

1 AN ACT concerning health care facilities.

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

4 Section 1. Short title. This Act may be cited as the
5 Prompt Care Facility Registration Act.

6 Section 5. Findings and purpose.

7 (a) The Illinois General Assembly makes all of the
8 following findings:

9 (1) Hospital emergency services are not always the
10 most appropriate level of care for patients seeking
11 unscheduled medical care or for patients who do not have
12 a regular physician who can treat a significant or acute
13 medical condition not considered critical, debilitating,
14 or life-threatening.

15 (2) Hospital emergency rooms are over-utilized and
16 too often over-burdened with many injuries or illnesses
17 that could be managed in a less intensive clinical
18 setting or physician's office.

19 (3) Over-utilization of hospital emergency
20 departments contributes to excess medical and health
21 insurance costs.

22 (4) Prompt care facilities are a growing
23 alternative to hospital emergency departments.

24 (5) The use of the term "urgent" or "emerg-i-" or a
25 similar term in a prompt care facility's posted or
26 advertised name may confuse the public and prospective
27 patients regarding the type of services offered relative
28 to those provided by a hospital emergency department.
29 There is significant risk to the public health and safety
30 if persons requiring treatment for a critical or
31 life-threatening condition inappropriately use prompt

1 care facilities.

2 (6) To control costs and ensure more appropriate
3 use of the health care delivery system, some managed care
4 entities and other health insurers require use of
5 alternative health care facilities such as prompt care
6 facilities for certain non-critical medical emergencies.
7 Enrollees are not always sure about the policies and
8 procedures that must be followed in the use of such
9 facilities, especially the standards that will
10 differentiate between use of these facilities and a
11 hospital emergency department.

12 (7) There is a need to more clearly define the role
13 and function of prompt care facilities in the health care
14 delivery system, and to more effectively educate health
15 care payers and consumers about the most appropriate use
16 of prompt care facilities.

17 (b) The purpose of this Act is to define the role and
18 function of prompt care facilities, require the registration
19 of such facilities, and require public education regarding
20 the appropriate use of such facilities.

21 Section 10. Definitions. For the purposes of this Act:

22 "Department" means the Department of Public Health.

23 "Prompt care facility" means an outpatient treatment
24 center that (i) advertises or provides unscheduled health
25 care services and (ii) uses or advertises a facility with the
26 term "urgent care center", "emerggi-center", or "prompt care
27 center" or gives the impression to the public that it
28 provides health care services for conditions requiring
29 immediate, urgent, or emergency care, as defined by the
30 Department.

31 "Prompt care facility" does not include any of the
32 following:

33 (i) A medical facility that is licensed under the

1 Hospital Licensing Act or the Ambulatory Surgical
2 Treatment Center Act or any other health care institution
3 licensed under the laws of the State of Illinois.

4 (ii) Dispensaries and first aid stations located
5 within business or industrial establishments maintained
6 solely for the use of employees.

7 (iii) Adult foster care homes.

8 (iv) Places where 4 or fewer adults receive adult
9 day health services.

10 (v) Places at which persons receive health-related
11 services only from relatives or legal guardians.

12 (vi) The personal residence of a terminally ill
13 person or the personal residence of that person's
14 relative or guardian, where that person receives hospice
15 services.

16 (vii) All medical and health-related facilities and
17 services that are provided to inmates in a state prison.

18 (viii) A physician office or clinic that does not
19 advertise using the term "urgent care center",
20 "emerg-i-center", or "prompt care center" or give the
21 impression to the public that it provides health care
22 services for conditions requiring immediate, urgent, or
23 emergency care, as defined by the Department.

24 Section 15. Registration requirement. Beginning January
25 1, 2004, no person shall establish, conduct, or maintain a
26 prompt care facility without first being registered with the
27 Department.

28 Section 20. Ownership of prompt care facility. No
29 person or entity may own a prompt care facility other than a
30 licensed hospital, a hospital affiliate as defined under the
31 Hospital Licensing Act, an individual licensed physician, a
32 group of licensed physicians, or any combination thereof.

1 Section 25. Referral and emergency transportation plans.
2 As a condition of registration, each prompt care facility
3 must develop and implement referral and emergency
4 transportation plans for use in critical medical
5 emergencies. These plans shall include policies and
6 procedures for accessing the emergency medical services
7 system, including the use of ambulances and paramedic
8 personnel for transporting patients to the facility and from
9 the facility to hospital emergency departments, when
10 necessary. All policies and procedures shall be approved by
11 a physician licensed to practice medicine in all its branches
12 or the facility medical director.

13 Section 30. Educating the public. Prompt care
14 facilities must educate the public and prospective patients
15 about the categories or types of services available at prompt
16 care facilities and their appropriate use.

17 Section 35. Rules. The Department shall adopt rules for
18 the implementation of this Act, including rules concerning
19 registration fees, penalties for noncompliance, and the
20 suspension or termination of operation of facilities that are
21 not registered. The Department shall adopt rules regulating
22 the use of the term "urgent" or "emerg-i-" or a similar term
23 in a prompt care facility's posted or advertised name so as
24 to minimize, to the extent practicable, the likelihood of
25 confusion regarding the type of services provided by a prompt
26 care facility relative to those of a hospital emergency
27 department.

28 Section 90. The Department of Public Health Powers and
29 Duties Law of the Civil Administrative Code of Illinois is
30 amended by adding Section 2310-543 as follows:

1 (20 ILCS 2310/2310-543 new)

2 Sec. 2310-543. Prompt care facilities.

3 (a) The Department must define the categories or types
4 of health care services available at prompt care facilities
5 registered pursuant to the Prompt Care Facility Registration
6 Act.

7 (b) The Department must educate the public and
8 prospective patients about the categories or types of health
9 care services available at prompt care facilities and their
10 appropriate use.

11 (c) The Department must compile data regarding the
12 utilization of prompt care facilities and report its findings
13 regarding their function and impact on the health delivery
14 system and health care costs to the Governor and the General
15 Assembly every 2 years on or before January 1.

16 Section 95. The Managed Care Reform and Patient Rights
17 Act is amended by adding Section 43 as follows:

18 (215 ILCS 134/43 new)

19 Sec. 43. Prompt care facilities.

20 (a) A health care plan must ensure that its enrollees
21 are clearly informed about their rights and responsibilities
22 in obtaining referrals to and making appropriate use of
23 prompt care facilities.

24 (b) A health care plan must review the performance of
25 and re-credential prompt care facilities at least once every
26 3 years.

27 (c) Nothing in this Section is intended to affect the
28 rights of enrollees or relieve a health care plan of its
29 responsibilities with respect to the provision of and
30 coverage of emergency services or treatment of an emergency
31 medical condition, as those terms are defined by this Act,
32 and as those responsibilities and rights are otherwise

1 provided under this Act, especially Section 65 of this Act.

2 (d) For the purposes of this Section, "prompt care
3 facility" has the meaning given to that term in the Prompt
4 Care Facility Registration Act.

5 Section 999. Effective date. This Act takes effect upon
6 becoming law.