

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

128th Legislative Day

May 7, 2002

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Pastor Dale Beutler of the Faith Evangelical Lutheran Church in Palos Heights. Pastor Beutler is the guest of Representative Maggie Crotty. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Pastor Beutler: "Thank you for the honor and privilege of allowing my wife, Sue and myself to be in prayer with you this Tuesday afternoon. There's a clothes basket full of things I could include in the prayer this afternoon, but then it'd be more a sermon than a prayer. So, please accept these words in our faith tradition from the people of Faith Lutheran Church, Palos Heights, the people I serve as your prayer for this day. Let us pray. Almighty God, ever living, ever loving, look upon each of us and those whom we serve in Your mercy and compassion. Lift us up to be Your worthy servants that we may serve You in boldness and courage. Grant each of us a measure of Your wisdom in leading Your people that we may speak openly, honestly, respectfully for those who have given us this privilege to serve, that we may be a force for equality and mutual dignity, that the laws that are considered be grace filled, as Father, Yours is a word of grace for us all, that the decisions made this day and those to follow do not hinder Your will of love for all or hurt Your people in any way, that we may discern between corporate greed and human need, that ours be a voice for those who have none, that we may be encouraged to change the things that need to be changed, the things that are thought to be unchangeable, that we may not only speak words of compassion, but do them. Father, continue to open our hearts to Your heart, our minds to

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Your mind and our wills to Your will that indeed it be accomplished. In Your Son's name, Jesus Christ, our Lord we pray. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Jack Franks."

Franks - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect that Representative Mary K. O'Brien is excused today, but she and Mason will be with us tomorrow."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Good afternoon and let the record reflect that no Republicans are excused today."

Speaker Madigan: "The Clerk shall take the record. There being 114 Members responding to the Attendance Roll Call, there is a quorum present. Representative Simpson."

Simpson: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Madigan: "State your point."

Simpson: "I'd like to introduce to my colleagues today my daughters, Janet and Michelle, who will be serving as Pages in the House this afternoon and my constituent, Justina Diraclovian. Thank you."

Speaker Madigan: "Mr. Clerk."

Speaker Hartke: "Representative Hartke in the Chair. The Chair recognizes Representative Delgado. For what reason do you seek recognition?"

Delgado: "A personal privilege, Mr. Speaker."

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Speaker Hartke: "State your point."

Delgado: "Thank you. I just want to welcome some of my former colleagues from DCFS, a lot of their friends here in the balconies, the ones doing all the work back there in child welfare. Welcome to the Capitol. Hello, Eric."

Speaker Hartke: "Welcome to Springfield, your State Capital. Mr. Clerk, what is the status of Senate Bill 1704?"

Clerk Rossi: "Senate Bill 1704 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for purposes of an Amendment at the request of the Sponsor. On the Regular Calendar on page 2 appears Senate Bills-Third Reading. Senate Bill 1540, Representative Mathias. Out of the record. Senate Bill 1627, Representative Brunsvold. Out of the record. Senate Bill 1637, Representative Reitz. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1637, a Bill for an Act concerning telephone solicitations. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 1637 is a Bill that will prohibit telephone solicitation on cell phones. We also had an Amendment in committee that will put... allow the form that the ICC does not want anymore, from some of the cellular customers, allow that to no longer have to be filed. But this is a pretty well a companion Bill to the Telephone Solicitation Bill that Representative Hoffman or 'Hoofman' passed out and it... this one is strictly cell phones. And this one basically says that no one shall receive phone calls on cell phones if they are paying for the minutes. And I'd be happy to answer any questions."

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Speaker Hartke: "Is there any discussion on Senate Bill 1637?  
The Chair recognizes the Gentleman from Kendall, Mr.  
Cross."

Cross: "Yeah, if it's okay, Mr. Speaker, I'm just gonna call'em.  
Never mind. Look, can I ask you a couple of questions?"

Speaker Hartke: "Yes, you may."

Cross: "I was just gonna call him."

Speaker Hartke: "The Sponsor will yield."

Cross: "All right. Representative, what's the penalty if all of  
a sudden I answer my phone one day and there's an  
unsolicited call on there?"

Reitz: "Excuse me?"

Cross: "What's the penalty for someone making an unsolicited  
phone call on my... onto my cell... on my cell phone?"

Reitz: "There are none in this legislation. It just basically  
prohibits them... basic... that it'll allow the phone  
companies hopefully to recoup the cost from whoever called,  
if need be."

Cross: "I'm sorry. I didn't hear. I just... I accidentally call  
the wrong number on here and I make a mistake, am I subject  
to a criminal offense?"

Reitz: "Not in here, no."

Cross: "So, what's the incentive... why would someone... what is  
the penalty? No penalty at all?"

Reitz: "I don't believe there are any penalties in this provision  
and I'm going to find out in just a second."

Cross: "So, what... so, why would I stop making those unsolicited  
phone calls if there's no penalty?"

Reitz: "This... Well, because it's the right thing to do. We...  
basically, it ... we're trying to set this up so that we  
have provision..."

Cross: "So, we're passing a law, but we're not... there's no

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reason... following it doesn't accomplish a thing? Are you... Is that your staffer next to you?"

Reitz: "It basically, no. We're just trying to find it in the Bill somewhere. I knew there was a... It just says... it will allow the phone company, I guess, more than anything else and the ICC... It's a Class A misdemeanor for anyone that... no, that's the... that's the wrong one."

Cross: "I'm not... I'm not trying to give you a hard time or your staffer."

Reitz: "Oh, I understand that."

Cross: "I know she's doing a good job there. I really appreciate her help."

Reitz: "I'm just trying to find the legislation."

Cross: "My question is, what are we doing here?"

Reitz: "Oh, here we go."

Cross: "Why don't you just see... Just give me a call."

Reitz: "I'll give you a call on that and I will let you know exactly what the penalties are, Mr. Cross."

Speaker Hartke: "Mr. Cross, are you soliciting?"

Cross: "Well, that depends what the penalty is. Do you want to... I see your staffer's pointed out the language..."

Reitz: "We're looking..."

Cross: "... that I'm looking for in the Bill. She's not."

Reitz: "My staffer is... Senator Sieben actually is who we're trying to look for. Senator Sieben."

Cross: "I see. ... would you maybe want to defer to one other... Representative Garrett, she's a cosponsor. Maybe she can help us."

Reitz: "Ah, no. She won't help."

Cross: "I know that. That's why I asked it."

Reitz: "She won't wave, though."

Cross: "It's an unsolicited wave, all right. So, there's a

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penalty for that. Do you guys want to... I don't mean... I don't want to make a big deal about this, but I'm not sure what this Bill accomplishes."

Reitz: "We're just... We're trying to find... "

Cross: "What?"

Reitz: "Unfortunately, unfortunately for our part, the... we don't have enough of the Bill... according to the language we have in here, it just basically makes this a penalty for anyone to make a telephone solicitation to a cell phone. It gives the Attorney General the powers within this... You're getting it. Is that an unsolicited call that you were receiving?"

Cross: "Yeah, it was, but it was good advice."

Reitz: "Oh. It gives the Attorney General, under the Consumer Fraud Act, the ability to penalize anyone that makes illegal calls after we pass this piece of legislation."

Cross: "Well, Representative, does it apply to individuals?"

Reitz: "I would... It says any persons, but I would say no. It would be more a business of some type. We'll get back to you on that."

Cross: "You're gonna get back to me?"

Reitz: "Yes."

Cross: "What if no one else has any questions?"

Reitz: "Then we'll probably won't get back to you on that."

Cross: "So, we're just gonna... you just wanna go ahead and pass the Bill and when you guys..."

Reitz: "We're gonna..."

Cross: "You gonna call me this summer. You gonna call me in the fall. When are you gonna get back to me?"

Reitz: "We're going to have faith in the Attorney General to prosecute anyone that violates this Act."

Cross: "I gotta... I'm gonna tell ya, Representative, I don't see

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anything in this Bill about the Attorney General's Office."

Speaker Hartke: "Mr. Cross, have you finished your..."

Reitz: "If you would like, Mr. Cross, we could try to get back to you on that, but basically, all I have is the legislation that we wrote here. I don't have the underlying Act that would be in there that the..."

Cross: "Would it help and I don't want... and I'm being serious here. Would it help to maybe if we just took it out of the record..."

Reitz: "Okay."

Cross: "... for a minute. We could talk and... Maybe I... maybe we're missing something here, but it's very confusing right now."

Reitz: "That would be fine. Let's do that and I'll come over and visit with you instead of calling you."

Cross: "You want my number?"

Reitz: "Yeah... no."

Speaker Hartke: "Mr. Clerk, let's take this..."

Reitz: "Take it out of the record."

