

1 TITLE 77: PUBLIC HEALTH
2 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
3 SUBCHAPTER g: EMERGENCY SERVICES AND HIGHWAY SAFETY
4

5 PART 545
6 SEXUAL ASSAULT SURVIVORS
7 EMERGENCY TREATMENT CODE
8

9	Section	
10	545.10	Applicability
11	545.20	Definitions
12	545.25	Incorporated and Referenced Materials
13	545.30	Application of Rules (Repealed)
14	545.35	Development and Approval of Plans
15	545.36	Federally Qualified Health Centers (Repealed)
16	545.40	Qualified Medical Provider and Emergency Department Clinical Staff
17	545.50	Areawide Sexual Assault Treatment Plans
18	545.55	Treatment and Transfer of Pediatric Sexual Assault Survivors
19	545.60	Treatment of Sexual Assault Survivors
20	545.61	Submitting Sexual Assault Evidence to Law Enforcement
21	545.62	Pediatric Health Care Facilities
22	545.63	Treatment Hospitals with Pediatric Transfer
23	545.64	Out-of-State Hospitals
24	545.65	Transfer of Sexual Assault Survivors
25	545.66	Photo Documentation
26	545.67	Compliance Review
27	545.70	Approval of a Sexual Assault Transfer Plan
28	545.75	Approval of a Sexual Assault Treatment Hospital with a Pediatric Transfer Plan
29	545.80	Approval of a Sexual Assault Treatment Plan
30	545.81	Approval of a Federally Qualified Health Center Sexual Assault Treatment Plan
31		(Repealed)
32	545.85	Approval of a Pediatric Health Care Facility Sexual Assault Treatment Plan
33	545.90	Approval of an Out-of-State Hospital Sexual Assault Treatment Plan
34	545.95	Emergency Contraception
35	545.100	Sexual Assault Services Vouchers and Written Notice to Sexual Assault Survivors
36	545.105	Treatment Data Required by the Department
37		
38	545.APPENDIX A	Sexual Assault Treatment Plan Form (Repealed)
39	545.APPENDIX B	Sexual Assault Transfer Plan Form (Repealed)
40	545.APPENDIX C	Emergency Contraception Protocols
41		
42	AUTHORITY: Implementing and authorized by the Sexual Assault Survivors Emergency	
43	Treatment Act [410 ILCS 70].	

44
 45 SOURCE: Filed December 30, 1977; rules repealed and new rules adopted at 5 Ill. Reg. 1139,
 46 effective January 23, 1981; codified at 8 Ill. Reg. 16334; amended at 11 Ill. Reg. 1589, effective
 47 February 1, 1987; amended at 12 Ill. Reg. 20790, effective December 1, 1988; emergency
 48 amendment at 26 Ill. Reg. 5151, effective April 1, 2002, for a maximum of 150 days; emergency
 49 expired August 28, 2002; amended at 27 Ill. Reg. 1567, effective January 15, 2003; amended at
 50 33 Ill. Reg. 14588, effective October 9, 2009; amended at 34 Ill. Reg. 12214, effective August 4,
 51 2010; amended at 41 Ill. Reg. 14980, effective November 27, 2017; amended at 42 Ill. Reg.
 52 16036, effective August 2, 2018; emergency amendment at 43 Ill. Reg. 1089, effective January
 53 1, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 4992, effective April 17, 2019;
 54 amended at 44 Ill. Reg. 6326, effective April 10, 2020; emergency amendment at 45 Ill. Reg.
 55 5671, effective April 16, 2021 through June 30, 2021; emergency amendment at 45 Ill. Reg.
 56 9188, effective July 1, 2021, for a maximum of 150 days; emergency expired November 27,
 57 2021; amended at 45 Ill. Reg. 12852, effective September 24, 2021; emergency amendment at 45
 58 Ill. Reg. 15387, effective November 28, 2021, through December 31, 2021; emergency
 59 amendment at 46 Ill. Reg. 1258, effective January 1, 2022, for a maximum of 150 days; amended
 60 at 46 Ill. Reg. 6066, effective April 4, 2022; amended at 47 Ill. Reg. 5427, effective March 28,
 61 2023; amended at 47 Ill. Reg. 14538, effective September 26, 2023; amended at 47 Ill. Reg.
 62 18705, effective January 1, 2024; amended at 48 Ill. Reg. 14759, effective September 25, 2024;
 63 expedited correction at 49 Ill. Reg. 2224, effective September 25, 2024; Subchapter f recodified
 64 at 49 Ill. Reg. 4118; amended at 50 Ill. Reg. _____, effective _____.

65
 66 **Section 545.20 Definitions**

67
 68 Act – the Sexual Assault Survivors Emergency Treatment Act.

69
 70 *Acute sexual assault – a sexual assault that has recently occurred. For patients*
 71 *under the age of 13, "acute sexual assault" means a sexual assault that has*
 72 *occurred within the past 72 hours. For patients 13 years old or older, "acute*
 73 *sexual assault" means a sexual assault that has occurred within the past 168*
 74 *hours. (Section 1a of the Act)*

75
 76 *Advanced practice registered nurse or APRN – has the meaning ascribed in*
 77 *Section 50-10 of the Nurse Practice Act. (Section 1a of the Act)*

78
 79 Alcohol-facilitated sexual assault – the use of any alcoholic beverage in the
 80 commission of a sexual assault.

81
 82 *Ambulance provider – an individual or entity that owns and operates a business*
 83 *or service using ambulances or emergency medical services vehicles to transport*
 84 *emergency patients. (Section 1a of the Act)*

85
 86 *Approved pediatric health care facility – a health care facility, other than a*

87 hospital, with a sexual assault treatment plan approved by the Department to
88 provide medical forensic ~~examinations~~services to sexual assault survivors under
89 the age of 18 who present with a complaint of acute sexual assault ~~within seven~~
90 ~~days after the assault, who have disclosed past sexual assault by a specific~~
91 ~~individual and were in the care of that individual within the last seven days, or~~
92 ~~who have a clinical indication for medical forensic services beyond seven days.~~
93 (Section 1a of the Act)

94
95 *Areawide sexual assault treatment plan* or areawide plan – a plan, developed by
96 hospitals or by hospitals and approved pediatric health care facilities in a
97 community or area to be served, which provides for medical forensic
98 examinationsservices to acute sexual assault survivors that shall be made
99 available by each of the participating hospitals and approved pediatric health
100 care facilities. (Section 1a of the Act)

101
102 Assent – the expressed willingness to participate in an activity or give permission.
103 (Section 1a of the Act)

104
105 *Board-certified child abuse pediatrician* – a physician certified by the American
106 Board of Pediatrics in child abuse pediatrics. (Section 1a of the Act)

107
108 *Board-eligible child abuse pediatrician* – a physician who has completed the
109 requirements set forth by the American Board of Pediatrics to take the
110 examination for certification in child abuse pediatrics. (Section 1a of the Act)

111
112 *Caregiver* – any person who is legally responsible for providing care to the patient
113 or who renders support to the patient.

114
115 *Department* – the Department of Public Health. (Section 1a of the Act)

116
117 *Drug-facilitated sexual assault* – the use of a chemical submissive agent in the
118 commission of a sexual assault, given without consent of the victim, that produces
119 relaxant effects, blackouts, coma, impaired judgment, or loss of coordination.

120
121 *Emergency contraception* – medication as approved by the federal Food and
122 Drug Administration (FDA) that can significantly reduce the risk of pregnancy if
123 taken within 72 hours after sexual assault. (Section 1a of the Act)

124
125 *Follow-up health care* – health care services related to a sexual assault, including
126 laboratory services and pharmacy services, office visits with a physician,
127 advanced practice registered nurse, or physician assistant, rendered within 180
128 days after the initial visit as a result of sexual assault~~for medical forensic~~
129 ~~services.~~ (Sections ~~Section~~ 1a and 5.5(b) of the Act)

130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172

Health care professional – a physician, a physician assistant, a sexual assault forensic examiner, an APRN, a registered professional nurse, a licensed practical nurse, or a sexual assault nurse examiner. (Section 1a of the Act)

Hospital – a hospital licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, any outpatient center or freestanding emergency center licensed under 77 Ill. Adm. Code 518 included in the hospital's sexual assault treatment plan where hospital employees provide medical forensic ~~examinations~~services, and an out-of-state hospital that has consented to the jurisdiction of the Department under Section 2.06 of the Act. (Section 1a of the Act)

Law enforcement agency having jurisdiction – the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred. (Section 1a of the Act)

Licensed practical nurse – has the meaning ascribed in Section 50-10 of the Nurse Practice Act. (Section 1a of the Act)

Medical forensic ~~examination~~services – health care delivered to patients ~~in~~within or under the care ~~and supervision of a qualified medical provider~~personnel working ~~at in a designated emergency department of a treatment hospital, a treatment hospital with approved pediatric transfer, or an approved pediatric health care facility.~~ "Medical forensic ~~examination~~services" includes, but is not limited to, taking a medical history, performing photo documentation, performing a physical and anogenital examination, assessing the patient for evidence collection, collecting evidence in accordance with a statewide sexual assault evidence collection program administered by the Illinois State Police using the Sexual Assault Evidence Collection Kit, if appropriate, assessing the patient for drug-facilitated or alcohol-facilitated sexual assault, providing an evaluation of and care for sexually transmitted infection and human immunodeficiency virus (HIV), pregnancy risk evaluation and care, and discharge and follow-up healthcare planning. (Section 1a of the Act)

Pediatric health care facility – a clinic or physician's office that provides medical services to patients under the age of 18. (Section 1a of the Act)

Pediatric sexual assault survivor – a person under the age of 13 who presents for a medical forensic ~~examination~~services in relation to injuries or trauma resulting from a sexual assault. (Section 1a of the Act)

Photo documentation – digital photographs or colposcope videos stored and

173 *backed-up securely in the original file format. (Section 1a of the Act)*

174
175 *Physician – a person licensed to practice medicine in all its branches as defined*
176 *in the Medical Practice Act of 1987. (Section 1a of the Act)*

177
178 *Physician assistant – has the meaning ascribed in Section 4 of the Physician*
179 *Assistant Practice Act of 1987. (Section 1a of the Act)*

180
181 ~~*Prepubescent sexual assault survivor – a female who is under the age of 18 years*~~
182 ~~*and has not had a first menstrual cycle or a male who is under the age of 18 years*~~
183 ~~*and has not started to develop secondary sex characteristics who presents for*~~
184 ~~*medical forensic services in relation to injuries or trauma resulting from a sexual*~~
185 ~~*assault. (Section 1a of the Act)*~~

186
187 *Qualified medical provider – a board-certified child abuse pediatrician, board-*
188 *eligible child abuse pediatrician, sexual assault forensic examiner, or sexual*
189 *assault nurse examiner who has access to photo documentation tools, and who*
190 *participates in peer review. (Section 1a of the Act)*

191
192 *Registered Professional Nurse – has the meaning ascribed in Section 50-10 of the*
193 *Nurse Practice Act. (Section 1a of the Act)*

194
195 *Sexual assault:*

196
197 *An act of sexual conduct; as used in this Part, "sexual conduct" has the*
198 *meaning ascribed under Section 11-0.1 of the Criminal Code of 2012; or*

199
200 *Any act of sexual penetration; as used in this Part, "sexual penetration"*
201 *has the meaning ascribed under Section 11-0.1 of the Criminal Code of*
202 *2012 and includes, without limitation, acts prohibited under Sections 11-*
203 *1.20 through 11-1.60 of the Criminal Code of 2012. (Section 1a of the*
204 *Act)*

205
206 *Sexual Assault Evidence Collection Kit – the Illinois State Police Sexual Assault*
207 *Evidence Collection Kit; a prepackaged set of materials and forms to be used for*
208 *the collection of evidence relating to sexual assault. The standardized evidence*
209 *collection kit for the State of Illinois shall be the Sexual Assault Evidence*
210 *Collection Kit. (Section 1a of the Act)*

211
212 *Sexual assault forensic examiner – a physician or physician assistant who has*
213 *completed training that meets or is substantially similar to the Sexual Assault*
214 *Nurse Examiner Education Guidelines established by the International*
215 *Association of Forensic Nurses. (Section 1a of the Act)*

216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258

Sexual assault nurse examiner (SANE) – an APRN or registered professional nurse who is designated as Adult/Adolescent, Pediatric/Adolescent, or both, according to the population of survivors the nurse is qualified to treat; and

Is certified as a Sexual Assault Nurse Examiner by the International Association of Forensic Nurses; or

Has completed ~~a sexual assault nurse examiner (SANE) training program~~ that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses and is approved by the Sexual Assault Nurse Examiner Program Coordinator. (Section 1a of the Act)

Sexual Assault Nurse Examiner Program Coordinator – an advanced practice registered nurse or a registered professional nurse that is a qualified medical provider, and who is the employee at the Office of the Illinois Attorney General who oversees the Sexual Assault Nurse Examiner Program.

