' reimbursement for providing electronic medical records to 75 cents per disc. IHA worked with that bill's sponsor to pass **HB 830**, providing 50% of the rate charged for paper records.

*Sponsors: Rep. Sidney Mathias /  
Sen. John Cullerton*

**Effective: January 1, 2008**

**Fee provisions of PA 95-0480 (HB 830) supersede those of PA 95-0478 (SB 472)**

### **SB 15 - Smoke Free Illinois Act (PA 95-0017)**

Prohibits smoking in public places, places of employment and governmental vehicles. Health care facilities are among the public places listed. For purposes of the Act, health care facilities include both licensed and non-licensed places, including offices and clinics. In addition to exemptions for private residences and hotel/motel rooms, there is an exemption for private and semi-private rooms in long-term care facilities under certain conditions.

*Sponsors: Sen. Terry Link /  
Rep. Karen Yarbrough*

**Effective: January 1, 2008**

## **Senate Joint Resolution 22 - Employee Free Choice Act**

Supports a "card check" system of unionization as the way employees choose to join a union.

*Sponsors: Sen. Martin Sandoval / Rep. Linda Chapa LaVia*

**Adopted Both Houses**

**Although resolutions have no force of law, they reflect the intentions of legislators.**

## **House Joint Resolution 41 - Fetal Alcohol Spectrum Disorders**

Draws attention to Fetal Alcohol Spectrum Disorders (FASD) and asks DHS in collaboration with other state agencies to hold statewide hearings seeking input from parents, health care providers and others about services needed to help parents and children impacted by FASD. Report by Jan. 2, 2008 to the General Assembly and Governor.

*Sponsor: Rep. Al Riley*

**Adopted Both Houses**

## **Health Info**

### **HB 574 - Social Security Number Task Force (PA 95-0482)**

Requires an Attorney General task force to explore using unique ID numbers to replace Social Security Numbers used by State and local government agencies. IHA monitoring work for implications that may impact our members.

*Sponsors: Rep. Ruth Munson / Sen. Susan Garrett*

**Effective: August 28, 2007**

### **HB 1254 - Health Information Network**

Codifies recommendations of the Electronic Health Records Task Force on which IHA served. Creates the Illinois Health Information Network (ILHIN) Board comprised of public and private organizations to implement recommendations included in the Electronic Health Records Steering Committee report and to provide a forum for discussion about health information exchanges. The ILHIN model also includes the recommendations of the IHA RHIO requiring the ILHIN to be a federated model. The Governor issued an amendatory veto to move oversight and responsibility from IDPH to DHFS. The public-private board now becomes advisory.

*Sponsors: Rep. Julie Hamos / Sen. Bill Haine*

**Amendatory Veto: The sponsors took no action with regard to the AV by the Governor, so the bill is dead.**

### **SB 547 - Health Data Task Force (PA 95-0418)**

Calls for a task force to develop recommendations for state agencies to work together regarding race, ethnicity and disparities in populations. While the intent is to merge disparate health information, some of this activity is underway with the formation of the CMS centralized processing and could also be accomplished under the ILHIN. Primarily an administrative issue for state agencies with health care related data.

*Sponsors: Sen. William Delgado / Rep. Beth Coulson*

**Effective: August 24, 2007**

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## Bills Signed or Awaiting Action by the Governor

### Rural Health

#### **HB 979 - Rural Seniors Task Force (PA 95-0089)**

Creates the Older Rural Adults Task Force to make recommendations to the General Assembly by Jan. 1, 2009. Requires the Department on Aging to evaluate existing programs for rural older adults. Outlines legislative and administrative representation on the task force.

*Sponsors: Rep. Gary Hannig /  
Sen. Deanna Demuzio*

**Effective: August 13, 2007**

#### **Senate Joint Resolution 53 - Joint Task Force on Rural Health**

Asks the Governor and General Assembly to implement the recommendations of the Joint Task Force on Rural Health and Medically Underserved Areas, including resolving the chronic Medicaid Provider Payment issues and increasing telemedicine capabilities.