Speaker Hartke: "... Bill out of the record. On page 2 on the Calendar appears Senate Bill 1540. Representative Mathias. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 1540, a Bill for an Act in relation to corporations. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 1540, the only thing it does is really deletes the requirements at the present time for open meetings of board of directors. Right now, the law states that in Cook and DuPage Counties these board meetings must be open to the members of the association, but it limits it just to Cook and DuPage County where my Bill would take away that restriction based

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on population, so that it would apply through the entire State of Illinois. And I ask for your 'aye' vote on Senate Bill 1540. Thank you."

Speaker Hartke: "Is there any discussion? Is there any discussion on Senate Bill 1540? Seeing none, the question is, 'Shall the House pass Senate Bill 1540?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Davis, Steve Davis. Would you like to vote on this issue? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 2 on the Calendar, on Third Reading appears Senate Bill 1666. Representative Biggins. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 1666, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 1666 which has an Amendment that's been adopted, I believe, deals with two areas: one of them has to deal with the matter of declaring sales in error and making sure that they're actually so portrayed. And the other deals with homestead exemptions for taxpayers and make sure... it actually makes the current policy law and keeps it pretty much the way it is now for those receiving a homestead exemption on their property for their property tax bill. I'd be glad to answer any questions anybody may have."

Speaker Hartke: "Is there any discussion on Senate Bill 1666?"



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Seeing that no one is seeking recognition, the question is,  
'Shall the House... Representative McCarthy.'

McCarthy: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

McCarthy: "Thank you, Representative. I was looking at the Bill  
and it has to do with if there's a mistake found within the  
first hundred and eighty days after a scavenger sale. Is  
that correct?"

Biggins: "It has to do with sales in error. Yes, Sir."

McCarthy: "Okay. If the new owner has made improvements to the  
property or whatever he's bought during this sale, is there  
anything in this legislation that said that he can  
recuperate his investment for changes he has made during  
that hundred and eighty days?"

Biggins: "I don't believe there is, Sir."

McCarthy: "Do you see that as a problem?"

Biggins: "I didn't hear if it was a problem before you mentioned  
it."

McCarthy: "Did anyone testify against this in committee?"

Biggins: "No."

McCarthy: "So, this area never..."

Biggins: "The Bill is..."

McCarthy: "This area did not..."

Biggins: "The Bill is supported by the Realtors Association,  
by... all the groups that submitted a slip were in favor of  
it. Bankers..."

McCarthy: "So, it would... it would..."

Biggins: "... Illinois Bankers Association, also is in favor of  
it."

McCarthy: "Okay. Thank you. I just had that question about  
that."

Biggins: "Thank you."

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Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Biggins to close."

Biggins: "Thank you, Mr. Speaker. And I request an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1666?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Brady. Mr. Johnson. Mr. Clerk, take the record. On this question... On this question, there are 89 Members voting 'yes', 23 Members voting 'no', and 1 Member voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lang, for what reason do you seek recognition?"

Lang: "Thank you. Mr. Speaker, for an announcement. I would like to announce, Speaker Hartke, that it's your birthday today."

Speaker Hartke: "I knew that."

Lang: "And let me say, we have a couple of lovely cakes in the front with pictures of you in your 'Ming the Merciless' costume. I would... I would ask whoever's cutting the cake to not cut those pictures out 'til the last minute. I think everyone should have a chance to see them. I've heard from the Toys R Us people. They're thinking of making a new scary toy for kids looking just like these pictures, Mr. Speaker. So, happy birthday. I know you'll enjoy your 90th birthday as well as you enjoyed your 89th."

Speaker Hartke: "Thank you very much, roommate Lang. The Chair recognizes Representative Garrett."

Garrett: "Thank you, Mr. Speaker. I pressed the wrong button on Senate Bill 1666 and I wanted to vote 'yes' and not 'no'. So, if we could change that for the record I would

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appreciate it."

Speaker Hartke: "The Journal will reflect your desires to vote your way. The Chair recognizes Representative Mendoza. For what reason do you seek recognition?"

Mendoza: "I rise for a point of clarification, Mr. Speaker."

Speaker Hartke: "Yes. What's the clarification?"

Mendoza: "I would just like to correct Representative Lang. It's not 'Ming the Merciless', it's 'Emperor Chuck'. So, on behalf of our delegation, if you could all rise and say, 'Happy birthday, Chuck, our Emperor.'"

Speaker Hartke: "Thank you very much. Senate Bill 1756, Representative Feigenholtz. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 1756, a Bill for an Act concerning open meetings. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 1756 amends the Open Meetings Act. It requires all public bodies who operate and maintain a website to post their meeting information and minutes on that website 48 hours in advance. I'd be glad to answer any questions."

Speaker Hartke: "Is there any discussion on Senate Bill 1756? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Representative... Will the Sponsor yield for questions?"

Speaker Hartke: "The Sponsor indicates that she will yield."

Cross: "Representative, are there any... I think I understand why you're doing this. Were there any provisions in here in the event that there are any problems with a particular municipality or governmental agencies' computer system? Would they be penalized if the system, for any reason, wasn't working? I just want to know if you covered that in

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the language."

Feigenholtz: "Mr. Cross, I believe that the Municipal League had some concerns about this Bill. They in turn worked with the Senate Sponsor, Senator Cullerton, in crafting language that they signed off on. Therefore, I don't know the specific answer to your question, but I would assume that things are copacetic with this Bill."

Cross: "I'm not... Was an Amendment adopted, Sara? I don't see an Amendment in our file. I understand what you're doing. I'm not suggesting it's wrong. My only concern is that the website's down and you know, normally, the municipality just has an obligation to, you know, post a site... or post the meeting at the site where it's gonna be held or at city hall whatever the case may be. But my concern is what if the website's not working. I don't want them to be in violation."

Feigenholtz: "Was that a question?"

Cross: "What happens in the event the City of Chicago's website's broken this week? What... Are they in violation of the Open Meetings Act by not complying? I don't see anything in here that you've covered that. I'm not trying to... Everybody wants open meetings and everybody wants to know what public bodies are doing, I'm not suggesting... Otherwise, but my question is, what happens if a website's down for some reason?"

Feigenholtz: "I would imagine, Representative Cross, that there's a lot of latitude in this. I know that the... there were concerns about onsite versus offsite personnel who manage the website, how the website was run and there were those concerns brought up in the Senate. And as I said earlier, the Municipal League signed off on this as did the Illinois Press Association."

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Cross: "Is it..."

Feigenholtz: "And by the way, yes, there was an Amendment adopted in the Senate, but I believe that that spoke simply to the 48 or that amended the hours rule."

Cross: "All right. Let me just... maybe we can clear this up with legislative intent. Before we get there, does this... does this apply to the City of Chicago and all..."

Feigenholtz: "Yes, it does."

Cross: "... public bodies within the city. Okay. Is it your... In the event the City of Chicago has a website and they've been complying with your new statute, once it goes into effect. In the event that website, for whatever reason, is not working, goes down, electrical problems, phone line problems, whatever the case may be, it is not your intent to penalize them under this Ac... under this Section of the statute. Is that correct?"

Feigenholtz: "That is correct."

Cross: "So, they will not be subject to the Open Meetings Act in the event for whatever reason their website's not working, that is your intent, that's the intent of the Press Association. Is that correct?"

Feigenholtz: "That's correct. This is not meant to be onerous, Representative Cross. This is a Bill that really just kinda speaks to the century that we're living in."

Cross: "I'm not suggesting that it is."

Feigenholtz: "But I think... I think you, for purposes of legislative intent, no, that is not the intention of the Bill and I'm glad that you brought that to the floor."

Cross: "Okay. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jackson, Mr. Bost."

Bost: "Thank you, Mr. Speaker. Will the Sponsor yield?"

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Speaker Hartke: "The Sponsor indicates that she will yield."

Bost: "Representative, I have just some concerns and they were kind of along the lines of the previous speaker. But as we deal with a lot of the communities in deep southern Illinois, sometimes we have people that come up and make a website for a particular community, but they don't have someone on staff that does the updating and things like that. Is there anything that would allow them not to post on the website; it's just a website that they only update once every six months or a year? Is there anything in like that?"

Feigenholtz: "The language that the Municipal League drafted actually, Representative Bost, addressed exactly that. So, that if a person... if a municipality has a volunteer that manages a website, offsite or if they do not have full time personnel who actually are totally responsible for the website, they're exempt."

Bost: "Okay. Thank you very much. That's..."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from DuPage, Representative Pankau."

Pankau: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor indicates that she will yield."

Pankau: "Sara, I had a trustee from one of my municipalities call me and their concern wasn't necessarily for putting on the Internet or whatever, but it was adding items to the agenda. I guess at the beginning of their meeting the mayor usually asks, 'are there any items to be added to the agenda?' And there was... and I think from the tenor of the call that I received that there is probably some friction between this particular trustee and the mayor. And the trustee wanted to make sure that your Bill, in no way, limited him from adding items to the agenda, so that,

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even though it wasn't posted, items could be added. In other words, he could say I want to add a discussion about XYZ to the agenda or I think we need to move on this, that and whatever. Is there anything in your Bill that would prohibit this trustee from adding items to the agenda?"