Sexual assault services voucher – a document generated by a hospital or approved pediatric health care facility ~~where at the time~~ the sexual assault survivor first presents and receives outpatient medical forensic services that may be used to seek payment for any ambulance services, medical forensic examination, medical care, and treatment as defined by this Part ~~services,~~ laboratory services, pharmacy services, and follow-up healthcare provided as a result of the sexual assault. (Section 1a of the Act)

Sexual assault survivor or survivor – a person who presents for a medical forensic examination or medical care and treatment ~~services~~ in relation to injuries or trauma resulting from a sexual assault. (Section 1a of the Act)

Sexual assault transfer plan – a written plan developed by a hospital and approved by the Department, which describes the hospital's procedures for transferring sexual assault survivors to another hospital, and an approved pediatric health care facility, if applicable, in order to receive medical forensic examinations performed by qualified medical providers ~~services.~~ (Section 1a of the Act)

Sexual assault treatment plan – a written plan that describes the procedures and protocols for providing medical forensic examinations ~~services~~ to acute sexual assault survivors who present themselves for such services performed by qualified medical providers, either directly or through transfer from a hospital or approved pediatric health care facility. (Section 1a of the Act)

259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300

Transfer hospital – a hospital with a sexual assault transfer plan approved by the Department. (Section 1a of the Act)

Transfer services – the appropriate medical screening examination and necessary stabilizing treatment prior to the transfer of a sexual assault survivor to another hospital or an approved pediatric health care facility ~~that provides medical forensic services to sexual assault survivors~~ pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan. (Section 1a of the Act)

Treatment hospital – a hospital with a sexual assault treatment plan approved by the Department to provide medical forensic examinations ~~services~~ to acute ~~all~~ sexual assault survivors who present with a complaint of sexual assault within seven days after the assault, ~~who have disclosed past sexual assault by a specific individual and were in the care of that individual within the last seven days, or who have a clinical indication for medical forensic services beyond seven days.~~ (Section 1a of the Act)

Treatment hospital with approved pediatric transfer – a hospital with a treatment plan approved by the Department to provide medical forensic examinations ~~services~~ to sexual assault survivors 13 years old or older who present with a complaint of acute sexual assault ~~within seven days after the assault, who have disclosed past sexual assault by a specific individual and were in the care of that individual within the last seven days, or who have a clinical indication for medical forensic services beyond seven days.~~ (Section 1a of the Act)

Unauthorized personnel – all individuals whose presence in the examination room is not desired or required either by the hospital or by the survivor (e.g., representatives of the media).

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 545.35 Development and Approval of Plans

- a) *Every hospital required to be licensed by the Department, pursuant to the Hospital Licensing Act, or operated under the University of Illinois Hospital Act ~~that or operated under the University of Illinois Hospital Act that~~ provides general medical and surgical hospital services shall provide either transfer services to all acute sexual assault survivors, medical forensic examinations ~~services~~ to all acute sexual assault survivors, or transfer services to pediatric acute sexual assault survivors and medical forensic*

- 301 *examinations*~~services~~ to *acute* sexual assault survivors 13 years old or older, in
302 accordance with this Part. (Section 2(a) of the Act)
303
- 304 b) *Every hospital, regardless of whether or not a request is made for reimbursement,*
305 *shall submit to the Department a plan to provide either transfer services to all*
306 *acute sexual assault survivors, medical forensic ~~examinations~~services to all acute*
307 *sexual assault survivors, or transfer services to pediatric acute sexual assault*
308 *survivors and medical forensic ~~examinations~~services to acute sexual assault*
309 *survivors 13 years or older within the time frame established by the Department.*
310 *(Section 2(a) of the Act)*
311
- 312 c) The plan shall be submitted to the Department for approval prior to becoming
313 effective. The hospital or approved pediatric health care facility shall submit the
314 plan to the Department within 60 days after receiving the Department's request for
315 the plan.
316
- 317 d) A sexual assault treatment plan, transfer plan, pediatric transfer plan, approved
318 pediatric health care facility treatment plan, or out-of-state hospital treatment plan
319 shall be completed using the respective forms provided by the Department. An
320 emergency contraception protocol consistent with the sample protocols in
321 Appendix C shall be completed. *The Department will approve a plan for either*
322 *transfer services to all acute sexual assault survivors, medical forensic*
323 *examinations*~~services~~ *to all acute sexual assault survivors, or transfer services to*
324 *acute pediatric sexual assault survivors and medical forensic services to acute*
325 *sexual assault survivors 13 years old or older, if it finds that the implementation*
326 *of the proposed plan would provide transfer services or medical forensic*
327 *examinations*~~services~~ *for acute sexual assault survivors in accordance with the*
328 *Act and this Part, and provide sufficient protections from the risk of pregnancy to*
329 *acute sexual assault survivors. (Section 2(a) of the Act)*
330
- 331 e) Every hospital and approved pediatric health care facility shall submit an updated
332 treatment plan, transfer plan, pediatric transfer plan, approved pediatric health
333 care facility treatment plan, or out-of-state hospital treatment plan to the
334 Department every three years. A transfer or treatment plan may be part of an
335 areawide plan pursuant to Section 545.50.
336
- 337 1) *The Department will not approve a sexual assault transfer plan unless a*
338 *treatment hospital has agreed, as a part of an areawide treatment plan, to*
339 *accept acute sexual assault survivors from the proposed transfer hospital*
340 *and a transfer to the treatment hospital would not unduly burden the*
341 *sexual assault survivor.*
342

- 343 2) Hospitals located in counties with a population of less than 1,000,000 and
344 within a 20-mile radius of a 4-year public university, not including
345 community colleges, shall submit an areawide sexual assault treatment
346 plan that is approved by the Department. The approved areawide plan
347 shall include at least one treatment hospital or treatment hospital with
348 approved pediatric transfer within the 20-mile radius of the 4-year public
349 university. (Section 2(a)(7) of the Act)~~In counties with a population of~~
350 ~~less than 1,000,000, the Department will not approve a sexual assault~~
351 ~~transfer plan for a hospital located within a 20-mile radius of a 4-year~~
352 ~~public university, not including community colleges, unless there is a~~
353 ~~treatment hospital with a sexual assault treatment plan approved by the~~
354 ~~Department within a 20-mile radius of the 4-year public university.~~
355
- 356 3) A transfer shall be in accordance with federal and State laws and local
357 ordinances.
358
- 359 4) A treatment hospital with approved pediatric transfer shall submit an
360 areawide treatment plan under Section 3 of the Act and Section 545.50 of
361 this Part that includes a written agreement with a treatment hospital
362 stating that the treatment hospital will provide medical forensic
363 examinations~~services~~ to acute pediatric sexual assault survivors
364 transferred from the treatment hospital with approved pediatric transfer.
365 The areawide treatment plan may also include an approved pediatric
366 health care facility. (Section 2(a)(7) of the Act) The Department ~~will~~may
367 approve a sexual assault transfer plan for the provision of medical
368 forensic examinations~~services~~ if:
369
- 370 A) A treatment hospital with approved pediatric transfer has agreed,
371 as part of an areawide treatment plan, to accept acute sexual
372 assault survivors 13 years of age or older from the proposed
373 transfer hospital; and
374
- 375 B) ~~The~~If the treatment hospital with approved pediatric transfer is
376 geographically closer to the transfer hospital than a treatment
377 hospital or another treatment hospital with approved pediatric
378 transfer and the transfer is not unduly burdensome on the acute
379 sexual assault survivor.
380
- 381 5) A transfer hospital shall submit an areawide treatment plan under Section
382 3 of the Act and Section 545.50 of this Part that includes a written
383 agreement with a treatment hospital stating that the treatment hospital
384 will provide medical forensic examinations~~services~~ to all acute sexual
385 assault survivors transferred from the transfer hospital. The areawide

386 *treatment plan may also include an approved pediatric health care*
387 *facility. In determining whether to approve a sexual assault transfer plan*
388 *under the Act and this Section, the Department will evaluate whether the*
389 *proposed plan would result in unduly burdensome patient transfers. The*
390 *Department will consider the following factors in approving or denying*
391 *the proposed sexual assault transfer plan*~~The Department may approve a~~
392 ~~sexual assault transfer plan for the provision of medical forensic services~~
393 ~~if:~~

- 394
- 395 A) Geographic proximity to the treatment hospital or treatment
396 hospital with approved pediatric transfer, with priority given to
397 sexual assault transfer plans which transfer acute sexual assault
398 survivors to the geographically closest treatment hospital or
399 treatment hospital with approved pediatric transfer that has the
400 capacity to provide ease of transfer to and accept acute sexual
401 assault survivors from the proposed transfer hospital and is willing
402 to provide them medical forensic examinations;
- 403
- 404 B) The existence of an areawide treatment plan to provide medical
405 forensic examinations to acute sexual assault survivors in the
406 region;
- 407
- 408 C) The average daily, monthly, and annual number of sexual assault
409 survivors who presented and received medical forensic
410 examinations;
- 411
- 412 D) The number of qualified medical providers employed at the
413 hospital;
- 414
- 415 E) The existence of other agreements between transfer hospitals and
416 other acute care hospitals related to patient referral and transfer,
417 communication, patient medical records, and emergency and non-
418 emergency patient transportation;
- 419
- 420 F) The number of transfer hospitals with which a treatment hospital
421 has a transfer agreement and its capacity to enter into additional
422 transfer agreements, for which special consideration shall be given
423 to treatment hospitals currently providing medical forensic
424 examinations to acute sexual assault survivors;
- 425
- 426 G) The provisions in the plan for initial transportation to the
427 treatment hospital or treatment hospital with approved pediatric
428 transfer, as well as appropriate return transportation, which

429 should include hospital-facilitated and survivor-facilitated options
430 to attempt to minimize survivor wait times while also taking into
431 consideration extenuating factors outside the hospital's control,
432 including which facility is responsible for arranging
433 transportation, transportation options, and hospital-specific
434 factors influencing survivor wait time, including, but not limited to,
435 discharge planning and arranging hospital-facilitated
436 transportation in a manner that minimizes the amount of time a
437 survivor waits for transportation under the proposed plan;

438
439 **H**A) *A treatment hospital with approved pediatric transfer has agreed,*
440 *as part of an areawide treatment plan, to accept acute sexual*
441 *assault survivors 13 years of age or older from the proposed*
442 *transfer hospital, if the treatment hospital with approved pediatric*
443 *transfer is geographically closer to the transfer hospital than a*
444 *treatment hospital or another treatment hospital with approved*
445 *pediatric transfer and the transfer is not unduly burdensome on the*
446 *sexual assault survivor; and*

447
448 **I**B) *A treatment hospital has agreed, as a part of an areawide*
449 *treatment plan, to accept sexual assault survivors under 13 years*
450 *of age from the proposed transfer hospital and transfer to the*
451 *treatment hospital would not unduly burden the sexual assault*
452 *survivor. (Section 2(a) of the Act)*

453
454 **J**) *In approving or denying the proposed sexual assault transfer plan,*
455 *the Department will also consider other factors, including, but not*
456 *limited to, hospital capacity, emergency department patient*
457 *volume, communication, and transportation capacity. (Section*
458 *2(a)(7) of the Act)*

459
460 f) *A hospital shall submit a plan to provide either transfer services to all acute*
461 *sexual assault survivors, medical forensic ~~examinations~~services to all acute*
462 *sexual assault survivors, or transfer services to pediatric acute sexual assault*
463 *survivors and medical forensic ~~examinations~~services to acute sexual assault*
464 *survivors 13 years old or older as required in subsection 2(a) of the Act and this*
465 *Section within 60 days after the Department's request. Failure to submit a plan as*
466 *described in this subsection will subject a hospital to the imposition of a fine by*
467 *the Department. The Department will impose a fine of up to \$500 per day until*
468 *the hospital submits a plan as described in this subsection. (Section (2)(a-5) of*
469 *the Act)*
470

471 g) Upon receipt of a plan as described in subsection (f), the Department will review
472 the plan to determine if adequate medical forensic ~~examinations services~~ for the
473 acute sexual assault survivor is met and will *notify the hospital whether or not the*
474 *plan is acceptable. If the Department determines that the plan is unacceptable,*
475 *the hospital shall submit a modified plan within 10 days after service of the*
476 *notification. If the Department determines that the modified plan is unacceptable,*
477 *or if the hospital fails to submit a modified plan within 10 days, the Department*
478 *will impose a fine of up to \$500 per day until an acceptable plan has been*
479 *submitted, as determined by the Department. (Section (2)(a-10) of the Act)*
480

481 ~~h) No fine shall be taken or assessed until January 1, 2024. (Sections (2-1)(a-5) and~~
482 ~~(a-10) of the Act)~~
483

484 hi) Each treatment hospital, treatment hospital with approved pediatric transfer, and
485 approved pediatric health care facility shall enter into a memorandum of
486 understanding with a rape crisis center for medical advocacy services, if these
487 services are available to the treatment hospital, treatment hospital with approved
488 pediatric transfer, or approved pediatric health care facility. With the consent of
489 the sexual assault survivor, a rape crisis counselor shall remain in the exam room
490 during the collection for forensic evidence. (Section 2(c) of the Act)
491

492 ij) Every ~~treatment~~ hospital, ~~treatment hospital with approved pediatric transfer,~~ and
493 approved pediatric health care facility's sexual assault treatment plan or sexual
494 assault transfer plan shall include procedures for complying with mandatory
495 reporting requirements pursuant to the:

- 496 1) Abused and Neglected Child Reporting Act;
- 497 2) Abused and Neglected Long Term Care Facility Residents Reporting Act;
- 498 3) Adult Protective Services Act; and
- 499 4) Criminal Identification Act. (Section 2(d) of the Act)
- 500
- 501
- 502
- 503
- 504

505 jk) Questions regarding a hospital's or approved pediatric health care facility's
506 compliance with its approved plan and this Part should be emailed to
507 DPH.HCFPLicensure@illinois.gov, ~~directed to:~~
508

509 ~~Illinois Department of Public Health~~
510 ~~Division of Health Care Facilities and Programs~~
511 ~~525 West Jefferson St., 4th Floor~~
512 ~~Springfield, Illinois 62761~~
513 ~~(217) 782-7412~~

