

1 AN ACT concerning health facilities.

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

4 Section 5. The Hospital Licensing Act is amended by  
5 changing Section 3 and adding Sections 10.5 and 10.6 as  
6 follows:

7 (210 ILCS 85/3) (from Ch. 111 1/2, par. 144)

8 Sec. 3. As used in this Act:

9 (A) "Hospital" means any institution, place, building,  
10 or agency, public or private, whether organized for profit or  
11 not, devoted primarily to the maintenance and operation of  
12 facilities for the diagnosis and treatment or care of 2 or  
13 more unrelated persons admitted for overnight stay or longer  
14 in order to obtain medical, including obstetric, psychiatric  
15 and nursing, care of illness, disease, injury, infirmity, or  
16 deformity.

17 The term "hospital", without regard to length of stay,  
18 shall also include:

19 (a) any facility which is devoted primarily to  
20 providing psychiatric and related services and programs  
21 for the diagnosis and treatment or care of 2 or more  
22 unrelated persons suffering from emotional or nervous  
23 diseases;

24 (b) all places where pregnant females are received,  
25 cared for, or treated during delivery irrespective of the  
26 number of patients received.

27 The term "hospital" includes general and specialized  
28 hospitals, tuberculosis sanitarium, mental or psychiatric  
29 hospitals and sanitarium, and includes maternity homes,  
30 lying-in homes, and homes for unwed mothers in which care is  
31 given during delivery.

1 The term "hospital" does not include:

2 (1) any person or institution required to be  
3 licensed pursuant to the Nursing Home Care Act, as  
4 amended;

5 (2) hospitalization or care facilities maintained  
6 by the State or any department or agency thereof, where  
7 such department or agency has authority under law to  
8 establish and enforce standards for the hospitalization  
9 or care facilities under its management and control;

10 (3) hospitalization or care facilities maintained  
11 by the federal government or agencies thereof;

12 (4) hospitalization or care facilities maintained  
13 by any university or college established under the laws  
14 of this State and supported principally by public funds  
15 raised by taxation;

16 (5) any person or facility required to be licensed  
17 pursuant to the Alcoholism and Other Drug Abuse and  
18 Dependency Act;

19 (6) any facility operated solely by and for persons  
20 who rely exclusively upon treatment by spiritual means  
21 through prayer, in accordance with the creed or tenets of  
22 any well-recognized church or religious denomination; or

23 (7) An Alzheimer's disease management center  
24 alternative health care model licensed under the  
25 Alternative Health Care Delivery Act.

26 (B) "Person" means the State, and any political  
27 subdivision or municipal corporation, individual, firm,  
28 partnership, corporation, company, association, or joint  
29 stock association, or the legal successor thereof.

30 (C) "Department" means the Department of Public Health  
31 of the State of Illinois.

32 (D) "Director" means the Director of Public Health of  
33 the State of Illinois.

34 (E) "Perinatal" means the period of time between the

1 conception of an infant and the end of the first month after  
2 birth.

3 (F) "Federally designated organ procurement agency"  
4 means the organ procurement agency designated by the  
5 Secretary of the U.S. Department of Health and Human Services  
6 for the service area in which a hospital is located; except  
7 that in the case of a hospital located in a county adjacent  
8 to Wisconsin which currently contracts with an organ  
9 procurement agency located in Wisconsin that is not the organ  
10 procurement agency designated by the U.S. Secretary of Health  
11 and Human Services for the service area in which the hospital  
12 is located, if the hospital applies for a waiver pursuant to  
13 42 USC 1320b-8(a), it may designate an organ procurement  
14 agency located in Wisconsin to be thereafter deemed its  
15 federally designated organ procurement agency for the  
16 purposes of this Act.

17 (G) "Tissue bank" means any facility or program  
18 operating in Illinois that is certified by the American  
19 Association of Tissue Banks or the Eye Bank Association of  
20 America and is involved in procuring, furnishing, donating,  
21 or distributing corneas, bones, or other human tissue for the  
22 purpose of injecting, transfusing, or transplanting any of  
23 them into the human body. "Tissue bank" does not include a  
24 licensed blood bank. For the purposes of this Act, "tissue"  
25 does not include organs.

26 (H) "Hospital affiliate" means a corporation,  
27 partnership, joint venture, limited liability company, or  
28 similar organization, other than a hospital, devoted  
29 primarily to the maintenance and operation of facilities for  
30 the diagnosis and treatment or care of individuals seeking  
31 health care services, that is affiliated with a hospital  
32 through contract, ownership, or otherwise, where the hospital  
33 directly or indirectly controls, is controlled by, or is  
34 under common control with the hospital affiliate. As used in

1 this subdivision (H), "control" means having at least an  
2 equal or majority ownership or membership interest.

3 (Source: P.A. 91-838, eff. 6-16-00.)

4 (210 ILCS 85/10.5 new)

5 Sec. 10.5. Physician employment by hospital affiliates.

6 Hospital affiliates may employ physicians to practice  
7 medicine in all of its branches provided that all of the  
8 following requirements are met:

9 (1) The employed physician is a member of the medical  
10 staff of the hospital or the hospital's affiliate.

11 (2) Either the medical staff of the hospital or the  
12 hospital's affiliate periodically reviews the quality of  
13 medical services provided by the employed physician.

14 (3) The hospital affiliate and the employed physician  
15 sign a statement acknowledging that the employer shall not  
16 have or exercise control over or unreasonably interfere with  
17 the physician's independent medical judgment. This signed  
18 statement may take the form of a provision in the physician's  
19 employment contract.

20 (4) The hospital affiliate has established a process and  
21 standards under which an employed physician who believes that  
22 the employing hospital affiliate has violated the statement  
23 required under item (3) may seek review of the violation.

24 (210 ILCS 85/10.6 new)

25 Sec. 10.6. Physician Responsibility. Nothing in this  
26 Act shall be construed to relieve a physician of professional  
27 or legal responsibility for the care and treatment of persons  
28 attended to by him or her.