Feigenholtz: "No, there's not."

Pankau: "Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, Representative Feigenholtz to close."

Feigenholtz: "I would appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1760 (sic-1756)?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Fritchey. Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1777, Representative Mitchell, Jerry Mitchell. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 1777, a Bill for an Act in relation to teacher certification. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I bring you Senate Bill 1777. This is a identical Bill that passed the House unanimously and went to the Senate already. Basically, what this does is, it adds to Judge Gentleman's ruling and allows us to still certify teachers in one of the seven categories that are outlined in the Federal Law idea. With this legislation, special education teachers would still be able to be certified in one area and specialize in that particular

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area. As the ruling is now, a teacher who is trained in two of the seven areas would be allowed to teach in all seven areas. We have not changed the underlying ruling, we have only added to that. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion on Senate Bill 1777? Since no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1777?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, committee announcement."

Clerk Bolin: "Attention Members. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "On page 3 on the Calendar, on Senate Bills-Third Reading appears Senate Bill 1795. Representative Lou Jones."

Clerk Bolin: "Senate Bill 1795, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Jones."

Jones, L.: "Thank you, Mr. Speaker, and Members of the House. Senate Bill 1795 amends the Vehicle Code to prohibit the use of cellular telephones by school bus drivers when the bus is in operation. There are exceptions for emergencies, mechanical breakdowns, when the school bus is in park... the school bus is parked and when there are no passengers. A violation of this prohibition is a petty offense. Basically, what they're saying here before, normally, the bus driver could not use any kind of communication cellular



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advi... device while the bus... while the children were on the bus, or if the bus was moving. What the Senate did was put a Amendment on that says that he parked the bus in a safe place that he would be able to use the telephone even though the children are on the bus. Also, there's an Amendment that was put on by... approved and put on by Representative Simpson. And I ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Chi... Cook County, Mr. Giles."

Giles: "Thank you, Mr. Speaker. Would the Lady yield?"

Speaker Hartke: "The Lady indicates that she will yield."

Giles: "Thank you. Representative Jones, just clarify for me. This particular legislation, the bus driver cannot use a cell phone while operating that bus, that means driving the actual bus with passengers on the bus. Is that correct?"

Jones, L.: "That's the way... that's the way the Bill was before the Amendment."

Giles: "Okay. And, of course, I know this Legislator (sic-legislation) was drafted because we've had incidents where individual will use their cell phone while driving and the risk of having a potential accident is greater at that particular time. And of course, when you have a number of students on that school bus, that even heightens the risk, as well. Representative, could you just tell me does this also apply to say, for instance, if that bus driver have an emergency and have to make a telephone call, if the bus breaks down or something of that nature, if there's a flat tire or engine problems, will that bus driver be able to use the cell phone at that particular time?"

Jones, L.: "Representative, it's really kind of hard for me to hear you. I didn't hear the end of what you were saying."

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Giles: "I was just making a... I was asking a question. If there's a mechanical breakdown, for instance, there's engine problems or if there are some type of a flat to a tire on that particular bus, will that bus driver, that operator, be able to use the cell phone at that time?"

Jones, L.: "Yes, he can. What he can do now with this Amendment on there... what he can do is to stop the bus at a safe place, even though the children are on the bus, pull the bus to a complete stop, and make the emergency call."

Giles: "And also... Mr. Speaker, could you give me a little..."

Speaker Hartke: "Shhh."

Giles: "The Lady can't..."

Speaker Hartke: "Ladies and Gentlemen, please. We're on Third Reading."

Giles: "Also, Representative, if a bus driver... say, for instance, a bus... on that particular bus, there's no students on that bus and that bus driver is once again maybe en route to pick up students or en route to the garage, can that bus driver use that cell phone at that particular time, as well?"

Jones, L.: "Yes, he can."

Giles: "Okay. To the Bill, Mr. Speaker. I think this is..."

Speaker Hartke: "To the Bill."

Giles: "I think this an excellent, excellent piece of legislation. I think with the number of accident that occur using phone, the usage of cell phones while driving, that that and statistics are there to show that it is a greater risk for accidents. Specially, we have a situation where students... children are on school buses. We do not... we want that... that operator of that bus to definitely try to hold off on using that cell phone or pull it to the curb or pull it to the side and park and use the

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cell phone. And I encourage all of my colleagues to vote 'aye' on this legislation. Thank you."

Speaker Hartke: "Shhh. The Chair recognizes Representative Black. Welcome to the chamber."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I do appreciate your acceptance of the Amendment regarding the cell phone that has a two-way radio capability. I think it makes the Bill much more workable. The only question I have, if the cell phone is owned by the school district and the transportation director wants to call the bus driver to inform the driver that because of bad weather or a breakdown that driver will also have to pick up students on the blue route as well as the red route... Now, I assume that the driver will be able to answer that phone or do you want the driver to pull over if they are called from the district?"

Jones, L.: "No, the driver would be able to answer that call."

Black: "Okay. That's the only question I had. Thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Jones to close."

Jones, L.: "Thank you, Mr. Speaker. I just ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1795?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is

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hereby declared passed. Mr. Clerk for Committee Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on May 7, 2002, reported the same back with the following recommendation/s: 'direct floor consideration' for House Amendment #1 to Senate Bill 1545, Amendment #2 to Senate Bill 1622; Motion to Table Committee Amendment #1 for Senate Bill 1622, Amendment #1 to Senate Bill 1880; Motion to Table Committee Amendment #2 for Senate Bill 1930, Amendment #2 to Senate Bill 1975, Amendment #2 to Senate Bill 1983 and Amendment #2 to Senate Bill 2024."

Speaker Hartke: "On page 3 on the Calendar, on Senate Bills-Third Reading appears Senate Bill 1798. Representative Krause. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 1798, a Bill for an Act concerning hospitals. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Krause."

Krause: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1798 would amend the Hospital Lien Act and would prohibit hospitals from entering into exclusive contracts with physicians for pain management services except for specific diagnostic or therapeutic procedures or surgeries, other than solely for pain management. It would be required that the pain management physician must meet the credentialing criteria of the hospital. This legislation is limited to only pain management physicians. It does seek to promote the patient choice. If a patient has been working with a pain management physician and then has to go to the hospital, this would assist that patient in being able to work with his or her own choice for the pain management physician. I'd be pleased to answer any

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questions."

Speaker Hartke: "Is there any discussion on Senate Bill 1798?

The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor indicates that she will yield."

Black: "Representative..."

Speaker Hartke: "Excuse me, Mr. Black."

Black: "Yes, Sir."

Speaker Hartke: "Ladies and Gentlemen, please give the speaker your attention. Thank you."

Black: "Thank you, Mr. Speaker. That's the most attention I've had in a long time. The... When you first glance at this, it appears to be a relatively simple Bill. I've heard from a number of my hospitals that tell me it is not. For example, if I am a patient at a hospital covered by my insurance and the physician who is managing the oncologist staff person who has been managing the pain of my cancer treatment does not have privileges at that hospital, what do I do in that case?"

Krause: "What we're trying to do in this legislation is to provide, that if you were... that a pain management physician... that exclusive contracts cannot provide for pain management services. And really, the bottom line is the example you used. If you were a cancer patient working with a pain management physician and you went to your hospital because of pneumonia, but had to be continued to be treated for the pain management, the goal here is to have the patient have the choice to continue to use his or her own pain management physician. It is limited in that case, but yes, it would provide that an exclusive contract

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would not provide in that particular type of a physician."

Black: "But as I read this, the hospital would not have to grant the pain management specialist privileges at that hospital."

Krause: "Well, but... on... it does provide, that if the physician then must meet the credentialing criteria that that hospital has established for pain management. And if the physician does, Representative, then he would be able to serve in that hospital and serve his patient."

Black: "What if the person that I have chosen to manage my pain is a, what you would call a... an alternative holistic practitioner, not a medical doctor, but someone that I am very comfortable with and through the use of herbs, meditation, that kind of treatment, I think that I get some relief. But the person that I've used for that pain... pain management is in fact, not a medical doctor, but I want that person to come in the hospital and treat me. Would that person be allowed to enter that hospital and attend to my needs, per my request?"

Krause: "Under this legislation, it does use the term 'physician'. So although, as you talk about the alternative medicine and as important as it is..."

Black: "Okay."

Krause: "... this legislation, Sir, does talk about physician."

Black: "So..."

Krause: "And you are right. That still would not be covered under this."

Black: "If I was using a nonmedical doctor, then I'm probably gonna be out of luck."

Krause: "I would say that at this point, this legislation does not."

Black: "Okay."

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Krause: "It only talks about pain management specialists... ."

Black: "And so that would also, I assume, eliminate a chiropractor, who I might have gotten some relief from pain due to acupuncture. The chiropractor, would not, under this law..."

Krause: "It's not under... you know, it uses the term 'physician'."