514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 545.40 Qualified Medical Provider and Emergency Department Clinical Staff

- a) *Each treatment hospital and treatment hospital with approved pediatric transfer shall ensure that emergency department attending physicians, physician assistants, APRNs, and registered professional nurses providing clinical services, who do not meet the definition of a qualified medical provider in Section 1a of the Act and Section 545.20 of this Part, receive a minimum of two hours of sexual assault training. Protocols for training shall be included in the hospital's sexual assault treatment plan. (Section 2(a) of the Act)*

- b) *Once a treatment hospital or a treatment hospital with approved pediatric transfer certifies compliance with Section 5(a-7) of the Act, each treatment hospital and treatment hospital with approved pediatric transfer shall ensure that emergency department attending physicians, physician assistants, APRNs, and registered professional nurses providing clinical services, who do not meet the definition of a qualified medical provider in Section 1a of the Act and Section 545.20 of this Part, receive a minimum of two hours of continuing education on responding to acute sexual assault survivors every two years. (Section 2(a) of the Act)*

- c) *Sexual assault training provided under this Section may be provided in person or online and shall include, but not be limited to:*
 - 1) *Information provided on the provision of a medical forensic ~~examination~~services;*
 - 2) *Information on the use of the Illinois State Police Sexual Assault Evidence Collection Kit;*
 - 3) *Information on sexual assault epidemiology, neurobiology of trauma, drug-facilitated sexual assault, child sexual abuse, and Illinois sexual assault-related laws; and*
 - 4) *Information on the hospital's sexual assault-related policies and procedures. (Section 2(a) of the Act)*

- d) *The online training made available by the Office of the Illinois Attorney General under Section 10(b) of the Act may be used to comply with this Section. (Section 2(a) of the Act)*

557 e) ~~By January 1, 2023, every hospital with a treatment plan approved by the~~
558 ~~Department shall employ or contract with a qualified medical provider to initiate~~
559 ~~medical forensic services to a sexual assault survivor within 90 minutes after the~~
560 ~~patient presenting to the treatment hospital or treatment hospital with approved~~
561 ~~pediatric transfer. The provision of medical forensic services by a qualified~~
562 ~~medical provider shall not delay the provision of life saving medical care.~~
563 ~~(Section 5(a-7) of the Act)~~
564

565 ef) To qualify as a sexual assault forensic examiner (SAFE) as defined in Section
566 545.20, a physician or physician assistant shall submit documents to the SANE
567 Coordinator at the Office of the Illinois Attorney General~~Illinois Attorney~~
568 ~~General's Office~~, which will review the submission to qualify an individual to
569 practice as an Adult/Adolescent (AA) SAFE or Pediatric/Adolescent (PA) SAFE.
570 Documentation shall include, but is not limited to, didactic and clinical training,
571 and clinical experience, that meets or is substantially similar to the Sexual Assault
572 Nurse Examiner Education Guidelines, Adult and Pediatric, established by the
573 International Association of Forensic Nurses. Reviews by the SANE coordinator
574 may include, at the request of the applicant, a peer review by a SANE-A or a
575 SANE-P, or a child abuse pediatrician.
576

577 f) The qualified medical provider shall be registered with the Office of the Illinois
578 Attorney General pursuant to subsection 15(a) of the Act.
579

580 (Source: Amended at 50 Ill. Reg. _____, effective _____)
581

582 **Section 545.50 Areawide Sexual Assault Treatment Plans**
583

584 a) *Hospitals and approved pediatric health care facilities in the area to be served*
585 *may develop and participate in areawide plans that shall describe the medical*
586 *forensic ~~examinations~~services to acute sexual assault survivors that each*
587 *participating hospital and approved pediatric health care facility has agreed to*
588 *make available. Each hospital and approved pediatric health care facility*
589 *participating in such a plan shall provide services as it is designated to provide in*
590 *the plan agreed upon by the participants. An areawide plan may include*
591 *treatment hospitals, treatment hospitals with approved pediatric transfer, transfer*
592 *hospitals, approved pediatric health care facilities, or out-of-state hospitals as*
593 *provided in Section 5.4 of the Act. (Section 3 of the Act)*
594

595 b) *All areawide plans shall be submitted to the Department for approval prior to*
596 *becoming effective. (Section 3 of the Act)*
597

598 c) *The Department will approve a proposed plan if it finds that the minimum*
599 *requirements set forth in Section 5 of the Act and Section 545.60 of this Part are*

600 met and implementation of the plan would provide for appropriate medical
601 forensic examinations~~services~~, pursuant to this Part, for the people of the area to
602 be served. (Section 3 of the Act)

603
604 d) Each plan shall include a description of the role of each hospital or pediatric
605 health care facility participating in the plan, as well as the individual treatment or
606 transfer plans for each hospital or pediatric health care facility, in accordance with
607 Section 545.60, 545.62, 545.63, 545.64 or 545.65.

608
609 e) Areawide plans shall conform to the federal Emergency Medical Treatment and
610 Active Labor Act.

611
612 f) Areawide plans shall incorporate all of the requirements set forth in Section
613 545.55 for the treatment and transfer of acute pediatric sexual assault survivors.

614
615 g) ~~The~~Until January 1, 2022, the areawide treatment plan may include a written
616 agreement, with a treatment hospital with approved pediatric transfer that is
617 geographically closer than other hospitals providing medical forensic
618 examinations~~services~~ to acute sexual assault survivors 13 years of age or older,
619 stating that the treatment hospital with approved pediatric transfer will provide
620 medical examinations~~services~~ to acute sexual assault survivors 13 years of age or
621 older who are transferred from the transfer hospital. If the areawide treatment
622 plan includes a written agreement with a treatment hospital with approved
623 pediatric transfer, it must also include a written agreement with a treatment
624 hospital stating that the treatment hospital will provide medical forensic
625 examinations~~services~~ to acute sexual assault survivors under 13 years of age who
626 are transferred from the transfer hospital. (Section 2(a) of the Act)

627
628 h) Each plan shall indicate which facility participating in the areawide treatment plan
629 is responsible, upon the completion of medical forensic examinations~~services~~, for
630 transporting the acute sexual assault survivor back to the original location where
631 the individual initially presented seeking medical forensic examinations~~services~~,
632 unless transportation is arranged by the survivor or by the survivor's non-
633 offending parent or legal guardian.

634
635 (Source: Amended at 50 Ill. Reg. _____, effective _____)

636
637 **Section 545.55 Treatment and Transfer of Pediatric Sexual Assault Survivors**

638
639 a) Transfer of Medically Stable Pediatric Sexual Assault Survivors

640
641 1) If a medically stable acute pediatric sexual assault survivor presents at a
642 transfer hospital or treatment hospital with approved pediatric transfer

643 *that has a plan approved by the Department requesting a medical forensic*
644 *examination services, then the hospital emergency department staff shall*
645 *contact an approved pediatric health care facility, if one is designated in*
646 *the hospital's plan. Then, the patient and non-offending parent or legal*
647 *guardian shall be given the option to transfer to the approved pediatric*
648 *health care facility during posted hours of operation or a treatment*
649 *hospital. (Section 5.3(b) of the Act)*

650
651 *2) When a qualified medical provider who is qualified to treat pediatric*
652 *survivors of sexual assault is available, a treatment hospital with*
653 *approved pediatric transfer may offer medical forensic examinations to*
654 *pediatric acute sexual assault survivors subject to prior approval from the*
655 *Department. Prior to granting approval, the Department shall:*

656
657 *A) Confirm the treatment hospital with approved pediatric transfer is*
658 *working toward becoming a treatment hospital; and*

659
660 *B) Consult with the treatment hospital that receives acute pediatric*
661 *sexual assault survivors from the treatment hospital with approved*
662 *pediatric transfer pursuant to the plan approved by the*
663 *Department. Department approval under the Act and this Section*
664 *is valid for one year and may be renewed. (Section 5.3(c) of the*
665 *Act)*

666
667 *3) If the patient or non-offending parent or legal guardian chooses to be*
668 *transferred to an approved pediatric health care facility pursuant to*
669 *subsection (1) or (2), then the hospital emergency department staff shall*
670 *contact the approved pediatric health care facility to arrange the transfer.*
671 *The acute pediatric sexual assault survivor and non-offending parent or*
672 *legal guardian may be transported by ambulance, law enforcement, or*
673 *personal vehicle. A medical forensic examination shall be initiated within*
674 *90 minutes after the acute sexual assault survivor's arrival at the approved*
675 *pediatric health care facility following an immediate transfer during*
676 *posted hours of operation. (Section 5.3(d) of the Act)*

677
678 *~~2) If the transferring hospital confirms that medical forensic services can be~~*
679 *~~initiated within 90 minutes after the patient's arrival at the approved~~*
680 *~~pediatric health care facility following an immediate transfer, then the~~*
681 *~~hospital emergency department staff shall notify the patient and non-~~*
682 *~~offending parent or legal guardian that the patient will be transferred for~~*
683 *~~medical forensic services and shall provide the patient and non-offending~~*
684 *~~parent or legal guardian the option of being transferred to the approved~~*
685 *~~pediatric health care facility or the treatment hospital designated in the~~*

686 *hospital's transfer plan. The pediatric sexual assault survivor may be*
687 *transported by ambulance, law enforcement, or personal vehicle.*

688
689 3) *If medical forensic services cannot be initiated within 90 minutes after the*
690 *patient's arrival at the approved pediatric health care facility, there is no*
691 *approved pediatric health care facility designated in the hospital's*
692 *areawide plan, or the patient or non-offending parent or legal guardian*
693 *chooses to be transferred to a treatment hospital, the hospital emergency*
694 *department staff shall contact a treatment hospital designated in the*
695 *hospital's areawide plan to arrange for the transfer of the patient to the*
696 *treatment hospital for medical forensic services, which are to be initiated*
697 *within 90 minutes after the patient's arrival at the treatment hospital. The*
698 *treatment hospital shall provide medical forensic services and shall not*
699 *transfer the patient to another facility. The pediatric sexual assault*
700 *survivor may be transported by ambulance, law enforcement, or personal*
701 *vehicle. (Section 5.3 of the Act)*

702
703 b) **Treatment of Medically Stable Pediatric Sexual Assault Survivors**

704
705 1) *If a medically stable pediatric sexual assault survivor presents at a*
706 *treatment hospital that has a plan approved by the Department, and the*
707 *pediatric sexual assault survivor requests medical forensic services, then*
708 *the hospital emergency department staff shall contact an approved*
709 *pediatric health care facility, if one is designated in the treatment*
710 *hospital's areawide treatment plan.*

711
712 2) *If medical forensic services can be initiated within 90 minutes after the*
713 *patient's arrival at the approved pediatric health care facility following an*
714 *immediate transfer, the hospital emergency department staff shall provide*
715 *the patient and non-offending parent or legal guardian the option of*
716 *having medical forensic services performed at the treatment hospital or at*
717 *the approved pediatric health care facility. If the patient or non-offending*
718 *parent or legal guardian chooses to be transferred, the pediatric sexual*
719 *assault survivor may be transported by ambulance, law enforcement, or*
720 *personal vehicle.*

721
722 3) *If medical forensic services cannot be initiated within 90 minutes after the*
723 *patient's arrival at the approved pediatric health care facility, there is no*
724 *approved pediatric health care facility designated in the hospital's*
725 *areawide plan, or the patient or non-offending parent or legal guardian*
726 *chooses not to be transferred, the hospital shall provide medical forensic*
727 *services to the patient.*

728

729 **b4)** *If a pediatric acute sexual assault survivor presents at an approved pediatric*
 730 *health care facility ~~requesting medical forensic services~~ or the facility is*
 731 *contacted by law enforcement or the Department of Children and Family Services*
 732 *requesting a medical forensic examination~~services~~ for a pediatric acute sexual*
 733 *assault survivor during posted hours of operation, then the medical forensic*
 734 *examination~~services~~ shall be provided at the facility if the medical forensic*
 735 *~~services can be~~ initiated within 90 minutes after the patient's arrival at the*
 736 *facility. ~~If medical forensic services cannot be initiated within 90 minutes after the~~*
 737 *~~patient's arrival at the facility, then the patient shall be transferred to a treatment~~*
 738 *~~hospital designated in the approved pediatric health care facility's areawide plan~~*
 739 *~~for medical forensic services. The pediatric sexual assault survivor may be~~*
 740 *~~transported by ambulance, law enforcement, or personal vehicle.~~ (Section 5.3(e)*
 741 *of the Act)*

742
 743 (Source: Amended at 50 Ill. Reg. _____, effective _____)
 744

745 **Section 545.60 Treatment of Sexual Assault Survivors**

- 746
- 747 a) *Every hospital and approved pediatric health care facility providing medical*
 748 *forensic examinations~~services~~ to acute sexual assault survivors shall comply with*
 749 *the federal Emergency Medical Treatment and Active Labor Act and, as minimum*
 750 *requirements for these~~such~~ services, provide, ~~with the consent of the sexual~~*
 751 *~~assault survivor, and as ordered by the attending physician, an APRN who~~*
 752 *~~possesses clinical privileges recommended by the hospital or approved pediatric~~*
 753 *~~health care facility medical staff and granted by the hospital or approved pediatric~~*
 754 *~~health care facility, as authorized by the Nurse Practitioner Act, or a physician~~*
 755 *~~assistant, the services set forth in subsection~~Section~~ 5(a-5) of the Act and this~~*
 756 *Section. (Section 5(a) of the Act)*
- 757
- 758 b) *A qualified medical provider shall provide the services set forth in*
 759 *subsection~~Section~~ 5(a-5) of the Act as ordered by the attending physician, an*
 760 *advanced practice registered nurse, or a physician assistant, and this Section.*
 761 *(Section 5(a) of the Act)*
- 762
- 763 c) *Every hospital with a treatment plan approved by the Department shall employ or*
 764 *contract with a qualified medical provider to initiate a medical forensic*
 765 *examination~~services~~ to an acute~~a~~ sexual assault survivor within 90 minutes after a*
 766 *concern arising at the hospital or facility of acute sexual assault~~the patient~~*
 767 *~~presenting to the treatment hospital or treatment hospital with approved pediatric~~*
 768 *~~transfer. The provision of a medical forensic examination~~services~~ by a qualified~~*
 769 *medical provider shall not delay the provision of life-saving medical care.*
 770 *(Section 5(a-7) of the Act)*
 771