*Sponsors: Sen. Deanna Demuzio /  
Rep. John Bradley*

**Adopted by both Houses**

### Mental Health

#### **HB 3455 - ECT and Psychotropic Medication Administration (PA 95-0172)**

Clarifies existing law by substituting "electroconvulsive therapy or psychotropic medication" for the general term "authorized involuntary treatment." Clarifies circumstances under which these treatments may be given to an objecting recipient without changing the underlying legal requirements regarding the use of these therapies. Adds a provision that permits the court to appoint a guardian ad litem or an existing guardian to monitor treatment and compliance with court orders. Adds ECT to the list of treatments that the facility must advise the recipient may be given under emergency circumstances.

*Sponsors: Rep. Patricia Bellock /  
Sen. Susan Garrett*

**Effective: August 14, 2007**

#### **SB 6 - Medicaid Reimbursement for Psychiatric Services Provided by Telemedicine (PA 95-0016)**

IHA has been a strong supporter of Medicaid reimbursement for psychiatric services provided using telemedicine, which this bill provides.

*Sponsors: Rep. Patricia Bellock /  
Sen. Deanna Demuzio*

**Effective: July 18, 2007**

## **SB 234 - Mental Health Involuntary Admission (PA 95-0602)**

Expands the existing standards under which a person with mental illness may be admitted involuntarily to a mental health facility. Substitutes a “dangerous conduct” standard for one in which the recipient is “reasonably expected to inflict serious physical harm upon him- or herself or another in the near future.” Adds “dangerous conduct” to satisfy the standard permitting involuntary admission when a person lacks insight into his or her illness, on the basis that he or she is expected to continue to suffer deterioration that may cause dangerous conduct.

*Sponsors: Sen. Dale Righter /  
Rep. David Leitch*

**Effective: June 1, 2008**

# 2007 Legislation

## Bills Stopped or Held

### CON/Health Facilities

#### **HB 614 - Long Term Acute Care Hospitals**

Would allow nursing homes to convert facilities or portions to long term acute care hospitals without meeting same standards as hospitals.

*Sponsors: Rep. Tom Holbrook /  
Sen. James Clayborne*

**Status: Senate Rules**

#### **HB 829 - Specialty Hospital - Designation**

Would allow ASTC/post surgical recovery centers to become hospitals in name only without meeting hospital requirements. Initiated by recovery centers seeking third party reimbursement for a level of care they are not equipped to provide. Recovery centers of this type have been proven to jeopardize patient care and safety.

*Sponsor: Rep. Tim Schmitz*

**Status: House Rules**

#### **SB 1275 - Repeal of the Illinois Health Facilities Planning Board**

Would dissolve the Illinois Health Facilities Planning Board as of June 30, 2007 with no extension.

*Sponsor: Sen. Bill Brady*

**Status: Senate Rules**

### Licensure / Professional Regulation

#### **HB 283 - Registered Medical Transcriptionists**

Sought to provide licensure protection by the Dept. of Financial and Professional Regulation for medical transcriptionists.

*Sponsor: Rep. Angelo Saviano*

**Status: House Rules**

#### **HB 392, SB 605 and SB 936 - Nurse Staffing Ratios**

Each bill would have mandated static nurse-to-patient staffing ratios without regard to patient needs or nursing skills. These initiatives of the American Federation of State County and Municipal Employees were unworkable and unreasonable.

*Sponsors: Rep. Mary Flowers /  
Sen. Iris Martinez*

**Status: Both HB 392 and SB 605 have been re-referred to the Rules committees of their respective chambers. Although no final action was taken, the deadline for SB 936 was extended to Dec. 31, 2007.**

#### **HB 1544 - Clinical Lab Science Practice Act**

Would provide licensure protection by the Illinois Dept. of Financial and Professional Regulation of clinical laboratory practitioners, medical technologists and medical laboratory technicians.

*Sponsor: Rep. Joe Dunn*

**Status: House Rules**

## Medicaid/Payment Cycle

### HB 549 - Medicaid Prompt Payment

Would require that Illinois Public Aid Code approved bills be paid within 30 days. If payment not made, a 2.0% penalty shall accrue.