Black: "All right. Okay. And the definition elsewhere in the law, I think is rather clear. That terminology means a..."

Krause: "A medical doctor."

Black: "...a recognized medical doctor."

Krause: "Yes."

Black: "All right. Thank you very much, Representative. Mr. Speaker, to the Bill as amended."

Speaker Hartke: "Yes. To the Bill."

Black: "Again, and I think many people are gonna cast a vote based on the title of the Amendment and that being pain management. I think this goes a lot further than pain management, which is certainly, from personal experience in my family with my late mother, pain management is extremely important. But there are some underlying provisions in this, in this Bill as amended, that goes far beyond that. I have heard from all the hospitals in my district, albeit largely a rural downstate district, that they feel they, being the hospitals in this case, feel this is far more than who may or may not be able to come into their hospital to manage a patient's pain. That in fact, it may, I say may, this is their interpretation not necessarily mine. It's their interpretation that this is more or less telling the hospital that this physician 'may' have to have access to your hospital. I think there's sufficient safeguard in the Bill, as the Sponsor indicated that the hospital could,

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in fact, withhold privileges, but it gets a little tricky in that area. This is one of the issues that when I first came down here I never could understand. I thought everybody in education would be on the same page. I thought everybody involved in health care would be on the same page. And it is perplexing and certainly makes our lives more complicated, in that that is often not the case. I think you have well-meaning people involved in the care of patients involved in this Bill who have completely different views of what this Bill does. And as infrequently as I vote against doctors, because I've certainly had a long-term relationship with more doctors than I could count, I feel in this case I must represent the hospitals in my district and I only have three left. And if we don't address some past due bills to our Medicaid providers, I may only have two left before July 1st. But be that as it may, the hospitals feel very strongly that this puts an added burden on their ability to function and I simply cannot afford to lose another hospital in my legislative district. And it's for that reason, and I say in all due respect to the Sponsor, this is a much more complicated Amendment than I was led to believe and that I first thought when I read it. But based on the information I have received from my hospitals, I must respectfully vote 'no'."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Hamos."

Hamos: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Hamos: "Representative Krause, I think... I agree with the previous speaker. This is a little more complicated and I've been trying to sort of, understand what this Bill is."



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And can you just answer this question to begin with, why do we need this Bill? What is the problem we're trying to correct?"

Krause: "Because... What we're trying to address is the fact that some hospitals have an exclusive contracts that limit the pain management physicians to only those part of the contract. In addition, we have patients who are working with a pain management specialist today, that are serving them in that area. And we've used the example of the cancer patient who's being assisted with pain management, which is important today as a new service. That physician (sic-patient) then has to go to the hospital for another condition. The issue becomes, does that patient have the choice of being able to use their pain management specialist to assist them in the hospital to continue the service that they were getting before for pain management, which should continue in the hospital, which now they're being treated in the hospital for an additional condition?"

Hamos: "But... Representative Krause, I understand that an Amendment was proposed that would have allowed for a patient who is actually staying in a hospital to bring their own pain management specialist in and to give them some kind of a temporary hospital privilege, but that Amendment was rejected. Can you tell us why?"

Krause: "Because I don't think that the approach is to each time, have to get some type of temporary relief. The real issue is, is can a patient have a pain... choose a pain management specialist that they can have with them or can a contract deny them that right? If you have to constantly go in for some temporary answer or get a credential for that, that does not really approach the issue that is here. Pain management should not be exclusively a hospital-based

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physician position. They ought to be able to follow the patient, not be excluded when the patient goes in. And a contract, Representative, should not so prevail over the rights of a patient."

Hamos: "Wait. Mr. Speaker, can you ask for a little attention? It's very hard to even hear the answers to our questions."

Speaker Hartke: "Ladies and Gentlemen, please."

Hamos: "Thank you. Well, Representative Krause, I think I heard the last answer. Was... It was getting very noisy in here. And I didn't... I guess, again I think that if the issue is for an individual patient to allow him or her to bring in an individual pain management specialist, why that isn't already kind of ad hoc? I mean, if that specialist doesn't have hospital privileges, wouldn't they have to get hospital privileges anyway, in that hospital?"

Krause: "But once they would get them, Representative, it would follow the next pain management patient."

Hamos: "It would... I'm sorry?"

Krause: "Once they achieve the credentials at that particular hospital, then they would have it for their next pain management patient."

Hamos: "Okay. Well, I'm not from a rural area, but for all the people here who are, in serving districts that are a little more rural, I had understood that the reason to have these exclusive contracts is to be able to attract these pain management specialists to an area and then basically, give them a certain volume of business so that as an incentive for them to continue to serve that hospital. Is that not a concern here?"

Krause: "But is it not the other way? What... to deny someone... I mean, that example of yours could almost work contrary and that is that these hospitals being so far apart, that

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you could not get a pain management specialist unless it was a part of an exclusive, whereas there may be one that would be available. I don't know if that argument lies in that case, Representative. I don't see it."

Hamos: "Okay."

Krause: "It still gets back, sincerely, to... is there a role, as in this case, for the Legislature to play a part for that patient or do you just apply contract law? If we were dealing with the free marketplace and you were talking to me about computers, I would say to you, that's fine. But we are talking about the right of a patient over an exclusive contract and that is how I base this."

Hamos: "Well, I just have... I have one more question and you may have already answered this with the previous speaker, but I was having a hard time hearing on this side of the aisle. Is... what is... is there such a thing as a pain management specialty, now? Is this standard in the business? Is this well-recognized what this is?"

Krause: "Okay. I just have with me the American Academy of Pain Management and they lay out the criteria that they now are establishing in this field. And I have pulled that out as to their standards, and so, there is a criteria now in the field of pain management that is being met as a speciality, and it is important. I think we would agree on that."

Hamos: "So, these are physicians?"

Krause: "Yes. Yes."

Hamos: "And this is a speciality, now or it's being developed? What did you..."

Krause: "From what I've seen, it is a specialty now. I have seen that there is criteria that directly applies to pain management, that is set and established by the American Academy of Pain Management and the Illinois Society of Pain

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Physicians, that they have established that."

Hamos: "Okay. Thank you."

Speaker Hartke: "Further discussion? Ladies and Gentlemen, it's very difficult to hear today. I don't know what's wrong, but let's pipe it down just a little bit, please, so we don't have to repeat the questions. The Chair recognizes Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. I would join my colleague, Representative Black, in opposing this Bill for a number of reasons. First of all, we know already that because of the fiscal problems that the State of Illinois is facing, that the Governor has impounded a very significant amount of monies that would have already have gone to our local hospitals. Secondly, the hospitals are waiting for the monies that are already due them, because the state is so far behind. So, it seems to me that we really don't need to be putting this extra burden on our hospitals at a time when they're already struggling just to keep their doors open, just to serve the people of our rural and urban areas. Also, it seems to me that the Hospital Association, in spite of the difficulties, have shown a willingness to sit down and try to resolve this thing in a fashion where, I believe, the Agreed Bill process would work very well. So, it seems to me that rather than saying we have to pick... that we have to pick, as Legislators, a direction, we should ask those people who are experts, the Hospital Association, those other people that are involved with medical procedures, to sit down in a room and work this thing out themselves and then bring it back to us as something that they agree on that makes sense. And then we can pass it and send it on to the Governor. But I think we make a mistake today, in a

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day when, for example, Representative Forby has a Bill earlier that we passed in order to try to keep a hospital open. I think we make a mistake under these circumstances to add additional burdens on to our hospitals right now. And so, while I think... I know that the Sponsor is very well intended in this Bill and she's trying to do good work, I think that there's an unforeseen outcome that very well could be that many hospitals will close in this state, if we continue to impose obligations on them that they simply can't meet. So, let's ask those folks that are involved in the process to sit down, work out something that they can live with, and then come back to us at a later time. So... but at this time, I rise and urge Members to vote 'no' or 'present' on this proposal."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Garrett."

Garrett: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor indicates that she will yield."

Garrett: "Representative Krause, when is this Bill, if it is passed and signed into law, when would it be effective?"

Krause: "It's effective upon... I think it's immediate. Yeah."

Garrett: "I'm sorry, I didn't hear you."

Krause: "Immediate, upon signing."

Garrett: "Immediately, okay. I've had several phone calls from hospitals and they, obviously, there are some great concerns with this Bill. My question is... my question is... my question is, Representative Krause, if a doctor has a contract already with a hospital and we pass this Bill, it's effective immediately and their contract is good four or five years, what happens to that contract in its current form?"

Krause: "That contract would continue to be in existence. This

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legislation does not affect existing contracts, that's in the Bill."

Garrett: "And I looked at the legislation because I did talk to the State Med Society about this. I don't see that in this legislation and maybe it's there and I just missed it."

Krause: "It... No... What it is, it's in Amendment #2 which has been adopted to this Bill."

Garrett: "Okay. Would it be on my..."

Krause: "It should be, because it was adopted, Representative..."

Garrett: "Okay."

Krause: "... a week or two ago. This..."