772 d) *A treatment hospital, a treatment hospital with approved pediatric transfer or an*
773 *approved pediatric health care facility shall provide the following services in*
774 *accordance with ~~subsections~~Section 5(a) and (b) of the Act:*
775

776 1) *Appropriate medical forensic ~~examinations~~services without delay, in a*
777 *private, age-appropriate or developmentally appropriate space, required*
778 *to ensure the health, safety, and welfare of ~~an acute~~ sexual assault*
779 *survivor and that may be used as evidence in a criminal proceeding*
780 *against a person accused of the sexual assault, in a proceeding under the*
781 *Juvenile Court Act of 1987, or in an investigation under the Abused and*
782 *Neglected Child Reporting Act. (Section 5(a-5)(1) of the Act) Medical*
783 *forensic services shall include, but are not limited to:*

784 A) A general physical examination;

785 B) Evaluation and treatment for sexually transmitted infections in
786 accordance with the guidelines of the Centers for Disease Control
787 and Prevention titled Sexually Transmitted Diseases Treatment
788 Guidelines, or the standards of the American College of
789 Emergency Physicians titled Management of the Patient with the
790 Complaint of Sexual Assault (see Section 545.25);

791 C) Evaluation and possible treatment for HIV exposure in accordance
792 with the guidelines of the Centers for Disease Control and
793 Prevention titled Sexually Transmitted Diseases Treatment
794 Guidelines, or the recommendations titled Antiretroviral
795 Postexposure Prophylaxis After Sexual, Injection Drug Use, or
796 Other Nonoccupational Exposure to HIV in the United States, or
797 the standards of the American College of Emergency Physicians
798 titled Management of the Patient with the Complaint of Sexual
799 Assault. Testing for HIV shall be conducted in accordance with the
800 AIDS Confidentiality Act; and

801 D) Pregnancy test for females of childbearing age;

802 2) *An offer to complete the Illinois State Police Sexual Assault Evidence*
803 *Collection Kit for any acute sexual assault survivor. If the offer to*
804 *complete the Illinois State Police Sexual Assault Evidence Collection Kit*
805 *is accepted by the survivor, then evidence collection shall be completed*
806 *based on the qualified medical provider's clinical discretion, best*
807 *practices for evidence collection, and information provided by the sexual*
808 *assault survivor. ~~who presents within seven days after the assault, who has~~*
809 *~~disclosed past sexual assault by a specific individual and was in the care~~*
810
811
812
813
814

815 ~~of that individual within the last seven days, or who has a clinical~~
816 ~~indication for medical forensic services beyond seven days. Nothing in~~
817 ~~the Act or this Part prevents a treatment hospital or a treatment hospital~~
818 ~~with approved pediatric transfer from offering to complete the Sexual~~
819 ~~Assault Evidence Collection Kit for any sexual assault survivor who~~
820 ~~presents more than seven days after the assault;~~

821
822 A) A patient may decline any portion of the Illinois State Police
823 Sexual Assault Evidence Kit, but if any evidence is collected, then
824 that shall constitute evidence collection being completed for the
825 purposes of this Section and subsection (2)(e)(2) of the Act.

826
827 B) Nothing in this Section is intended to prohibit a qualified medical
828 provider from offering, on the provider's own accord or in
829 response to a survivor request, an Illinois State Police Sexual
830 Assault Evidence Collection Kit to a sexual assault survivor who
831 presents at a treatment hospital, treatment hospital with approved
832 peditric transfer, or approved peditric health care facility with a
833 nonacute complaint of sexual assault according to the qualified
834 medical provider's clinical discretion based on best practices for
835 indications for evidence collection (Section 5(a-5)(1.5) of the Act;

836
837 CA) Appropriate oral and written information concerning evidence-
838 based guidelines for the appropriateness of evidence collection,
839 depending on the sexual development of the acute sexual assault
840 survivor, the type of acute sexual assault, and the timing of the
841 acute sexual assault, shall be provided to the acute sexual assault
842 survivor. A qualified medical provider shall educate and encourage
843 prepubescent sexual assault survivors who present to a hospital or
844 approved pediatric health care facility with a complaint of sexual
845 assault within 96 hours after the sexual assault to agree to
846 evidence collection (however, the seven day period in subsection
847 (d)(2) still applies);

848
849 DB) The information required under this subsection (d) shall be
850 provided in person by the qualified medical provider providing
851 medical forensic services directly to the acute sexual assault
852 survivor by a qualified medical provider either in person or via a
853 virtual or telephone consultation (Section 5(a-5) of the Act);

854
855 EC) The written information provided shall be the information created
856 in accordance with Section 10 of the Act (Section 5(a-5)(1.5)(A) of
857 the Act);

858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900

~~FD) Following the discussion regarding the evidence based guidelines for evidence collection in accordance with subsection (d)(2)(A), evidence collection shall be completed at the sexual assault survivor's request.~~ A sexual assault nurse examiner conducting an examination using the Illinois State Police Sexual Assault Evidence Collection Kit may do so without the presence or participation of a physician. (Section 5(a-5) (1.5)(B) of the Act)

- 3) *Appropriate oral and written information concerning the possibility of infection, sexually transmitted infection, including an evaluation of the sexual assault survivor's risk of contracting human immunodeficiency virus (HIV) from sexual assault, and pregnancy resulting from sexual assault* (Section 5(a-5) of the Act);
- 4) *Medically and factually accurate written and oral information about emergency contraception; the indications and contraindications and risks associated with the use of emergency contraception; and a description of how and when sexual assault survivors may be provided emergency contraception at no cost upon the written order of a physician, a licensed APRN, or a licensed physician assistant* (Section ~~5(a-5)(1.5)(B)2.2(b)~~ of the Act);
- 5) *Appropriate oral and written information concerning accepted medical procedures, laboratory tests, medication, and possible contraindications of that medication available for the prevention or treatment of infection or disease resulting from sexual assault* (Section 5(a-5) (1.5)(B) of the Act);
- 6) *After a medical forensic or physical examination, access to a shower at no cost, unless showering facilities are unavailable* (Section 5(a-5) (1.5)(B) of the Act);
- 7) *An amount of medication, including HIV prophylaxis, for treatment at the hospital or approved pediatric health care facility and after discharge as is deemed appropriate by the attending physician, an APRN, or a physician assistant in accordance with the Centers for Disease Control and Prevention guidelines in Section 545.25(b)(1) and (2), and consistent with the hospital's or approved pediatric health care facility's current approved protocol for sexual assault survivors.* (Section 5(a-5) of the Act)
When HIV prophylaxis is deemed appropriate, an initial dose or doses of HIV prophylaxis, along with written and oral instructions indicating the importance of timely follow-up health care, shall be given to the survivor; (Section 5(a-5)(1.5)(B) of the Act)

- 901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
- 8) *Photo documentation of the acute sexual assault survivor's injuries, anatomy involved in the assault, or other visible evidence on the acute sexual assault survivor's body to supplement the medical forensic history and written documentation of physical findings and evidence. Photo documentation does not replace written documentation of the injury. (Section 5(a-5)(1.5)(B) of the Act);*
 - 9) *Written and oral instructions indicating the need for follow-up examinations and laboratory tests one to two weeks after the sexual assault to determine the presence or absence of sexually transmitted infection (Section 5(a-5)(1.5)(B) of the Act);*
 - 10) ~~Appropriate referral to a physician.~~—The survivor shall be referred for follow-up health care and monitoring of medication given or prescribed at the time of the initial hospital or approved pediatric health care facility medical forensic services visit as may be deemed appropriate by the attending physician, APRN, or physician assistant;
 - 11) *Referral by hospital or approved pediatric health care facility personnel for appropriate counseling. (Section 5(a-5)(1.5)(B) of the Act) Initial referral should be to a community-based rape crisis center, if a center is available, or referral to other counseling shall be provided;*
 - 12) *Medical advocacy services provided by a rape crisis counselor whose communications are protected under Section 8-802.1 of the Code of Civil Procedure, if there is a memorandum of understanding between the hospital or approved pediatric health care facility and a rape crisis center. With the consent of the acute sexual assault survivor, a rape crisis counselor shall remain in the exam room during the medical forensic examination (Section 5(a-5)(1.5)(B) of the Act);*
 - 13) *Written information regarding services provided by a children's advocacy center and rape crisis center, if applicable (Section 5(a-5) of the Act);*
 - 14) *The brochure "After Sexual Assault," published by the Illinois Coalition Against Sexual Assault and the Illinois Department of Public Health, and the pamphlet "Crime Victim Compensation – Frequently Asked Questions by Sexual Assault Victims", published by the ~~Illinois~~ Office of the Illinois Attorney General;*
 - 15) *Information on drug- or alcohol-facilitated sexual assault testing, including an explanation of the comprehensive scope of a drug test or*

944 blood alcohol test, and the limited time frame within which evidence can
945 be collected; and

946
947 16) *Written information regarding the Illinois State Police sexual assault*
948 *evidence tracking system, as provided in Section 545.61. (Section 5(a-5)*
949 *of the Act)*

950
951 e) *Records of medical forensic examinations~~services~~, including results of*
952 *examinations and tests, the Illinois State Police Medical Forensic Documentation*
953 *Forms, the Illinois State Police Patient Discharge Materials, and the Illinois State*
954 *Police Patient Consent: Collect and Test Evidence or Collect and Hold Evidence*
955 *Form, shall be maintained by the hospital or approved pediatric health care*
956 *facility as part of the patient's electronic medical record.*

957
958 1) *Records of medical forensic examinations~~services~~ for sexual assault*
959 *survivors under the age of 18 shall be retained by the hospital or approved*
960 *pediatric health care facility for a period of 60 years after the sexual*
961 *assault survivor reaches the age of 18. Records of medical forensic*
962 *examinations~~services~~ of sexual assault survivors 18 years of age or older*
963 *shall be retained by the hospital for a period of 20 years after the date the*
964 *record was created.*

965
966 2) *Records of medical forensic examinations~~services~~ may only be*
967 *disseminated in accordance with Section 6.5 of the Act, Section 545.61 of*
968 *this Part, and other State and federal law. (Section 5(a-5) of the Act)*

969
970 f) *Before a medical forensic examination is provided, consent shall be obtained in*
971 *accordance with the Act and this subsection. Evidence collection shall not be*
972 *completed without first obtaining consent.*

973
974 1) *Any person able to consent who is a sexual assault survivor who seeks a*
975 *medical forensic examination~~services~~ or follow-up healthcare under the*
976 *Act shall be provided those services without the consent of any parent,*
977 *guardian, custodian, surrogate, or agent.*

978
979 2) *If a minor sexual assault survivor under the age of 18 is unable to consent*
980 *to a medical forensic examination~~services~~, the examination~~services~~ may*
981 *be provided with the consent of the survivor's parent, guardian, or health*
982 *care power of attorney and with the assent of the sexual assault*
983 *survivor.~~under the Consent by Minors to Health Care Services Act, the~~*
984 *~~Health Care Surrogate Act, or other applicable State and federal laws.~~*
985 *~~(Section 5(b) of the Act)~~*

986

987 3) *If an adult sexual assault survivor is unable to consent to a medical*
988 *forensic examination, the examination may be provided with the consent*
989 *of the survivor's guardian or health care power of attorney and with the*
990 *assent of the sexual assault survivor. (Section 5(b) of the Act)*

991
992 g) The hospital or approved pediatric health care facility shall develop a *uniform*
993 *system for recording results of medical examinations and all diagnostic tests*
994 *performed in connection with the examination to determine the condition and*
995 *necessary treatment of sexual assault survivors. The results shall be preserved in*
996 *a confidential manner as part of the hospital's or approved pediatric health care*
997 *facility's record of the sexual assault survivor. (Section 6.1 of the Act) The*
998 *medical record shall include the information required in this subsection (g):*
999

1000 1) The medical record shall indicate if the sexual assault survivor changed
1001 clothes, bathed or douched, defecated, urinated, ate, smoked, or performed
1002 oral hygiene between the time of the sexual assault and the time of the
1003 examination.

1004
1005 2) The medical record shall indicate presence of all indications of trauma,
1006 major or minor, that may be used in a criminal proceeding (e.g., cuts,
1007 scratches, bruises, red marks, any minor signs of trauma). Photographs of
1008 indications of trauma may be taken for evidentiary purposes with the
1009 written consent of the sexual assault survivor or the survivor's parent or
1010 guardian if the survivor is under 13 years of age. If the survivor is under
1011 13 years of age and the parent or guardian is not immediately available,
1012 photographs may be taken and shall be released to law enforcement
1013 personnel and state's attorney staff with written consent of a parent,
1014 guardian, or law enforcement officer, or the Department of Children and
1015 Family Services.