*Sponsors: Rep. Jil Tracy / Sen. Gary Forby*

**Status: Senate Rules**

### HB 1103 and SB 1236 - Capitated Payments-Medicaid Pilots

Directs DHFS to establish Medicaid pilot program under which prospective capitated payments are made to counties for medical assistance. Provides that pilot program shall operate for at least 3 years and that the Department shall select at least 3 counties to initially participate.

*Sponsors: Rep. Patricia Lindner / Sen. William Delgado*

**Status: House and Senate Rules**

### HB 1668 - Medicaid Psychiatric Services-APNs

Would require DHFS to apply a comparable, prospective cost-reimbursement methodology for service providers to provide child and adult psychiatric services on an outpatient basis. APNs would be reimbursed at 100% of established physician rate.

*Sponsor: Rep. Esther Golar*

**Status: House Rules**

## Discriminatory Pricing

### HB 481 - Hospital Uninsured Patient Charge

Would require hospitals to accept as payment in full an amount equal to 110% of the Medicare rate for services rendered to uninsured patients. The hospital must provide the patient with itemized bill that discloses the net amount due as payment in full.

*Sponsor: Rep. Jack Franks*

**Status: House Rules**

### HB 684, HB 1760, SB 1237 - Hospital Discriminatory Pricing

As amended, bills would create the Hospital Discriminatory Pricing Act and would prohibit a hospital from collecting more than 100-110% of the Medicare rate for any service provided to uninsured patients without regard to their income, assets or any means testing for financial need.

*Sponsors: Rep. Karen May/*

*Rep. Mary Flowers /*

*Sen. William Delgado*

**Status: House Rules, SB deadline extended until December 31, 2007. The House Health Care Availability and Access Committee will hold a subject-matter hearing on HB 684 on November 7, 2007 in Chicago.**

## Insurance

### HB 311 - Healthy Illinois

As amended, would create a single payer system for health care in Illinois. While IHA has long been a proponent of universal health care, this proposal creates skewed incentives that would inevitably ration services, compromise patient care, limit patient rights, hinder improvement and innovation, and shift costs to providers, suppliers and patients.

*Sponsor: Rep. Mary Flowers*

**Status: House Rules**

# 2007 Legislation

## Bills Stopped or Held

### **HB 510 and HB 580 - Health Savings Accounts**

Creates the Health Savings Account Act for high deductible accounts and would allow insurers to establish annual deductibles at \$1,000/\$2,000 (individual/family) with out of pocket expenses at \$5,000/\$10,000.

*Sponsor: Rep. Patricia Bellock*

**Status: House Rules**

### **HB 596 - KidCare Medicaid Managed Care**

Would require DHFS to transition the fee for service Medicaid program into capitated managed care in 19 counties around metropolitan areas and other than Cook on or after July 1, 2007. Remaining counties, other than Cook, must implement a primary care case management system (PCCM) as established by rule. On or after July 1, 2008 the proposal requires a PCCM system be implemented in Cook County.

*Sponsor: Rep. Patricia Bellock*

**Status: House Rules**

### **HB 677 and SB 92 - Health Insurance Choice**

Would have required small employers that have not offered a group insurance plan for 12 months and whose average annual compensation paid to employees is under 250% FPL to offer an insurance "choice" product. Bills were an alternative to the Administration's health care reform initiative.

*Sponsors: Rep. Frank Mautino / Sen. Bill Haine*

**Status: House and Senate Rules**

### **HB 986 - Consumer Fraud-Insurance**

Would prohibit providers and insurance companies from using a patient's Social Security Number as the patient ID number or in any mailings sent to the patient except as required under federal regulations.

*Sponsors: Rep. Al Riley / Sen. Bill Haine*

**Status: Senate Rules**

### **HB 1006 and SB 554 - KidCare/Medicaid Managed Care**

Would require DHFS to implement a capitated managed care system for selected populations under CHIP and Medicaid. The bills would also increase eligibility for CHIP from 200% to 300% of the federal poverty level (FPL), and would establish public coverage for anyone up to 100% of FPL. Bills were an alternative to the Administration's health care reform initiative.