Garrett: "It's not on my analysis."

Krause: "The prohibition exclusive contracts contained in this section applies only to contracts entered into, amended, or renewed after the effective date of this Amendatory Act of the 92nd General Assembly."

Garrett: "So, there's no time period or time limit on that whatsoever? So, if a contract is for five years the... "

Krause: "That's correct."

Garrett: "Okay, that's what I needed to know. Thank you."

Krause: "That's correct."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Miller. Dr. Miller."

Miller: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor indicates that she will yield."

Miller: "Representative, in terms of... I just have a few peripheral questions in terms of liability. Can you discuss who would... who is... who is liable for services provided under somebody who is not an existing provider in that... with that hospital?"

Krause: "I'm not quite sure as far as who you're referring to as liability. Who would have created the damage that would've

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caused the liability? I'm not clear I don't... "

Miller: "Correct."

Krause: "Could you just rephrase it?"

Miller: "So, is it... In terms... There has been discussion earlier about the burden of a hospital, of somebody who is not affiliated with that hospital, that person coming in, as described as being a burden. I assume part of that burden is who would be liable or liability associated with that person or an approval process of that person coming in."

Krause: "What this... Yeah, this legislation doesn't get into any issues of liability or anything. It merely provides that a pain management physician would be able to perform services after this date if he meets the credential criteria. But that if there's an exclusive contract in existence it can continue, but then no further exclusive contracts could be entered into that apply to pain management."

Miller: "So... so, the hospital, themselves, through their process of saying..."

Krause: "That's correct."

Miller: "So, for instance, if somebody had committed malpractice somewhere else or in some other hospital, that hospital has the right, based on their own criteria, to object to that person treating, if that person was still an outside?"

Krause: "That would be... right. That would be correct."

Miller: "The reason I'm asking that, because it was earlier in discussion I heard that there was some type of burden..."

Krause: "Yeah, no. There's no burden..."

Miller: "Okay."

Krause: "... at all. The issue here is patient choice."

Miller: "Okay. And as far as on that language of patient choice, this encourages the patient/doctor relationship. So, if a

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patient is being treated by a doctor outside of this particular hospital, goes into the hospital and wanted that doctor to be treated by that... that patient wanted to be treated by that particular specialist, you're simply saying that we can bring that person in for those procedures, during that time, with that person."

Krause: "And that is what it is. He's been treating his patient, and we've used the example of cancer pain and then that patient has to go to the hospital for an additional service, his pain management physician can continue to treat him for that pain. Yes..."

Miller: "The... Oh, I'm sorry. So, if they come in to treat you, okay, and I'm sitting in the hospital bed next to you, they can't all of a sudden slip me a card and say, 'hey, Dave, I'm gonna treat you now, or here's my card, can I bring you in?'"

Krause: "And that is correct. Right. He's been treating..."

Miller: "Okay. There are provisions in this Bill..."

Krause: "Well, no. The understanding of the Bill is, is to provide... to provide that pain management physicians would not be part of exclusive contracts, is what this provides. That it would not be a hospital-based type of situation. But that, therefore subsequently, exclusive contracts could not include pain management physicians."

Miller: "Now, I've heard discussions in regards to downstate or more rural areas being affected... adversely affected to this legislation. I'd like to hear a res... kind of a response to that."

Krause: "I... I do not see how that would be. As a matter of fact, I would think the contrary would apply, that a pain management physician, if he meets the criteria, should be able to go to a hospital here and then maybe another one



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that's 50 miles away. And that it would be a benefit to a smaller hospital to be able to have a freedom of pain management physicians instead of to so tie them down that you could only have one or two and could not bring someone else in because of that distance."

Miller: "Okay. One other question here. As far as... 'cause I understand the language of what you're trying to do here. Are there any other specialists? Are there any other health care providers that are able to come into hospitals, similar to this? For instance, somebody not with an exclusive contract outside of the field of pain management?"

Krause: "Oh, I have no doubt there are. Again as long they..."

Miller: "I'm sorry, I can't hear you."

Krause: "I think that there are, as long as they meet whatever the credential criteria would be for that hospital."

Miller: "Thank you very much, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Lady yield?"

Speaker Hartke: "The Lady will yield."

Flowers: "Thank you. I'm sorry, Representative Krause, I was outside when you started talking about this legislation. Can you please help me to understand again, what is the purpose of this legislation?"

Krause: "The purpose of the legislation would provide that pain management specialists would not be covered by exclusive contracts in a hospital. That a hospital..."

Flowers: "Will not be covered by exclusive... "

Krause: "Would not be included in an exclusive contract. In other words, if a hospital enters into an exclusive

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contract with radiologists as such, the hospital could not enter into exclusive contracts with pain management physicians."

Flowers: "Okay. Let me just repeat this so I'll be sure that I have an understanding. You're saying to me that a hospital cannot enter into an exclusive contract with a pain management physician. Why not?"

Krause: "Because a pain management should be a physician that someone that a patient should be able to have follow them. So, if you turn it on the belief that a patient should have a choice, the patient is being treated by a pain management physician and has to go the hospital, that they should be able to be served by the physician who has been working with them."

Flowers: "Representative, I'm trying to... I agree to a certain extent in regards to the patient/doctor relationship. If this patient is in the hospital, I might assume that that doctor that she was seeing as an outpatient is her pain management specialist. But you're saying, and correct me if I'm wrong, if a patient just happened to come off the streets, into the hospitals, never being seen by a doctor before, on staff, but she knew of a doctor elsewhere, she can call that doctor to come into my hospital and work on her because that's what she so chose to do. But I, as the hospital administrator, I don't mind extending him privileges for a couple of days, but he wants to get comfortable and he wants to stay because he has not been able to get a job elsewhere and he's using this patient as a way and a means to come in and get a job. That's number one. Number two, as a hospital administrator, I have a budget. In the beginning of the year, I knew that I had six doctors, I anticipated I would have 'X' amount of

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patients. So, therefore, now comes this legislation. I no longer have six pain management doctors, I have 16. Now, how do I pay them, Representative?"

Krause: "I think it comes down to, Representative, and it does, it comes down either to contract law, which you've talked about or it comes down to the rights of a patient to be able to have his or her choice at that point on pain management. And that really is the issue that we have here."

Flowers: "I beg the difference with you. I don't think that's the issue, because what the patient wants is the pain to be managed. There's a doctor there to manage it. Now, let me just give you another scenario. Something else is causing me pain in this hospital, I don't like the food. So, therefore, in order to eliminate the pain that I have because I don't like the food, I want to bring in my own cook. And by the way, I really don't like the way the housekeepers are... is keeping this hospital, and so, therefore, I want... I know a crew. I want to be able to bring in my own crew to clean up this hospital, once again to eliminate my pain. Now, what would you suggest... when do we stop in regards to a patient's right? And what about the stability and the reality of a administrator to be able to take care of his patients in the hospital? And when, Representative, please tell me, when did we start making it mandatory to protect doctors as opposed to protecting patients? Because this legislation is not necessarily about the patient because once that patient is gone that doctor is still there."

Krause: "I think that, you know, and it turns on the patient and you and I could debate it and I have no problem. But, I think the patient's interest in something as serious as

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pain management, should be able to have them have their physician. And they should not have to be limited or have that right taken away."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, to the Bill."

Speaker Hartke: "To the Bill."

Flowers: "I merely want to say that this Bill is not about the quality, and the dignity, and the maintenance of a patient. It's about employing doctors. If that doctor doesn't leave when that patient leaves and there's ten other patients coming in, this could really be blown totally out of proportion. What is needed is someone to be on staff, 24 hours a day, seven days a week, for the patient. That's the purpose of... that should be the only purpose that a hospital would exist, for the patient. And the hospital's responsibility is to make sure that there are quality and qualified doctors working for that hospital. And it is incumbent upon the responsibility of the hospital to ensure the dignity and the safety of the patient. Let's not take that away from the hospitals, Ladies and Gentlemen. And I urge a 'no' vote on this Bill."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Burke, the Gentleman from Cook."

Burke: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Burke: "Representative, would you not agree that this practice called pain manager is a relatively new speciality in the medical field?"

Krause: "It is new and it has become a speciality and important."

Burke: "Are you familiar with what criteria one has to meet in order to hold himself out to treat patients as a pain manager?"

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Krause: "Okay. I do not have the specific criteria with me, but my understanding is that there is an involved criteria. And I look at here from the American Academy of Pain Management, the extensive accreditation program that they require a physician to go through to be accredited for pain management."