1016
1017 3) The medical record shall not reflect any conclusions regarding whether a
1018 crime (e.g., criminal sexual assault, criminal sexual abuse) occurred.

1019
1020 4) Medical history shall include brief, general information concerning
1021 possible injury; drug allergies; and, for female patients, a detailed
1022 gynecological history, including whether the patient knows or believes
1023 that she is pregnant, history of prior gynecological surgery such as
1024 hysterectomy or tubal ligation, history of contraceptive use, history of
1025 cancer, and any prior genital injury or trauma.

1026
1027 5) The medical record shall indicate ~~the presence of any and~~ all persons
1028 present during the examination process. If a medical advocate from a rape
1029 crisis center is present, the medical advocate may be listed by first name

- 1030 only, so long as the full name of the rape crisis center is listed in the
1031 record.
1032
- 1033 6) The medical record shall document the compliance with each procedure
1034 required by subsection (i).
1035
- 1036 7) The medical record shall indicate whether a report was filed with the
1037 Department of Children and Family Services, or whether the Department
1038 on Aging or the Department of Public Health was contacted.
1039
- 1040 8) The medical record shall include a completed emergency department
1041 record.
1042
- 1043 9) The medical record shall indicate whether the [Illinois State Police](#) Sexual
1044 Assault Evidence Collection Kit was completed.
1045
- 1046 h) All medical records for sexual assault survivors shall be maintained through a
1047 filing system that allows for immediate accessibility during Department surveys.
1048 This filing system may be maintained electronically.
1049
- 1050 i) Procedures to ensure the welfare and privacy of the survivor shall be followed and
1051 shall include, but not be limited to, the following:
1052
- 1053 1) A member of the health care team shall respond within minutes to move
1054 the survivor to a closed environment to ensure privacy. Health care
1055 personnel shall refer to survivors by code to avoid embarrassment.
1056
- 1057 2) If, for any reason, the survivor is incapable of receiving oral and written
1058 information required in subsection (a), the information shall be given to
1059 the caregiver/guardian.
1060
- 1061 3) When a survivor is in custody, or has been arrested for or convicted of a
1062 violent crime or forcible felony and continues to be in custody when the
1063 survivor presents for the medical forensic exam, then if the qualified
1064 medical provider and the representative of the custodial agency, after
1065 consultation with the rape crisis advocate, agree that it is a necessary
1066 safety precaution, the representative of the custodial agency may remain in
1067 the room. In these situations, hospital staff shall facilitate privacy for the
1068 survivor using curtains and positioning.
1069
- 1070 4) The hospital or approved pediatric health care facility shall call a sexual
1071 assault crisis advocate, where available, and shall offer to call a friend or
1072 family member to accompany the survivor.

1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114
1115

- j) *When a minor is the victim of a predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse or criminal sexual abuse, as provided in Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012, the consent of the minor's parent or legal guardian need not be obtained to authorize a hospital, approved pediatric health care facility, physician, chiropractic physician, optometrist, APRN, physician assistant, or other medical personnel to furnish medical care or counseling related to the diagnosis or treatment of any disease or injury arising from the offense. The minor may consent to counseling, diagnosis or treatment as if the minor had reached ~~their~~*his or her* age of majority. This consent shall not be voidable, nor subject to later disaffirmance, because of minority. (Section 3(b) of the Consent by Minors to Health Care Services Act)*
- k) All hospitals or approved pediatric health care facilities that provide emergency medical ~~examinations~~*services* to sexual assault survivors shall comply with the Crime Victims Compensation Act, the Consent by Minors to Health Care Services Act and any local ordinances, municipal codes, rules, or regulations that may apply to the treatment of sexual assault survivors.
- l) All hospitals or approved pediatric health care facilities shall comply with the reporting procedures for sexual assault survivors required by Section 3.2 of the Criminal Identification Act.
- m) *Nothing in this ~~Section or the Act~~*Section* creates a physician-patient relationship that extends beyond discharge from the hospital or approved pediatric health care facility. (Section 5(c) of the Act)*
- n) The hospital or approved pediatric health care facility shall take all reasonable steps to secure the patient's informed written decision to consent to or decline examination and treatment.
- o) Nothing in the Act or this Part prohibits a treatment hospital, a treatment hospital with approved pediatric transfer, or an approved pediatric health care facility from treating a sexual assault survivor who presents more than seven days following the assault.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 545.61 Submitting Sexual Assault Evidence to Law Enforcement

- a) The Illinois State Police Sexual Assault Evidence Collection Kit shall be used in the manner prescribed by the information contained in that kit.

- 1116
1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
- 1) With the survivor's consent, as prescribed by subsection (c), the kit shall be completed if the survivor presents themselves for medical forensic ~~examination services within seven days~~ after the acute sexual assault, ~~has disclosed past sexual assault by a specific individual and was in the care of that individual within the last seven days~~, or has a clinical indication for a medical forensic ~~examination services beyond seven days~~. (Section 1a of the Act)

 - 2) If the Evidence Collection Kit is not collected by law enforcement upon completion, the hospital or approved pediatric health care facility shall comply with subsection (d).
- 1129
1130
1131
1132
1133
1134
1135
- b) *A treatment hospital, a treatment hospital with approved pediatric transfer, an out-of-state hospital as defined in Section 5.4 of the Act and Section 545.64, or an approved pediatric health care facility shall comply with Section 50 of the Sexual Assault Evidence Submission Act and register with the Illinois State Police to utilize the CheckPoint sexual assault evidence tracking system. (Section 5(a-5)(10) of the Act)*
- 1136
1137
- c) *Written Consent to the Release of Sexual Assault Evidence for Testing*
- 1) *Upon the completion of a medical forensic ~~examination services~~, the health care professional providing the medical forensic ~~examination services~~ shall provide the patient the opportunity to sign a written consent to allow law enforcement to submit the sexual assault evidence for testing, if collected. The written consent shall be on a form included in the sexual assault evidence collection kit and posted on the Illinois State Police website. The consent form shall include whether the survivor consents to the release of information about the sexual assault to law enforcement. (Section 6.5(a) of the Act)*
 - A) *A survivor 13 years of age or older may sign the written consent to release the evidence for testing. (Section 6.5(a)(1) of the Act)*

 - B) *If the survivor is a minor who is under 13 years of age, the written consent to release the sexual assault evidence for testing may be signed by the parent, guardian, or agent acting under a health care power of attorney. If a parent, guardian, or health care power of attorney is not available or unwilling to release evidence, then a State's Attorney or the Attorney General may petition the court to authorize its release for testing~~investigating law enforcement officer, or Department of Children and Family~~*
- 1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158

1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201

~~Services.~~ (Section 6.5(a)(2) of the Act)

C) *If the survivor is an adult who has a guardian of the person, a health care surrogate, or an agent acting under a health care power of attorney, the consent of the guardian, surrogate, or agent is not required to release evidence and information concerning the sexual assault or sexual abuse. If the adult is unable to provide consent for the release of evidence and information and a guardian, surrogate, or agent under a health care power of attorney is unavailable or unwilling to release the information, then an investigating law enforcement officer may authorize the release.* (Section 6.5(a)(3) of the Act)

D) *Any health care professional or health care institution, including any hospital or approved pediatric health care facility, who provides evidence or information to a law enforcement officer under a written consent, as specified in this subsection (c), is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all of the requirements of the Act and this Section are met.* (Section 6.5(a)(4) of the Act)

2) *The hospital or approved pediatric health care facility shall keep a copy of a signed or unsigned written consent form in the patient's medical record pursuant to 77 Ill. Adm. Code 250.1510 (Hospital Licensing Requirements).* (Section 6.5(b) of the Act)

3) *If a written consent to allow law enforcement to hold the sexual assault evidence is signed at the completion of the medical forensic ~~examination~~~~services~~, the hospital or approved pediatric health care facility shall include the following information in its discharge instructions:*

A) *The sexual assault evidence will be stored for 10 years from the completion of a Sexual Assault Evidence Collection Kit, or 10 years from the age of 18 years, whichever is longer;*

B) *A person authorized to consent to the testing of the sexual assault evidence may sign a written consent to allow law enforcement to test the sexual assault evidence at any time during that 10-year period for an adult victim, or until a minor victim turns 28 years of age by:*

1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244

- i) *Contacting the law enforcement agency having jurisdiction, or, if unknown, the law enforcement agency contacted by the hospital or approved pediatric health care facility under Section 3.2 of the Criminal Identification Act; or*
 - ii) *By working with an advocate at a rape crisis center;*
 - C) *The name, address, and phone number of the law enforcement agency having jurisdiction, or, if unknown, the name, address, and phone number of the law enforcement agency contacted by the hospital under Section 3.2 of the Criminal Identification Act; and*
 - D) *The name and phone number of a local rape crisis center. (Section 6.5(C) of the Act)*
- d) *Submission of Sexual Assault Evidence*
- 1) *As soon as practicable, but in no event more than four hours after the completion of a medical forensic examinationservices, the hospital or approved pediatric health care facility shall make reasonable efforts to determine the law enforcement agency having jurisdiction where the sexual assault occurred, if sexual assault evidence was collected. The hospital or approved pediatric health care facility may obtain the name of the law enforcement agency with jurisdiction from the local law enforcement agency. (Section 6.6(a) of the Act)*
 - 2) *Within four hours after the completion of a medical forensic examinationservices, the hospital or approved pediatric health care facility shall notify the law enforcement agency having jurisdiction that the hospital or approved pediatric health care facility is in possession of sexual assault evidence and the date and time the collection of evidence was completed. The hospital or approved pediatric health care facility shall document the notification in the patient's medical records and shall include the agency notified, the date and time of the notification, and the name of the person who received the notification. This notification to the law enforcement agency having jurisdiction satisfies the hospital's or approved pediatric health care facility's requirement to contact its local law enforcement agency under Section 3.2 of the Criminal Identification Act. (Section 6.6(b) of the Act)*
 - 3) *If the law enforcement agency having jurisdiction has not taken physical custody of sexual assault evidence within five days after the first contact*

1245 *by the hospital or approved pediatric health care facility, the hospital or*
1246 *approved pediatric health care facility shall renotify the law enforcement*
1247 *agency having jurisdiction that the hospital or approved pediatric health*
1248 *care facility is in possession of sexual assault evidence and the date the*
1249 *sexual assault evidence was collected. The hospital or approved pediatric*
1250 *health care facility shall document the renotification in the patient's*
1251 *medical records and shall include the agency notified, the date and time of*
1252 *the notification, and the name of the person who received the notification.*
1253 (Section 6.6(c) of the Act)

1254
1255 4) *If the law enforcement agency having jurisdiction has not taken physical*
1256 *custody of the sexual assault evidence within 10 days after the first contact*
1257 *by the hospital or approved pediatric health care facility and the hospital*
1258 *or approved pediatric health care facility has provided renotification*
1259 *under subsection (d)(3), the hospital or approved pediatric health care*
1260 *facility shall contact the State's Attorney of the county where the law*
1261 *enforcement agency having jurisdiction is located. The hospital or*
1262 *approved pediatric health care facility shall inform the State's Attorney*
1263 *that the hospital or approved pediatric health care facility is in possession*
1264 *of sexual assault evidence, the date the sexual assault evidence was*
1265 *collected, the law enforcement agency having jurisdiction, and the dates,*
1266 *times and names of persons notified under subsections (d)(2) and (d)(3).*
1267 *The notification shall be made within 14 days after the collection of the*
1268 *sexual assault evidence. (Section 6.6(d) of the Act)*

1269
1270 (Source: Amended at 50 Ill. Reg. _____, effective _____)

1271
1272 **Section 545.62 Pediatric Health Care Facilities**

1273
1274 a) *A pediatric health care facility that submits a plan to the Department for approval*
1275 *under Section 2 of the Act and Section 545.85 of this Part consents to the*
1276 *jurisdiction and oversight of the Department, including, but not limited to,*
1277 *inspections, investigations, and evaluations arising out of complaints relevant to*
1278 *the Act made to the Department. (Section 2.06 of the Act)*

1279
1280 b) *A pediatric health care facility that submits a plan to the Department for approval*
1281 *under Section 2 of the Act and Section 545.85 of this Part shall be deemed to have*
1282 *given consent to annual inspections, surveys, or evaluations relevant to the Act by*
1283 *properly identified personnel of the Department or by ~~such~~ other properly*
1284 *identified persons, including local health department staff, as the Department may*
1285 *designate. (Section 2.06 of the Act)*

1286
1287 c) *Representatives of the Department shall have access to and may reproduce or*