*Sponsors: Rep. Frank Mautino / Sen. Bill Haine*

**Status: House and Senate Rules**

### **HB 1987 and SB 559 - Consumer Choice Benefits**

A "cover the uninsured" initiative of the Illinois State Chamber of Commerce and an alternative to the Administration's health care reform initiative. Included (1) "Consumer Choice" policies; (2) income tax changes to allow for depreciation of health information technology; (3) employer health insurance contribution credit; (4) "innovative insurance solutions;" and (5) a health insurance premium assistance program.

*Sponsors: Rep. Frank Mautino / Sen. Bill Haine*

**Status: House and Senate Rules**

### **HB 3312 - Out-of-Network Providers**

Prohibits nonparticipating physicians as a physician service provided under an exclusive arrangement from charging a beneficiary who assigns benefits amounts other than deductibles, coinsurance and co-pay. A nonparticipating physician's charge for facility-based physician services provided under an exclusive arrangement could not exceed 125% of the amount payable under Medicare. Insurance company's liability to the non-participating physician or provider who accepted assignment of benefits would be limited.

*Sponsor: Rep. Bill Black*

**Status: House Rules**

## **Public Health**

### **HB 313 - DNR Driver's License**

Would require the Secretary of State to designate a space on each driver's license where the licensee may indicate "Do Not Resuscitate." Created concerns because Illinois statute states a "DNR" designation is a physician's order that requires a physician's signature and two witnesses along with validation by the health care provider.

*Sponsors: Rep. Naomi Jakobsson*

**Status: Tabled**

### **HB 1957 - Public Health Advocates**

Sought to create the Public Health Advocates Act by establishing a nonprofit membership corporation to represent the interests of Illinois health care consumers on health care matters.

*Sponsor: Rep. Elizabeth Hernandez*

**Status: House Rules**

### **SB 558 and SB 884 - Medical Practice Cultural Competency**

Amends the Medical School Curriculum Act to provide that curricula include instruction in cultural competency designed to address the problem of race-based and gender-based disparities in medical treatment. Continuing education requirements for persons licensed would be required.

*Sponsor: Sen. Mattie Hunter*

**Status: Senate Rules**

### **SB 1563 - Hospital Professional Service Contract**

An initiative of the Illinois State Medical Society, would limit a hospital's use of exclusive contracts for professional medical services to anesthesiology, emergency medicine, neonatology, pathology, and radiology services. All other exclusive contracts with other physician specialties would be outlawed.

*Sponsor: Sen. Bill Brady*

**Status: Senate Rules**

### **SB 1564 - Hospital Medical Staff Self-Governance**

An initiative of the Illinois State Medical Society, would delineate the medical staff's right to self-governance, including but not limited to: establishing medical staff bylaws, membership and privileges, rules and regulations, clinical criteria, utilization review, meetings, and patient records.

*Sponsor: Sen. Bill Brady*

**Status: Senate Rules**

# 2007 Legislation

## Bills Stopped or Held

### Charity Care / Property Tax

#### **HB 779 - Property Tax Exemption for Hospitals**

Sought to put into statute criteria that case law states as necessary to maintain not-for-profit status.

*Sponsor: Rep. Bill Black*

**Status: House Rules**

#### **HB 1110 - Property Tax Not-for-Profit Hospitals**

Would provide that all property of a not-for-profit hospital is exempt from the tax if the hospital provides affirmative evidence that the hospital is a 501(c)(3) and the hospital offers charitable care based on an individual's ability to pay.

*Sponsor: Rep. Bill Black*

**Status: House Rules**

### Other

#### **HB 757 - State Services Accountability Act**

Perennially supported by labor unions, this bill seeks to prohibit any entity that received state funds (i.e., Medicaid) from using any portion of those monies to deter or promote union organizing among its employees.