Burke: "You might see there in your documents, that to hold oneself out as a pain manager and that is previously being an M.D., requires a separate fellowship in the practice of pain management. This has been, this debate this afternoon, is probably one of the most confused debates I've ever heard. This is a very simple matter, Ladies and Gentlemen. The practice of pain management is not the practice of anesthesiology, nor is it the practice of emergency medical service in a hospital. I can't for the life of me understand why the hospitals are so concerned about an issue, where if I were a patient of a pain manager, that hospital would preclude that pain manager from coming and following my treatment in that hospital. That is unconscionable. What is the issue here? Pain managers are not dismissing the anesthesiologists or any other exclusive contracted for service in a hospital. A pain manager, and there are very few of them, Ladies and Gentlemen, in our state. They are individuals that are highly specialized in their treatment of individual patients. They are not looking to displace any current exclusive contract in a hospital. A pain manager is not going to fire the anesthesiologist or any other exclusively contracted for medical practice in the hospital. This legislation simply says, if any of you here were a patient of a pain manager that pain manager can follow you to the hospital and continue to give you the pain management that

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you require. It's a very specialized area. There are very few of them. This legislation is reasonable. It's legitimate. And I think much infor... misinformation has been dispensed by certain entities in the last couple of days here. I'm surprised that they would take this tact. This is a very simple, easy matter. If you are a patient of a pain manager, you will, under this legislation, be entitled to continue the treatment by that pain manager. It's very, very simple. I would encourage my colleagues to think of this issue very seriously. It is not competitive with the hospitals. It is not competitive with the Medical Society. The Medical Society is supporting this issue. And I, too, would ask for your consideration in this matter. And please, this is a legitimate issue and very simple matter. I would encourage 'aye' votes on this."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Coles, Representative Righter."

Righter: "Thank you, Mr. Speaker. Will the Sponsor yield? Represen..."

Speaker Hartke: "The Sponsor will yield."

Righter: "Thank you. Representative Krause, there's been a lot of discussion here on the floor thus far in the debate about the inability of hospitals if this were to become law to be able to manage their own affairs, if you will. And as we talk to other Members on the floor, there is a concern out there that this is, for lack of a better term, the first step, that next year we're going to see a Bill banning exclusive contracts with orthopedic surgeons. And the year after that it's going to be with, you know, another kind of specialist. And I want to know for you, from you, I mean, is that what you see happening here or is this, for you, a specific issue that goes to pain

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management and quite frankly in most points, the end of someone's life, usually? Is that what this is about?"

Krause: "That is the approach here that is being taken, that pain management, indeed, is a new speciality, but very important. That someone who is being served on that, indeed, is very serious ill... very seriously ill, but is receiving some very valuable treatment that should continue. But in that case, that same patient may go to a hospital because of some other service and that, indeed, his pain management physician should follow with him. But it is usually because he has a serious illness. And I think in this case pain management is not hospital based as anesthesiology and radiology are, is where you find exclusive contracts. This is a recognition that it is a new field, important field, but really, only applies in this type of a situation."

Righter: "The rationale that you are using in putting forward this Bill, is it safe to say that for you that is not a rationale that would apply to other specialties? Is this, I mean, is this set apart and above from other areas of speciality?"

Krause: "It is different because other areas, indeed, are treated differently. They are more hospital based, as anesthesiology, you want to have them, radiology, pathology. This one should be able to be treated, not as part of an exclusive, but recognizing the unique circumstances that it is, that we've discussed a number of times this afternoon. The severe pain that a patient is receiving (sic-having) goes to the hospital, he should receive that very special treatment from the physician. And this legislation applies only to cover that case. There is a basis for exclusive contracts in other cases."

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Righter: "But... you're not saying that because this specialty tends not to be hospital based that therefore, banning an exclusive contract is acceptable or maybe you are. I mean, is that the rationale for this? Or..."

Krause: "No, the ration..."

Righter: "Or is it because of the specific issue of pain management and oftentimes like I said before, we're talking about someone drawing near the end of their life."

Krause: "That is correct. The pain management specialist is unique and should stand on its own and only that should stand on its own."

Righter: "Okay. Thank you, Representative. Thank you, Mr. Chairman."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Erwin."

Erwin: "Thank you, Mr. Emperor. Happy birthday, by the way. I appreciate... to the Bill. I..."

Speaker Hartke: "To the Bill."

Erwin: "I appreciate that some of my colleagues have attempted to clarify things. I appreciate Representative Burke's comments. But I have to confess, Representative Krause, I'm more confused now than I was at the beginning. And part of it is probably the noise level that we're missing a lot of your answers. So, if we can't hear the questions or the answers I'm..."

Speaker Hartke: "Please."

Erwin: "I am concerned while I appreciate that you have mentioned that this is for this one particular issue, I don't totally understand if it's not an anesthesiologist exactly what this person is, but I'll lay that aside for a moment. Let's take the case of someone who... Could our staff move so I could see her? Thank you. Many cases, as you know,



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of people in inpatient care are very complicated medical situations. And so, if we think about these patients and, indeed, some that are in pain. If people have their own psychiatrist, their own urologist, their own dermatologist, their own cardiologist, their own nutritionist, and their own pain manager, does... do our hospitals essentially become hotels? And we just all bring in whoever we want? I mean, I would suggest to you that I'm concerned that particularly in a complicated situation you're going to have all of these people from all over the place. It's complicated enough, with people that are so licensed within an institution now, but if we now say, you know what, I'm under extreme stress. I would prefer to have my own psychiatrist, my own uro..., you know, I have my own gynecologist, I have my own everything, that frankly when I go into cardiac arrest, who's responsible? You know, if people are coming in from the outside that are not within, I just... I understand that you're saying it just applies to this, but frankly, the next new thing will be out... will be new in a month. So, at the rate of scientific discovery and technology, I would be very concerned that this opens up something that we do not clearly understand. Now, so I just would suggest to you that I'm concerned that it is... It sounds to me like we're turning... turning hospitals into hotels, but they're going to, undoubtedly, retain the liability. So that when something goes wrong, you know, you can't always put your finger on, well, was it the outside pain manager's responsibility? I mean, I just... I would be concerned about this. And I am concerned about this. And because I don't actually understand who these people are. Are they M.D.s, are they anesথে... what are they? And even if they are all of

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those things, if we're going to grant the patient's right here, why not? Why can't I have my own dermatologist come in and make sure that my surgery scar, you know, isn't defacing me? And so, I want my own to come in to make sure. So, I just... I'm not saying it's bad, I just don't know. I have enough concerns, Representative, that with all due respect, I'm not going to support this."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Mulligan: "I don't think this is real hard to figure out, particularly in the area of pain management. First of all, if it's pain management it's probably going to be an M.D., unless you're getting no drugs because only an M.D. can prescribe. Secondly, particularly in the area of cancer, many times some of us do not go to a local physician or a physician at your local hospital. We seek out the best that we can find and sometimes that physician is a long way from your home. If you live in the suburbs you may be going into the Loop in Chicago area, if you live in downstate you may be travelling a long way. Pain management, I think, is different and individual for each person, particularly, if you're allergic to some drugs, you weigh differently, you have a different pain threshold and when you get used to one person that's working with you, a change in that person makes a significant difference. If you're in hospice care and you decide to go back in the hospital at the end, and you've had somebody that's been helping you and you need that person, why would you want someone that would come in and take another day or two to figure out how to do something that maybe the other person

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has already taken care of, the other doctor, the physician that knows how your body's going to react to a drug, knows how high your pain threshold is, knows how to put a ratio of how much drug to give you for your body weight for each particular person which is different. I don't think that allowing someone to follow you in that area, particularly, when you're dying or you have a lot of pain to manage, if you've been managing pain in a back, pain in a... at a long period of time over specific injury, pain because you're dying and you're working with someone. I don't see how this is going to infringe on hospital privileges for other things such as, an anesthesiologist for an operation, which is totally different than what we're talking about here. I strongly support this Bill, particularly, if you are a person who has been working with someone and you have the way you want it to be handled, either for the end of your life, how much drugs you don't want to be on, if you don't want to become addicted to drugs and you have this worked out with your personal physician, why would you want to go into a hospital and start from scratch with somebody else when you've already had that person who has learned how to work with you and to manage the things that impact your body? I think there's absolutely nothing wrong with this Bill, although I normally stand strong with hospitals. I think that this is a matter of personal choice of a position of a person and the patient and maybe their family, for something that is very important, particularly, when it involves drugs and how they interact in your body and perhaps the end of your life. I would encourage an 'aye' vote for this."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Livingston, Representative Rutherford."

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Rutherford: "Thank you, Mr. Speaker. Happy birthday."

Speaker Hartke: "Thank you."

Rutherford: "Representative Krause, I had a rather extensive discussion with you in the Executive Committee on this Bill. Let me just... and one of the questions that I had was, does this legislation have any type of grandfathering clause in it and during that discussion you said that you would be gracious enough to amend it to clarify, and that's... "

Krause: "That is correct. And now the Amendment does provide that this legislation would not affect any existing, exclusive contracts."