- 1288 *photocopy any books, records, and other documents maintained by the pediatric*
1289 *health care facility or the facility's representatives, to the extent necessary to*
1290 *carry out the Act and this Part. (Section 2.06 of the Act)*
1291
- 1292 d) *No representative, agent, or person acting on behalf of the pediatric health care*
1293 *facility in any manner shall intentionally prevent, interfere with, or attempt to*
1294 *impede in any way any duly authorized investigation and enforcement of the Act*
1295 *and this Part. (Section 2.06 of the Act)*
1296
- 1297 e) *An approved pediatric health care facility may provide medical forensic*
1298 *examinations*~~services~~*, in accordance with this Part, to acute~~all~~ *sexual assault*
1299 *survivors under the age of 18 who present for medical forensic*
1300 *examinations*~~services~~ *in relation to injuries or trauma resulting from a sexual*
1301 *assault. These services shall be provided by a qualified medical provider.*
1302 *(Section 2(b) of the Act)*
1303*
- 1304 f) *A pediatric health care facility shall participate in or submit an areawide*
1305 *treatment plan under Section 3 of the Act and Section 545.50 of this Part that*
1306 *includes a treatment hospital. If a pediatric health care facility does not provide*
1307 *certain medical or surgical services that are provided by hospitals, the areawide*
1308 *sexual assault treatment plan shall include a procedure for ensuring a sexual*
1309 *assault survivor in need of these medical or surgical services receives the services*
1310 *at the treatment hospital. The areawide treatment plan may also include a*
1311 *treatment hospital with approved pediatric transfer. (Section 2(b) of the Act)*
1312
- 1313 g) *The Department will review a proposed sexual assault treatment plan submitted*
1314 *by a pediatric health care facility within 60 days after receipt of the plan. If the*
1315 *Department finds that the proposed plan meets the minimum requirements set*
1316 *forth in Section 5 of the Act and Section 545.60 of this Part, and that*
1317 *implementation of the proposed plan would provide medical forensic*
1318 *examinations*~~services~~ *for acute* *sexual assault survivors under the age of 18, then*
1319 *the Department will approve the plan.*
1320
- 1321 1) *If the Department does not approve a plan, then the Department will,*~~via~~
1322 ~~certified mail,~~ *notify the pediatric health care facility that the proposed*
1323 *plan has not been approved. The pediatric health care facility shall have*
1324 *30 days after receipt of the Department's notice of disapproval to submit a*
1325 *revised plan.*
1326
- 1327 2) *The Department will review the revised plan within 30 days after receipt*
1328 *of the plan and notify the pediatric health care facility whether the revised*
1329 *plan is approved or rejected. (Section 2(b) of the Act)*
1330

- 1331 h) *A pediatric health care facility ~~shall~~^{may} not provide medical forensic*
1332 *~~examinations~~^{services} to sexual assault survivors under the age of 18 who present*
1333 *with a complaint of acute sexual assault until the Department has approved a*
1334 *treatment plan. (Section 2(b) of the Act)*
1335
- 1336 i) *If an approved pediatric health care facility is not open 24 hours a day, seven*
1337 *days a week, it shall post signage at each public entrance to its facility that:*
1338
- 1339 1) *Is at least 14 inches by 14 inches in size;*
1340
- 1341 2) *Directs those seeking services as follows: "If closed, call 911 for services*
1342 *or go to the closest hospital emergency department, (insert name) located*
1343 *at (insert address).";*
1344
- 1345 3) *Lists the approved pediatric health care facility's hours of operation;*
1346
- 1347 4) *Lists the street address of the building;*
1348
- 1349 5) *Has a black background with white bold capital lettering in a clear and*
1350 *easy to read font that is at least 72-point type, and with "call 911" in at*
1351 *least 125-point type;*
1352
- 1353 6) *Is posted clearly and conspicuously on or adjacent to the door at each*
1354 *entrance and, if building materials allow, is posted internally for viewing*
1355 *through glass; if posted externally, the sign shall be made of weather-*
1356 *resistant and theft-resistant materials, non-removable, and adhered*
1357 *permanently to the building; and*
1358
- 1359 7) *Has lighting that is part of the sign itself or is lit with a dedicated light*
1360 *that fully illuminates the sign. (Section 2(b) of the Act)*
1361
- 1362 j) *A copy of the proposed sign shall be submitted to the Department and approved*
1363 *as part of the approved pediatric health care facility's sexual assault treatment*
1364 *plan. (Section 2(b) of the Act)*
1365
- 1366 k) *Each approved pediatric health care facility shall enter into a memorandum of*
1367 *understanding with a rape crisis center for medical advocacy services, if these*
1368 *services are available to the approved pediatric health care facility. With the*
1369 *consent of the sexual assault survivor, a rape crisis counselor shall remain in the*
1370 *exam room during the collection for forensic evidence. (Section 2(c) of the Act)*
1371
- 1372 l) *Every approved pediatric health care facility's sexual assault treatment plan shall*
1373 *include procedures for complying with mandatory reporting requirements*

1374 *pursuant to the:*

1375

1376 1) *Abused and Neglected Child Reporting Act;*

1377

1378 2) *Abused and Neglected Long Term Care Facility Residents Reporting Act;*

1379

1380 3) *Adult Protective Services Act; and*

1381

1382 4) *Criminal Identification Act. (Section 2(d) of the Act)*

1383

1384 m) Pursuant to Section 5.2(b) of the Act, *each employee of an approved pediatric*
1385 *health care facility with access to the Medical Electronic Data Interchange or*
1386 *successor system shall sign a statement affirming that system~~affirming that system~~*
1387 *will only be used for the purpose of issuing sexual assault services vouchers.*
1388 *(Section 5.2(b) of the Act)*

1389

1390 n) *Within 60 days after the Department's approval of a treatment plan, an approved*
1391 *pediatric health care facility*~~*and any health care professional employed by an*~~
1392 ~~*approved pediatric health care facility*~~ *shall develop a billing protocol that*
1393 *ensures that no survivor of sexual assault is sent a bill for any medical forensic*
1394 ~~*examination services and submit the billing protocol to the Crime Victim Services*~~
1395 ~~*Division of the Office of the Attorney General for approval.*~~ *(Section 7.5(d) of the*
1396 *Act)*

1397

1398 o) *In carrying out oversight of a pediatric health care facility, the Department will*
1399 *respect the confidentiality of all patient records, including by complying with the*
1400 *patient record confidentiality requirements set out in Section 6.14b of the*
1401 *Hospital Licensing Act. (Section 2.06 of the Act)*

1402

1403 (Source: Amended at 50 Ill. Reg. _____, effective _____)

1404

1405 **Section 545.63 Treatment Hospitals with Pediatric Transfer**

1406

1407 a) A treatment hospital with approved pediatric transfer shall submit to the
1408 Department an areawide plan with a treatment hospital. This areawide plan may
1409 also include an approved pediatric health care facility. The treatment hospital
1410 with approved pediatric transfer shall comply with Sections 545.55, 545.60 and
1411 545.65 for the treatment of acute sexual assault survivors and the transfer of
1412 pediatric patients.

1413

1414 b) *Each treatment hospital with approved pediatric transfer shall enter into a*
1415 *memorandum of understanding with a rape crisis center for medical advocacy*
1416 *services, if these services are available to the treatment hospital with approved*

1417 *pediatric transfer. With the consent of the sexual assault survivor, a rape crisis*
1418 *counselor shall remain in the exam room during the collection for forensic*
1419 *evidence. (Section 2(c) of the Act)*
1420

1421 c) Every ~~hospital's~~ *treatment hospital with approved pediatric transfer's* sexual
1422 *assault treatment plan or sexual assault transfer plan shall include procedures for*
1423 *complying with mandatory reporting requirements pursuant to the:*
1424

- 1425 1) *Abused and Neglected Child Reporting Act;*
- 1426
- 1427 2) *Abused and Neglected Long Term Care Facility Residents Reporting Act;*
- 1428
- 1429 3) *Adult Protective Services Act; and*
- 1430
- 1431 4) *Criminal Identification Act. (Section 2(d) of the Act)*
1432

1433 (Source: Amended at 50 Ill. Reg. _____, effective _____)
1434

1435 **Section 545.64 Out-of-State Hospitals**

1436

1437 a) *An out-of-state hospital that submits an areawide treatment plan to the*
1438 *Department in accordance with Section 5.4(b) of the Act and Section 545.90 of*
1439 *this Part consents to the jurisdiction and oversight of the Department, including,*
1440 *but not limited to, inspections, investigations, and evaluations arising out of*
1441 *complaints, relevant to the Act, made to the Department. (Section 2.06 of the*
1442 *Act)*
1443

1444 b) *An out-of-state hospital that submits an areawide treatment plan to the*
1445 *Department in accordance with Section 5.4(b) of the Act and Section 545.90 of*
1446 *this Part shall be deemed to have given consent to annual inspections, surveys, or*
1447 *evaluations relevant to the Act by properly identified personnel of the Department*
1448 *or by such other properly identified persons, including local health department*
1449 *staff, as the Department may designate. (Section 2.06 of the Act)*
1450

1451 c) *Representatives of the Department shall have access to and may reproduce or*
1452 *photocopy any books, records, and other documents maintained by the out-of-*
1453 *state hospital or the out-of-state hospital's representative to the extent necessary*
1454 *to carry out the Act and this Part. (Section 2.06 of the Act)*
1455

1456 d) *No representative, agent, or person acting on behalf of the out-of-state hospital in*
1457 *any manner shall intentionally prevent, interfere with, or attempt to impede in any*
1458 *way any duly authorized investigation and enforcement of the Act and this Part.*
1459 *(Section 2.06 of the Act)*

- 1460
1461 e) *Each out-of-state treatment hospital shall enter into a memorandum of*
1462 *understanding with an Illinois rape crisis center for medical advocacy services, if*
1463 *these services are available to the out-of-state treatment hospital. With the*
1464 *consent of the sexual assault survivor, a rape crisis counselor shall remain in the*
1465 *exam room during the collection for forensic evidence. (Section 2(c) of the Act)*
1466
1467 f) *Every out-of-state treatment hospital's sexual assault treatment plan shall include*
1468 *procedures for complying with mandatory reporting requirements pursuant to*
1469 *the:*
1470
1471 1) *Abused and Neglected Child Reporting Act;*
1472
1473 2) *Abused and Neglected Long Term Care Facility Residents Reporting Act;*
1474
1475 3) *Adult Protective Services Act; and*
1476
1477 4) *Criminal Identification Act. (Section 2(d) of the Act)*
1478
1479 g) *An out-of-state hospital shall comply with Section 545.60.*
1480
1481 ~~h) *Out of state Hospitals Designated as Trauma Centers*~~
1482
1483 h) *Nothing in the Act or this Part shall prohibit the transfer of a patient in need of*
1484 *medical services to a hospital that has been designated as a trauma center by the*
1485 *Department in accordance with Section 3.90 of the Emergency Medical Services*
1486 *(EMS) Systems Act.*
1487
1488 i) *A transfer hospital, treatment hospital with approved pediatric transfer, or*
1489 *approved pediatric health care facility may transfer ~~an acute~~ sexual assault*
1490 *survivor to an out-of-state hospital that is located in a county that borders Illinois*
1491 *if the out-of-state hospital:*
1492
1493 1A) *Submits an areawide treatment plan approved by the Department; and*
1494
1495 2B) *Has certified to the Department, in a form and manner prescribed by the*
1496 *Department, that the out-of-state hospital will:*
1497
1498 Ai) *Consent to the jurisdiction of the Department in accordance with*
1499 *Section 2.06 of the Act and this Section;*
1500
1501 Bi) *Comply with Section 545.60 and all requirements of the Act*
1502 *applicable to treatment hospitals, including, but not limited to,*

1503 offering evidence collection to any Illinois sexual assault survivor
1504 who presents with a complaint of acute sexual assault ~~within seven~~
1505 ~~days after the assault, who has disclosed past sexual assault by a~~
1506 ~~specific individual and was in the care of that individual within the~~
1507 ~~last seven days, or who has a clinical indication for medical~~
1508 ~~forensic services beyond seven days, and not billing the sexual~~
1509 assault survivor for the medical forensic examination~~services~~ or
1510 180 days of follow-up healthcare;

1511
1512 C~~iii~~) Use an Illinois State Police~~a~~ Sexual Assault Evidence Collection
1513 Kit to collect forensic evidence from an Illinois sexual assault
1514 survivor;

1515
1516 D~~iv~~) Ensure its staff cooperates with Illinois law enforcement agencies
1517 and is responsive to subpoenas issued by Illinois courts; and

1518
1519 E~~v~~) Provide appropriate transportation, upon the completion of a
1520 medical forensic examination~~services~~, back to the transfer
1521 hospital, treatment hospital with pediatric transfer, or approved
1522 pediatric health care facility where the sexual assault survivor
1523 initially presented seeking a medical forensic examination~~services~~,
1524 unless the sexual assault survivor chooses to arrange his or her
1525 own transportation. (Section 5.4 of the Act)

1526
1527 i) In carrying out oversight of an out-of-state hospital, the Department will respect
1528 the confidentiality of all patient records, including by complying with the patient
1529 record confidentiality requirements set out in Section 6.14b of the Hospital
1530 Licensing Act. (Section 2.06 of the Act)

1531
1532 (Source: Amended at 50 Ill. Reg. _____, effective _____)

1533
1534 **Section 545.65 Transfer of Sexual Assault Survivors**

- 1535
1536 a) The transfer hospital shall comply with the federal Emergency Medical Treatment
1537 and Active Labor Act and with Sections 545.50 and 545.55 of this Part.
1538
1539 b) Sexual assault survivors may be transferred to a treatment hospital or approved
1540 pediatric health care facility, in accordance with the requirements of this Section,
1541 as part of an areawide plan.
1542
1543 c) The hospital shall provide an appropriate medical screening examination and
1544 necessary stabilizing treatment prior to transfer of the acute sexual assault
1545 survivor. If a sexual assault survivor has an emergency medical condition that has