*Sponsors: Rep. Connie Howard*

**Status: House Rules**

#### **HB 511 - FOIA Settlement Agreements**

Would have made an entire settlement agreement made by a public hospital available for inspection to the public under the Freedom of Information Act. As amended, would limit the public record to the total amount of any monies paid out for the prosecution, defense or settlement of any litigation.

*Sponsors: Rep. Kevin Joyce /  
Sen. Don Harmon*

**Status: Senate Rules**

#### **SB 1855 - FOIA Settlement Agreements**

Amends the Freedom of Information Act to add "settlement agreements" entered into by or on behalf of a public body to the definition of public records which would be available for public inspection.

*Sponsor: Sen. Don Harmon*

**Status: Senate Rules**

#### **HB 1770 - Labor Organization Member Notice**

Creates the Labor Organization Member Notice Act, requiring a union to notify its member/employee of any meeting between the union and the employer regarding the employment status or discipline of the member. If notice is not provided, and an adverse action is taken against the employee at the meeting, the adverse action is void and the meeting must be rescheduled with proper notice.

*Sponsor: Rep. Monique Davis*

**Status: House Rules**

### Health Information

#### **HB1258 - Universal Access to Broadband Act**

Would codify the practice of allowing health care facilities and providers access to the communication lines available through the Illinois Century Network.

*Sponsor: Rep. Julie Hamos*

**Status: House Rules**

### Rural Health

#### **HB 1612 - Public Health-Rural Health Care**

Allows the Center for Rural Health at IDPH to work with DHS to receive funds to distribute to rural and underserved areas for health services.

*Sponsor: Rep. John Bradley*

**Status: House Rules**

## **HB 1953 - Medical Practice Telemedicine**

Would permit a licensed practitioner outside of Illinois who has a written letter of agreement with an Illinois physician to “consult” using telemedicine with the physician executing the agreement, permitted for the purpose of tailoring medical actions that are taken in regard to a patient who is being treated by the Illinois physician.

*Sponsors: Rep. John Bradley*

**Status: House Rules**

## **HB 3724 - Medical Practice Telemedicine**

Adds an exclusion to the Medical Practice Act regarding telemedicine that removes from the definition a consultation between a physician licensed in Illinois, a patient and a physician licensed in another state, if the two physicians have a letter of agreement in place.

*Sponsor: Rep. John Bradley*

**Status: House Rules**

## **HB 494 - Family Practice Residency Act-Psychiatrist**

Would provide incentives for psychiatric residents such as grants, loans and loan forgiveness to recruit and retain psychiatric service providers in designated areas of the State that demonstrate the greatest need for these services.

*Sponsors: Rep. John Bradley /  
Sen. Gary Forby*

**Status: Senate Rules**

## **Mental Health**

### **HB 579 - Mental Health-Veterans**

Would establish a two-year pilot in three locations to provide mental health services to veterans who do not qualify for mental health services under either federally or state funded programs and who do not have insurance coverage for mental health services. Funds from the Department of Human Services (DHS) Community Mental Health Act would be allocated to community providers and services would be developed in cooperation with the Department of Veterans' Affairs. After the pilot ends, DHS and the Department of Veterans' Affairs must report to the General Assembly recommendations to establish a permanent program to provide mental health services to veterans.

*Sponsors: Rep. Patricia Bellock /  
Sen. Deanna Demuzio*

**Status: Senate Rules**

### **HB 775 - APN Psychiatric Services- Medicaid**

Pursuant to a collaborative agreement with a physician who is licensed to practice medicine in all of its branches, DHFS shall reimburse advanced practice nurses for psychiatric services they provide, as authorized by Illinois law, to Medicaid recipients.

*Sponsors: Rep. David Leitch /  
Sen. Gary Forby*

**Status: Senate Rules**

### **HB 785 - Mental Health Reporting-ECT**

Expands current electro-convulsive therapy (ECT) reporting requirements to include patient-specific information along with treating physician and facility information, but the bill does not address the use of the information for care improvement or quality.

*Sponsor: Rep. Patricia Bellock*

**Status: House Rules**



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