Rutherford: "I appreciate the follow up on that. Also, Representative, I'm going to be supporting the legislation. I want to share with the Body the reason why, was because during the discussion in committee I specifically asked a Representative from the opposition to this legislation that if one was to wanted to have their pain management physician participate with them and if the hospital did not allow for that, what is their alternative? And the response was, well, they could just go to another hospital. I've gotta tell you where I come from just to pick and go to another hospital is not that convenient to do. If you're going to be displaced and potentially have to go another 50 miles away to find a hospital to service you like that, I think is quite inappropriate and I will be standing in support of your legislation."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I simply wanted to address one point where I think there's been a misconception. And that was the idea that this Bill would require a hospital

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to grant medical staff privileges to a physician who happened to be treating someone for pain management. That is incorrect. The physician must be a member of the house staff of the hospital staff in order to see the patient. This Bill simply allows that physician who is already a hospital staff member who has been treating a patient in his office for pain management to continue to provide that service if that patient is hospitalized. It means that the patient does not have to be turned over to another physician who's also a hospital... has, also has hospital staff privileges to treat that patient. It simply allows the doctor to continue that care. It does not require that hospital privileges be granted to any physician. Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Krause to close."

Krause: "Thank you, very much, Mr. Speaker and Ladies and Members of the House. We have had extensive discussion on this with differing views. But I would just ask for your support and in consideration to consider that patient who has been served by pain management, the difficulty that he has been in, often with very severe pain, and that the specialist now is treating him for his pain and for his suffering. Upon his entrance into a hospital because of another condition, it is very important that in this field, this is not dermatology, this is not in any other field. It is in that cause that is so important in one's situation and life where that they are able to be able to be treated as they have been for that unique pain and suffering and that only that specialist could continue to give them. This does not infringe in any other field. It would not open up any other area because of what pain and suffering

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means and what that means to a patient. This pain and suffering management physician is absolutely necessary for that patient and that patient should have the right to that specialist to prevail over a contractual right in this case. I would ask for your support. I would ask for a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1798?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 67 Members voting 'yes', 39 Members voting 'no', and 9 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Ryan, for what reason do you seek recognition?"

Ryan: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Hartke: "State your point."

Ryan: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Up in the balcony today I have two constituents of mine, Steve Pendergas and Wayne Oliver, who's down here at the Illinois Horse Racemen's Association (sic-Illinois Harness Horsemen's Association). Will you please join me in giving a round of applause."

Speaker Hartke: "Welcome to the General Assembly. Representative Poe, for what reason do you seek recognition?"

Poe: "For announcement."

Speaker Hartke: "State your point."

Poe: "Due to all the rain, I just want to let everybody in the House know that the Illinois Harness Horsemen's Association is still having their reception out at the State

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Fairgrounds. It'll be on the north end of the grandstand and they'll have horses available and some other things there that'd be interesting to the General Assembly. Thank you."

Speaker Hartke: "Thank you very much, Representative Poe. Mr. Clerk, what is the status of Senate Bill 1880?"

Clerk Bolin: "Senate Bill 1880 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. On page 3 of the Calendar, on Senate Bills-Third Reading appears Senate Bill 1820. Representative Feigenholtz. Mr. Clerk, please call the Bill."

Clerk Bolin: "Senate Bill 1820, a Bill for an Act concerning hospitals. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. Senate Bill 1820 amends the Hospital Licensing Act. It provides that when one or more hospitals combine or merge that the medical staff bylaws of each individual hospital remain in effect until such time as the new entity and medical staff can mutually agree on medical staff bylaws for the new entity. I'd be glad to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor indicates that she will yield."

Black: "Representative, why, if this is good legislation, why is Cook County Hospital exempt?"

Feigenholtz: "They chose to opt out of this Bill."

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Black: "Would all other hospitals then have an opportunity to opt out of the Bill?"

Feigenholtz: "That's a great question, Representative Black. I'm looking at my notes, right now."

Black: "Well, could we just exempt all downstate hospitals on the face of the Bill, for purposes of legislative intent?"

Feigenholtz: "Representative, I don't have the answer to that question. All I know is that sometimes there are situations when one or more hospitals end up combining or merging and occasionally it's a little dicey as to whose bylaws prevail. Therefore, this actually establishes statute that the bylaws of each hospital stay in effect until they... both staffs can agree on new bylaws. I don't know what hospitals who are in the process of merging would be opposed to something like that, do you?"

Black: "Well, it... it wasn't that long ago that there was considerable talk about Cook County perhaps merging with the University of Illinois Hospital or any number of hospitals that was probably before the new hospital... the new Cook County was under construction. But if we exempt one of the larger hospitals in the state, prior to the Bill even moving out of the General Assembly to the Governor's Office... I mean, I'm just anticipating some questions from hospitals in my district. If Cook County can either choose to exempt itself from the Bill or be exempted from the Bill by virtue of a population sentence or two in the underlying Bill, then why couldn't we? Why couldn't you just take us out?"

Feigenholtz: "Representative, the Hospital Association is not opposed to this Bill. And I have gotten no calls from any hospitals around the State of Illinois who may have a problem with this."



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Black: "Well..."

Feigenholtz: "I appreciate your question."

Black: "Well, Representative, I've spent... I have spent, unfortunately, a number of days in hospitals. I have a vested interest in hospitals. There's an addition to a hospital in central Illinois that ought to bear my name or at least the name of my insurance company. But, be that as it may, I come from an area where we struggle to keep hospitals afloat and any time I hear that word 'hospital' I am interested. And generally, when I see a Bill that says it's good legislation, but Cook County Hospital is not covered by the Bill that raises my antenna. Why... why is this legislation, as you say and accurately so, not opposed by the Hospital Association, not opposed by the Medical Society and I, like you, have not heard from any group that has a specific problem with the Bill. But I have a problem with a Bill when I call it up on my computer and it is... it seems like it's good legislation, but one of the larger hospitals in the state is exempt. And that makes my antenna go up and I want to know why are they exempt. I mean, there has to be a reason other than the fact that they just picked up the phone and said, I don't want in there. There either is something wrong with the legislation that they don't want to ma... that they don't want to have to abide by or they see a potential problem down the road that may be smaller hospitals with less staff haven't been able to see. I'm just... I'm just curious. I mean, if it's good enough for every hospital in the state except Cook County, then right a way I wonder, why is that? What is it about Cook County that says, we don't want to participate in this Bill?"

Feigenholtz: "Representative Black, would you like for me to call

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Cook County Hospital and find out why they opted out?"

Black: "I would be delighted if you could just simply do that because I'm just curious. For them to be exempted, they had to make a concerted effort. I mean, they had to pick up the phone or write a letter or call somebody and say, look, don't include us in this Bill. I would just simply like to know before I vote, why. Why don't you want to be included in this Bill? Do they know something my hospitals don't or do they have something else in mind? I'm just curious."

Feigenholtz: "Mr. Speaker, could we take this Bill out of the record."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. Senate Bill 1859, Representative Poe. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1859, a Bill for an Act concerning health benefits. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Poe."

Poe: "Mr. Speaker. Mr. Speaker, Ladies and Gentleman of the House. Senate Bill 1859, which passed unanimously in the Senate, amends the State Employees Insurance Act of 1971 and permitting employees to elect not to participate in a program of health benefits offered by the state. What this will do is every 1% of people opt out of the state plan would save the state about \$8 million. There's different opinions of how many percent this would... actually save the state. It could be anywhere from 1 to 4%, so we're talking \$8 to 32 million. Before a person could opt out of the state insurance program they have to have proof that they have insurance with their husband, or by some other means before they'll be allowed to opt out. So, I'd ask for a favorable vote."

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Speaker Hartke: "Is there any discussion? On Senate Bill 1859, the Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you, very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is very important to a number of people, and I would suggest that you listen very carefully for purposes of legislative intent. Again, this is not as simple a Bill as it may seem. And I have talked to the Speaker and with your permission, ... Mr... I've talked to the Sponsor, with your permission, Mr. Speaker, we'd like to enter some questions and answers on the record for legislative intent."

Speaker Hartke: "Yes, please do."

Black: "Thank you. Representative Poe, Senate Bill 1859 will allow state employees to opt out of the state group health plan under certain conditions. Now, Central Management Services has indicated they have several areas of concern with the language as proposed. For example, item one, as written, the language permits only employees to opt out, not retirees. Members should be allowed to opt out. Is it your intent that retirees not be allowed to opt out?"

Poe: "Mr. Black, my understanding that retirees can opt out now. So, this would not affect retirees."

Black: "All right. So... it's your concern and intent that members of the group, employees and retirees, be allowed to opt out which, if allowed, will result in a higher potential cost savings, correct?"

Poe: "Absolutely. So many times we have now... we have employee the work for... do different either business and the state and both of them are paying premiums. So, we got a duplication of health benefits. What this would do, we'd eliminate one and it'd actually save the state for every 1%

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that opts out about \$8 million."

Black: "All right. Item number two, CMS feels there should be language that speaks to the fact that the member who elects to opt out of the plan does not have continuation rights upon termination of employment with the state. In other words, that employee if terminated would not have the right to exercise the COBRA provision under the Federal Law. Now, is it your intent that that be handled by rule or by statute?"