- 1546 not stabilized, the hospital shall comply with the requirements of the federal
1547 Emergency Medical Treatment and Active Labor Act.
1548
- 1549 d) When a sexual assault survivor is in custody, or has been arrested for or convicted
1550 of a violent crime or forcible felony and continues to be in custody when the
1551 sexual assault survivor presents for medical forensic services, then during the
1552 medical screening examination and necessary stabilization treatment prior to
1553 transfer, or if transfer is declined, during any medical care and treatment
1554 provided, if the medical provider and the representative of the custodial agency
1555 agree that it is a necessary safety precaution, the representative of the custodial
1556 agency may remain in the room. In these situations, hospital staff shall facilitate
1557 privacy for the sexual assault survivor using curtains and positioning.
1558
- 1559 e) The emergency department record shall not reflect any conclusions regarding
1560 whether a crime (e.g., criminal sexual assault, criminal sexual abuse) occurred.
1561
- 1562 f) The sexual assault survivor shall be given an appropriate explanation concerning
1563 the medical reason for the transfer to another hospital or approved pediatric health
1564 care facility, the importance of collecting evidence in a timely manner, and the
1565 financial benefits, including an explanation of the voucher system and Crime
1566 Victims Compensation. The explanation shall include the use of the "Medical
1567 Forensic Exam Brochure," and "Crime Victims Compensation: Frequently Asked
1568 Questions", both created by the Office of the Illinois Attorney General.
1569
- 1570 g) The hospital shall require each member of its emergency department who
1571 provides direct clinical services to receive training annually regarding its areawide
1572 treatment plan and the requirements of this Section, including but not limited to,
1573 the care of the sexual assault survivor, the transfer process, including when a
1574 patient declines transfer; chain of custody; treatment if the sexual assault survivor
1575 declines transfer; and trauma-informed approaches consistent with the Centers for
1576 Disease Control and Prevention guideline, "6 Guiding Principles to a Trauma
1577 Informed Approach." The hospital may include the local rape crisis center or
1578 treatment hospitals in its areawide treatment plan in presenting the training.
1579
- 1580 h) All hospitals shall comply with the notification procedures for sexual assault
1581 survivors required by Section 3.2 of the Criminal Identification Act, the Abused
1582 and Neglected Child Reporting Act, the Abused and Neglected Long Term Care
1583 Facility Residents Reporting Act, and the Adult Protective Services Act. The
1584 hospital shall not require the survivor to speak to law enforcement regarding the
1585 sexual assault.
1586
- 1587 i) The following requirements shall apply to sexual assault survivors who consent to
1588 be transferred.

- 1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631
- 1) The emergency department personnel of the transfer hospital shall notify the receiving hospital or approved pediatric health care facility of the transfer of the sexual assault survivor. The Department recommends that the hospital consult with a Qualified Medical Provider ~~(QMP)~~, when available, prior to transferring the survivor to ensure the transfer meets the clinical requirements defined in Section 1a of the Act.
 - 2) The receiving hospital or approved pediatric health care facility shall comply with Sections 545.60, 545.62, and 545.63, as applicable. A receiving *hospital, approved pediatric health care facility, or health care professional furnishing medical forensic services shall furnish services or medications to that person without charge and shall seek payment in accordance with Section 7 of the Act. (Section 7(a) of the Act)*
 - 3) An emergency department record shall be completed and a copy transported with the sexual assault survivor to the receiving hospital or approved pediatric health care facility. This record shall include:
 - A) A completed emergency department admission form;
 - B) Clinical findings, if any;
 - C) Clinicians' notes;
 - D) The name and relationship to the sexual assault survivor, if known, of any person present during an examination conducted pursuant to this Section;
 - E) Observations of signs and symptoms and the presence of any trauma or injury (e.g., cuts, scratches, bruises, red marks, and broken bones), if any examination was conducted or treatment rendered pursuant to subsection (c); and
 - F) The results of any tests.
 - 4) The hospital shall maintain a chain of custody in the handling of the sexual assault survivor as outlined in subsections (i)(4)(A) through (C), including the sexual assault survivor's clothing.
 - A) The hospital shall not attempt to obtain any specimens for evidentiary purposes (e.g., blood, saliva, hair samples, etc.) unless if necessary as described in subsection (i)(4)(C).

1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654
1655
1656
1657
1658
1659
1660
1661
1662
1663
1664
1665
1666
1667
1668
1669
1670
1671
1672
1673
1674

- B) The hospital shall handle the sexual assault survivor and the sexual assault survivor's clothing as minimally as possible and keep the sexual assault survivor in their own clothing if possible.
 - i) If removal of any clothing is necessary to render emergency services as described in subsection (c), removal should be attempted without cutting, tearing or shaking the garments.
 - ii) All loose or removed articles of clothing or other possessions of the sexual assault survivor shall be left to dry if possible, placed in separate paper bags, and then placed in one larger paper bag. The bag shall be sealed and labeled with the sexual assault survivor's name, the names of the health care personnel in attendance, the contents, the date, and the time collected.
 - iii) Except as otherwise provided in subsection (i)(4)(B)(v), the sealed bag shall not be transported with the sexual assault survivor to the receiving hospital or approved pediatric health care facility.
 - iv) If the sexual assault survivor is not transferred by ambulance or other hospital-provided transportation, but by a friend or family member, the hospital shall notify the law enforcement agency having jurisdiction that a sexual assault survivor sought medical forensic services related to a sexual assault. The hospital shall maintain and secure the sealed bag with the law enforcement report number until, after obtaining the sexual assault survivor's written consent, the sealed bag is released to the law enforcement agency having jurisdiction (see Section 545.61).
 - v) If the sexual assault survivor is transported by ambulance, the sealed bag, after obtaining the sexual assault survivor's written consent, shall be released to the law enforcement agency having jurisdiction ~~or transported with EMS personnel only upon completion of a chain of custody form. The chain of custody form shall be signed by the transfer hospital relinquishing custody of the sealed bag, the EMS personnel with custody of the sealed bag during transport, and the receiving hospital or approved pediatric health care~~

~~facility taking custody of the sealed bag. Each signature shall include the times and dates the sealed bag was handled.~~

1675
1676
1677
1678
1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697
1698
1699
1700
1701
1702
1703
1704
1705
1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717

- C) If the transfer hospital collects a urine sample from the sexual assault survivor for testing for a drug-facilitated or alcohol-facilitated sexual assault, the hospital shall comply with Section 11-1.10(g) of the Criminal Code of 2012 for collection. Pursuant to obtaining the sexual assault survivor's written consent, the urine sample and any pre-void wipes utilized during collection for adolescent and adult survivors shall be submitted to the local law enforcement agency having jurisdiction (see Section 545.61).

- 5) If the sexual assault survivor has no life-threatening conditions and consents to the transfer, the sexual assault survivor may transport themselves or be transported by the police or by a friend or family member to a treatment hospital or approved pediatric health care facility. The hospital shall offer transfers by ambulance or other hospital-arranged transportation. If the sexual assault survivor chooses to be transferred by ambulance or other hospital-arranged transportation, the hospital or ambulance provider shall provide the transportation at no cost to the sexual assault survivor. *An ambulance provider furnishing transportation to a sexual assault survivor shall furnish services to that person without charge and shall seek payment in accordance with Section 7 of the Act. (Section 7(a) of the Act).*

- 6) If an adult plans to transport a sexual assault survivor under 18 years of age, the hospital shall conduct an assessment to ensure that the sexual assault survivor is not transported by or with the alleged perpetrator and to determine the need for action based on an immediate threat of harm (e.g., present or impending danger). If the hospital finds an immediate threat of harm exists, the hospital ~~shall~~ **must** notify the Department of Children and Family Services prior to the transfer.

- 7) If the sexual assault survivor is an adult who has a guardian of the person, a health care surrogate, or an agent acting under a health care power of attorney, the hospital shall conduct an assessment to ensure that the sexual assault survivor is not transported by or with the alleged perpetrator and to determine the need for action based on an immediate threat of harm (e.g., present or impending danger). If the hospital finds an immediate threat of harm exists, the hospital ~~shall~~ **must** notify the Department on Aging prior to the transfer.

- 1718 8) The hospital may offer a gas card or transportation voucher as an option
1719 when it would be effective to facilitate the transfer, in accordance with
1720 Section 545.100.
1721
- 1722 9) Regardless of the transportation arrangement, all transferred patients shall
1723 be treated as transfers according to the hospital's areawide treatment plan.
1724
- 1725 10) A transfer hospital shall transfer a sexual assault survivor to a treatment
1726 hospital or approved pediatric health care facility designated in its
1727 approved transfer plan.
1728
- 1729 11) The hospital shall offer to call a friend or family member to accompany
1730 the sexual assault survivor and to call a rape crisis advocate for telephone
1731 crisis counseling before or during transfer.
1732
- 1733 12) The hospital shall take all reasonable steps to secure the sexual assault
1734 survivor's written informed consent to a transfer to another hospital.
1735
- 1736 j) The sexual assault survivor may decline to be transferred. The hospital shall offer
1737 a consultation for the sexual assault survivor considering declining transfer with a
1738 qualified medical provider identified in the hospital's areawide treatment plan.
1739 The consultation may be virtual or by telephone.
1740
- 1741 k) If a sexual assault survivor under 13 years of age declines transfer, the transfer
1742 hospital shall contact a qualified medical provider for consultation for sexual
1743 assault survivors prior to any evaluation or treatment related to the alleged sexual
1744 assault.
1745
- 1746 l) If a sexual assault survivor under age 18 declines transfer, the transfer hospital
1747 shall ensure that a sexual assault survivor under the age of 18 is referred to an
1748 outpatient pediatric facility with a qualified medical provider for specialized
1749 follow-up care if a facility is available.
1750
- 1751 m) For all sexual assault survivors who decline transfer, the hospital shall offer
1752 medical care and treatment when appropriate based on the consultation with the
1753 qualified medical provider, if applicable, which shall~~may~~ include but is not
1754 limited to the following:
1755
- 1756 1) A general physical examination;
1757
- 1758 2) Evaluation and treatment for sexually transmitted infections in accordance
1759 with the Centers for Disease Control and Prevention guidelines titled
1760 Sexually Transmitted Infections Treatment Guidelines;

- 1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
- 3) Evaluation and possible treatment for HIV exposure in accordance with the Centers for Disease Control and Prevention guidelines titled Sexually Transmitted Infections Treatment Guidelines, or the recommendations titled Antiretroviral Postexposure Prophylaxis After Sexual, Injection Drug Use, or Other Nonoccupational Exposure to HIV – United States, 2016. Testing for HIV shall be conducted in accordance with the AIDS Confidentiality Act;
 - 4) An amount of medication, including HIV prophylaxis, for treatment at the hospital and after discharge as deemed appropriate by the attending physician, APRN, or physician assistant in accordance with the Centers for Disease Control and Prevention guidelines named in subsection (m). When HIV prophylaxis is deemed appropriate, an initial dose or doses of HIV prophylaxis, along with oral and written instructions indicating the importance of timely follow-up health care, shall be given to the sexual assault survivor;
 - 5) Appropriate oral and written information concerning:
 - A) Accepted medical procedures, laboratory tests, medication, and possible contraindications of that medication available for the prevention or treatment of infection or disease resulting from sexual assault, and
 - B) The possibility of infection, sexually transmitted infection, including an evaluation of the sexual assault survivor's risk of contracting HIV from sexual assault, and pregnancy resulting from sexual assault.
 - 6) Evaluation and treatment for possible pregnancy for females of childbearing age, including but not limited to a pregnancy test, emergency contraception, and medically and factually accurate oral and written information about emergency contraception, the indications and contraindications and risks associated with the use of emergency contraception, and a description of how and when sexual assault survivors may be provided emergency contraception at no cost upon the written order of a physician, a APRN, or a physician assistant. For further guidance, see Section 545.APPENDIX C;
 - 7) Evaluation for a drug-facilitated sexual assault when there is reasonable cause to believe that a sexual assault survivor has been administered or has taken any intoxicating, anesthetic, or controlled substance, regardless of

- 1804 who provided the substance (see Section 11-1.10(g) of the Criminal Code
1805 of 2012), including:
1806
1807 A) An explanation to the sexual assault survivor about the nature and
1808 effects of commonly used substances and how these substances are
1809 administered;
1810
1811 B) An offer to the sexual assault survivor of testing for the presence of
1812 these substances;
1813
1814 C) A disclosure to the sexual assault survivor that all substances or
1815 alcohol ingested by the survivor will be disclosed by the test;
1816
1817 D) A statement that the test is voluntary, and
1818
1819 E) A form for written authorization for sample analysis of all
1820 substances and alcohol ingested by the sexual assault survivor,
1821 which may be found at
1822 <https://isp.illinois.gov/StaticFiles/docs/ForensicServices/6-713.pdf>;
1823
1824 8) A safety assessment prior to discharge, which may include but is not
1825 limited to: suicide screening; assessing the relationship, if any, between
1826 the sexual assault survivor and the alleged assailant; assessing whether the
1827 sexual assault survivor has any concerns about their safety; and referral to
1828 a community-based rape crisis center for safety planning;
1829
1830 9) Oral and written instructions indicating the need for follow-up
1831 examinations and laboratory tests one to two weeks after the sexual assault
1832 to determine the presence or absence of a sexually transmitted infection;
1833
1834 10) Appropriate referral to a health care provider. The sexual assault survivor
1835 shall be referred for follow-up health care and monitoring of medication
1836 given or prescribed at the time of the initial hospital visit as may be
1837 deemed appropriate by the attending physician, APRN, or physician
1838 assistant; and
1839
1840 11) Referral for appropriate counseling. Initial referral should be to a
1841 community-based rape crisis center, if a center is available, or referral to
1842 other counseling shall be provided.
1843
1844 12) ~~An~~The transfer hospital shall offer by the transfer hospital to call a friend
1845 or family member to support the sexual assault survivor while they are at
1846 the hospital. The hospital shall also call the local rape crisis center, if

1847 available, to request medical advocacy, which may be provided in person
1848 or over the phone.