Poe: "I think CMS has indicated that they could handle that by rule."

Black: "All right. CMS also feels there should be language that states there are no financial incentives or considerations available to those who elect not to participate. In other words, if you elect not to participate CMS wants it clearly understood that you cannot then say, well, since I'm not participating and my insurance contribution was \$82 a month, I'll just take that in salary. CMS says, no you will not receive that in salary and you will receive no other benefits, correct?"

Poe: "Under rule, that's what their intention. I think the intention, also of the Bill that in 2004 there will be no more negotiations, if there was ever any compensation that would be done through negotiation and not until that time."

Black: "And I think one of the most important things that any member who opts out of the group insurance program needs to know is as follows: the member who opts out and then elects to re-enroll in the group program, shall be subject to preexisting condition limitation if he or she cannot furnish a certificate of creditable coverage. Will that be established by rule or by statute?"

Poe: "That also will be established by rule. And then, as far as

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re-enrollment, would be during the enrollment period of the state health insurance, it wouldn't be in the middle of the year, it would be also done during enrollment time."

Black: "And I think that that's one of the most important parts of this provision and so that there's no misunderstanding. If there is a 63-day break in coverage, the department feels and plans to proceed with imposing medical underwriting requirements. So, just so that everyone is aware that if you opt out you may not be able to opt back in under the same conditions if in the meantime you have developed a serious medical condition. When the election to opt out is made the member will opt out of all benefits, health, dental, and vision coverage. Will that be established by rule or by statute?"

Poe: "That also will be established by rule."

Black: "And again, Ladies and Gentleman, I think you need to pay particular attention to that, if you're going to opt of the state employees group health plan you are also opting out of your health plan, your dental plan, and your vision coverage plan. Last, but by no means least, Representative, if a member opts out do those years of nonparticipation in the state employees health plan count towards the 20 years service requirement for state paid insurance upon retirement?"

Poe: "Yes, that is currently in the contract. And if there would be any changes in that part of the contract it'd have to be during negotiations when the contract is open."

Black: "And will that part of the contract require some statutory language or again would that be able to be handled by rule?"

Poe: "I think it'd be during a negotiated union contract."

Black: "Okay. Thank you, very much. Mr. Speaker, to the Bill."

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Speaker Hartke: "To the Bill."

Black: "This Bill has been proposed by many of the state employee unions and it is a substantial savings of money. I intend to support the Bill and vote for it. I appreciate the fact that Representative Poe has allowed us to read into the record certain items that I hope will be accurately reported to the membership of any employee union group who intends to opt out of that insurance coverage. Because there are some things in here that if you don't understand, particularly the preexisting condition, when you may want to come back into that plan if you do so, if you've had more than 63 days of uninterrupted... 63 days of interrupted coverage you may find it much more difficult to get the coverage and be reinstated. So, while this Bill has the potential to save the State of Illinois' budget considerable dollars, my cautionary note would simply go out to those employees, don't make this decision based on partial or incomplete information. It is to your advantage to make certain that you understand this as completely and thoroughly as possible. However, given the budget deficit we face, it is in our best interest to allow this Bill to go forward because it does have the potential to save considerable dollars in the next fiscal year. And I appreciate the Gentleman in bringing forth this Bill."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Lake, Representative Osmond."

Osmond: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Osmond: "Representative Poe, the previous speaker, I think, designated certain coverages that could be opt out, and he listed long-term disability, vision, and dental, but he did not mention the life insurance coverage. If a person

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elects out of the benefit package would then... would it be all of those coverages including the life insurance?"

Poe: "I think, I think that's a very good question. I think that's something that CMS is looking at and trying to see if they can do that under rule or not. So, at this point I think that's probably would have to be also done through rules."

Osmond: "I think that one of the things that you'll look at when we get to seriously discussing this, is that you'll find the employees will leave and they will elect out of the health insurance portion of it, but will likely want to stay in the life insurance, the vision, and the dental, because the places they may go to may not have as broad of benefit package as we offer in the state. And I would suggest that we might want to leave them the flexibility to opt out of any one of those coverages that they wish. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Poe to close."

Poe: "Yeah. Mr. Speaker and Ladies and Gentlemen of the House, I think that this is a good vote to take a 'yes' on. This is a vote that as we are in a budget crunch, and like I've said more than once, every 1% that opts out will save the state \$8 million. And we've got a lot of duplicate coverages when we have as many employees as we do in the state, being covered twice. So, what I urge you to vote 'yes'."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1859?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Ryan, for what reason do you seek recognition?"

Ryan: "Just on a point of personal preference, Mr. Speaker."

Speaker Hartke: "State your point."

Ryan: "Ladies and Gentlemen of the House, up in the balcony with us today is a couple of students from James Hart School in Homewood. They're participating in the rotunda. Abby and Melissa, two fine seventh graders. Will you please join me in welcoming 'em."

Speaker Hartke: "Welcome to the Illinois General Assembly, young ladies. Ladies and Gentlemen, we're preparing to adjourn, but the Speaker would like to make a couple of announcements or the Clerk would. But first we will do the Agreed Resolutions."

Clerk Rossi: "Agreed Resolutions. House Resolution 862, offered by Representative Watson; House Resolution 863, offered by Representative Righter; House Resolution 867, offered by Representative McGuire; House Resolution 868, offered by Representative Wirsing; House Resolution 870, offered by Representative Osterman; House Resolution 871, offered by Representative Kosel; House Resolution 872, offered by Representative Daniels; House Resolution 873, offered by Representative Daniels; House Resolution 874, offered by Representative Barbara Currie; House Resolution 875, offered by Representative Krause; House Resolution 876, offered by Representative McCarthy; House Resolution 877, offered by Representative Bradley; House Resolution 878, offered by Representative Daniels; and House Resolution 879, offered by Representative McGuire."



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Speaker Hartke: "You've heard the Agreed Resolutions. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolutions are adopted. Now, for the announcements. Ladies and Gentlemen, as you know, tomorrow we will be taking our group photo here on the House Floor. Members should be in their desk ready to take that picture shortly after our adjourning time at... when we come into Session at 12:30. Remember, Members should clean off the top of their desk, put their laptops away, and other material you may have, so it does not reflect in the picture. The Wrigley Field 'send help' sign will also be removed. The gallery will be closed until after the photos... photo has been taken. Mr. Hoffman, do you have an announcement?"

Hoffman: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. The House Transportation Committee which is scheduled to meet tomorrow at 9:00 has been canceled. It will be canceled."

Speaker Hartke: "Further announcement by Representative Burke."

Burke: "Thank you, Speaker. The Executive Committee that was scheduled to meet tomorrow at 10 is canceled."

Speaker Hartke: "Mr. Novak, do you have an announcement?"

Novak: "Yes. I'm very happy to say that in the E & E Committee we do work. So, our committee will be meeting right after Session, in C-1."

Speaker Hartke: "Any further announcements? The Chair recognizes Representative Krause."

Krause: "Thank you very much, Mr. Speaker. And again, would like to extend an invitation to all House Members to please join this evening the Conference of Women Legislators for our reception at the Pasfield House at 6 p.m. We'd love to see everyone there at 6:00. Please join us. Thank you."

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Speaker Hartke: "Representative Brunsvold, for what reason do you seek recognition?"

Brunsvold: "Announcement, Mr. Speaker."

Speaker Hartke: "State your announcement."

Brunsvold: "Just to notify everybody about the softball game tomorrow. We're experiencing a lot of rain problems here in Springfield. So, all fields are wet right now and if it rains again tonight or tomorrow, we're gonna be in a... we'll have to postpone the game. But I'll let you know later tomorrow what we're gonna... what we're gonna do there. But right now we're having rain problems, so I'll wait 'til tomorrow and we'll notify everyone if we're gonna have the game tomorrow night. Thank you."

Speaker Hartke: "Representative Clerk... Mr. Clerk for announcement."

Clerk Rossi: "In addition to the Transportation & Motor Vehicles and the Executive Committee that were canceled for tomorrow, the State Government Administration Committee will also be canceled."

Speaker Hartke: "Representative Feigenholtz, do you have an announcement?"

Feigenholtz: "Yes. I'd just like to remind Members of a Human Services Committee that we're meeting immediately after adjournment today."

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "In addition, the Elementary & Secondary Education Committee that was previously scheduled to meet at 9 a.m. will meet 11 a.m. tomorrow. The Elementary & Secondary Education Committee will meet at 11 a.m."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I was gonna make some announcements, but I'm canceling them."

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Speaker Hartke: "Anything further? Since no one has another announcement to make, Representative Currie now moves, allowing perfunctory time for the Clerk, that the House stand adjourned until Wednesday, May 8, at the hour of 12:30, 12:30. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned until 12:30 p.m. tomorrow."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 866, offered by Representative Biggins; House Resolution 869, offered by Representative Moffitt; and House Joint Resolution 77, offered by Representative Holbrook are assigned to the Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."