1849
1850 n) The transfer hospital shall not bill the sexual assault survivor for these outpatient
1851 services. The hospital shall seek payment as directed in Section 7 of the Act and
1852 Section 545.100 of this Part. The hospital may bill a sexual assault survivor's
1853 private insurance, but the hospital shall provide any sexual assault survivor who is
1854 not the subscriber or primary policyholder of the sexual assault survivor's
1855 insurance policy an opportunity to opt out of billing their private insurance
1856 provider.

1857
1858 o) The transfer hospital shall conduct an annual quality performance review of its
1859 transfers of sexual assault survivors to ensure that the plan and procedures are
1860 being followed, including a review of the number of sexual assault survivors who
1861 complete transfer and receive treatment at the treatment hospital, and the number
1862 of sexual assault survivors who decline transfer and consideration. The review
1863 shall consider any necessary changes to reduce barriers and increase support for
1864 sexual assault survivors, including, but not limited to, transportation, consultation
1865 opportunities, and referrals for follow-up care and support from the rape crisis
1866 center. The hospital may include the treatment hospital with which it has a
1867 memorandum of understanding in the review of the transfers. Documentation of
1868 the annual quality performance review shall be provided to the Department upon
1869 request.

1870
1871 (Source: Amended at 50 Ill. Reg. _____, effective _____)

1872
1873 **Section 545.66 Photo Documentation**

1874
1875 a) *Photo documentation taken during a medical forensic examination shall be*
1876 *maintained by the hospital or approved pediatric health care facility as part of*
1877 *the patient's medical record.*

1878
1879 b) *Photo documentation shall be stored and backed up securely in its original file*
1880 *format in accordance with written facility protocol. The written facility protocol*
1881 *shall require limited access to the images and shall be included in the sexual*
1882 *assault treatment plan submitted to the Department.*

1883
1884 c) *Photo documentation of an acute sexual assault survivor under the age of 18*
1885 *shall be retained for a period of 60 years after the sexual assault survivor reaches*
1886 *the age of 18. Photo documentation of a sexual assault survivor 18 years of age*
1887 *or older shall be retained for a period of 20 years after the record was created.*

1888
1889 d) *Photo documentation of the sexual assault survivor's injuries, anatomy involved*

1890 *in the assault, or other visible evidence on the sexual assault survivor's body may*
1891 *be used in connection with peer review; expert second opinion; or in a criminal*
1892 *proceeding against a person accused of sexual assault, a proceeding under the*
1893 *Juvenile Court Act of 1987, or an investigation under the Abused and Neglected*
1894 *Child Reporting Act. Any dissemination, including for peer review, an expert*
1895 *second opinion, or in any court or administrative proceeding or investigation*
1896 *under this subsection (d) shall be in accordance with State and federal law.*
1897 *(Section 5.1 of the Act)*

1898
1899 (Source: Amended at 50 Ill. Reg. _____, effective _____)
1900

1901 **Section 545.67 Compliance Review**

1902
1903 a) The Department will accept complaints from the Office of the Illinois Attorney
1904 General related to allegations of violations to the Act and this Part, as set forth in
1905 Section 7.5 of the Act.

1906
1907 b) After receiving a complaint, the Department will determine whether the hospital
1908 or approved pediatric health care facility is not in compliance with its approved
1909 plan, or if a violation of any provision of the Act or this Part has occurred.
1910 (Section 8(a) of the Act)

1911
1912 c) The Department will conduct on-site reviews of approved sexual assault treatment
1913 plans with hospital and approved pediatric health care facility personnel at least
1914 once during each 3-year approval period to ensure that the established procedures
1915 are being followed. (Section 2.05(a) of the Act)

1916
1917 d) Upon determining a violation of any provision of the Act or this Part has
1918 occurred, the Department will issue a written notice of violation that includes the
1919 specific items of noncompliance to the hospital or approved pediatric health care
1920 facility. (Section 8(c) of the Act) The Department's notice of violation will
1921 include, at a minimum, the following:

1922
1923 1) The hospital or approved pediatric health care facility's right to request
1924 an administrative hearing to contest the Department's notice of violation;

1925
1926 2) An opportunity to present evidence, orally, in writing, or both, on the
1927 question of the alleged violation before an administrative law judge; and

1928
1929 3) An opportunity to file an answer responding to the Department's notice of
1930 violation. (Section 8(g) of the Act)

1931
1932 e) The hospital shall have 10 business days after receipt of the Department's written

1933 notice of violation to submit to the Department a plan of correction that contains
1934 the hospital's or approved pediatric health care facility's specific proposals for
1935 correcting the items of noncompliance. The Department will review the plan of
1936 correction and notify the hospital in writing within 10 business days as to whether
1937 the plan is acceptable or unacceptable. (Section 8(d) of the Act)

1938
1939 ~~b) *If the Department determines that the hospital or approved pediatric health care*~~
1940 ~~*facility is not in compliance with its approved plan, the Department will provide*~~
1941 ~~*the hospital or approved pediatric health care facility with a written list of the*~~
1942 ~~*specific items of noncompliance within 10 working days after the conclusion of*~~
1943 ~~*the on-site review. The hospital or approved pediatric health care facility shall*~~
1944 ~~*have 10 working days to submit to the Department a plan of correction that*~~
1945 ~~*contains the hospital's or approved pediatric health care facility's specific*~~
1946 ~~*proposals for correcting the items of noncompliance. The Department will review*~~
1947 ~~*the plan of correction and notify the hospital or approved pediatric health care*~~
1948 ~~*facility in writing within 10 working days as to whether the plan is acceptable or*~~
1949 ~~*unacceptable. (Section 2.1(a) of the Act)*~~

1950
1951 fe) The plan of correction shall include the following specific proposals for
1952 correcting items of noncompliance:
1953
1954 1) A time frame for implementing corrections;
1955
1956 2) A description of the activity that will be undertaken to correct the items of
1957 noncompliance;
1958
1959 3) Identification of the person or persons responsible for implementing the
1960 corrections; and
1961
1962 4) A description of how the requirements of the Act and this Part will be met.

1963
1964 gd) *If the Department finds the plan of correction unacceptable, the hospital or*
1965 *approved pediatric health care facility shall have 10 ~~business~~working days to*
1966 *resubmit an acceptable plan of correction. Upon notification that its plan of*
1967 *correction is acceptable, a hospital or approved pediatric health care facility*
1968 *shall implement the plan of correction within 60 days. (Section ~~8(d)2.1(a)~~ of the*
1969 *Act)*

1970
1971 h) The Department will conduct additional surveys or request documentation from
1972 the hospital or approved pediatric health care facility, as necessary, to ensure
1973 compliance with the accepted plan of correction. (Section 8(d) of the Act)

1974
1975 i) If the hospital or approved pediatric health care facility fails to submit an

1976 acceptable plan of correction or implement an accepted plan of correction within
1977 the time frames required in this Section, the Department will impose a fine as
1978 follows:

- 1979
- 1980 1) At least \$1,500 but less than \$3,000 for a first violation; and
- 1981
- 1982 2) At least \$3,000 but less than \$5,000 for a second or subsequent violation.
- 1983 (Section 8(e) of the Act)
- 1984

1985 j) In imposing a fine, the Department will consider the following factors:

1986

- 1987 1) The alleged violation or violations and the adequacy of the response by
- 1988 the hospital or pediatric facility;
- 1989
- 1990 2) Any historical pattern or practice of noncompliance with this Act; and
- 1991
- 1992 3) The number of patients seeking treatment and support from the hospital or
- 1993 pediatric facility affected by the violation. (Section 8(f) of the Act)
- 1994

1995 e) ~~The failure of a hospital to submit an acceptable plan of correction or to~~

1996 ~~implement the plan of correction, within the time frames required in this Section,~~

1997 ~~will subject a hospital to the imposition of a fine by the Department. The~~

1998 ~~Department will impose a fine of up to \$500 per day until the Department has~~

1999 ~~determined that the hospital is in compliance with the requirements of the Act and~~

2000 ~~this Section. (Section 2.1-1(b) of the Act)~~

2001

2002 f) ~~If an approved pediatric health care facility fails to submit an acceptable plan of~~

2003 ~~correction or to implement the plan of correction within the time frames required~~

2004 ~~in the Act and this Section, then the Department will notify the approved pediatric~~

2005 ~~health care facility that the approved pediatric health care facility shall not~~

2006 ~~provide medical forensic services under the Act and this Part. If an approved~~

2007 ~~pediatric health care facility submits two plans of correction that are found to not~~

2008 ~~be acceptable by the Department, the facility shall become subject to the~~

2009 ~~imposition of a fine by the Department and the termination of its approved sexual~~

2010 ~~assault treatment plan. The Department, subject to subsection (g), will impose a~~

2011 ~~fine of up to \$500 per patient provided services in violation of the Act and this~~

2012 ~~Part. (Section 2.1(b) of the Act)~~

2013

2014 g) ~~Before imposing a fine pursuant to the Act and this Section, the Department will~~

2015 ~~provide the hospital or approved pediatric health care facility via certified mail~~

2016 ~~with written notice and an opportunity for an administrative hearing. A hospital~~

2017 ~~or approved pediatric health care facility shall submit a written hearing request to~~

2018 ~~the Department within 10 working days after receipt of the Department's notice.~~

~~All hearings shall be conducted in accordance with the Department's rules, Practice and Procedure in Administrative Hearings. (Section 2.1(c) of the Act)~~

k) All hearings will be conducted in accordance with the Department's rules, Practice and Procedure in Administrative Hearings, pursuant to 77 Ill Adm Code 100.

h) The Department will maintain the confidentiality of all patient identities and medical information provided during a site survey or otherwise received by the Department pursuant to this Part.

mi) *The Department will comply with the patient record confidentiality requirements set out in Section 6.14b of the Hospital Licensing Act. (Section 2.06 of the Act)*

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 545.70 Approval of a Sexual Assault Transfer Plan

a) The transfer hospital shall submit its sexual assault transfer plan on a form provided by the Department. The transfer plan shall include, at a minimum:

- 1) The name and address of the transfer hospital;
- 2) The contact information, including the name, telephone number, fax number, and email address, for the individual responsible for implementation and enforcement of the transfer plan and the billing submission to the Illinois Department of Healthcare and Family Services; and
- 3) Documentation of the transfer hospital's ability to comply with Sections 2, 2.2, 5, 5.2, 5.3, ~~and 7,~~ and 7.5 of the Act.

b) The completed transfer plan shall be emailed to DPH.HCFPLicensure@illinois.gov.~~sent to:~~

~~Illinois Department of Public Health
Division of Health Care Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield IL 62761-0001~~

c) A completed copy of the transfer plan shall be retained by the transfer hospital.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102
2103

Section 545.75 Approval of a Sexual Assault Treatment Hospital with a Pediatric Transfer Plan

- a) The treatment hospital shall submit its treatment/pediatric transfer plan on a form provided by the Department. The pediatric transfer plan shall include, at a minimum:
 - 1) The name and address of the treatment hospital;
 - 2) The contact information, including name, telephone number, fax number, and email address, for the individual responsible for implementation and enforcement of the adult treatment and pediatric transfer plan and billing submission to the Illinois Department of Healthcare and Family Services; and
 - 3) Documentation of the treatment hospital's ability to comply with Sections 2, 2.2, 5, 5.1, 5.2, 5.3, 6.5, 6.6, ~~and 7~~, and 7.5 of the Act.
- b) The completed adult treatment and pediatric transfer plan shall be emailed to DPH.HCFPLicensure@illinois.gov. ~~sent to:~~
 - ~~Illinois Department of Public Health~~
 - ~~Division of Health Care Facilities and Programs~~
 - ~~525 West Jefferson Street, 4th Floor~~
 - ~~Springfield IL 62761-0001~~
- c) A completed copy of the treatment/pediatric transfer plan shall be retained by the treatment hospital.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 545.80 Approval of a Sexual Assault Treatment Plan

- a) The treatment hospital shall submit its sexual assault treatment plan on a form provided by the Department. The sexual assault treatment plan shall include, at a minimum:
 - 1) The name and address of the treatment hospital;
 - 2) The contact information, including name, telephone number, fax number, and email address, for the individual responsible for implementation and

2104 enforcement of the plan and billing submission to the Illinois Department
2105 of Healthcare and Family Services; and

2106
2107 3) Documentation of the treatment hospital's ability to comply with Sections
2108 2, 2.2, 5, 5.1, 5.2, 5.3, 6.5, 6.6, ~~and 7~~, and 7.5 of the Act.

2109
2110 b) The completed sexual assault treatment plan shall be emailed to
2111 DPH.HCFPLicensure@illinois.gov. ~~sent to:~~

2112
2113 ~~Illinois Department of Public Health~~
2114 ~~Division of Health Care Facilities and Programs~~
2115 ~~525 West Jefferson Street, 4th Floor~~
2116 ~~Springfield IL 62761-0001~~

2117
2118 c) A completed copy of the sexual assault treatment plan shall be retained by the
2119 treatment hospital.

2120
2121 (Source: Amended at 50 Ill. Reg. _____, effective _____)

2122
2123 **Section 545.85 Approval of a Pediatric Health Care Facility Sexual Assault Treatment**
2124 **Plan**

2125
2126 a) The pediatric health care facility shall submit its pediatric sexual assault treatment
2127 plan on a form provided by the Department. The pediatric sexual assault treatment
2128 plan shall include, at a minimum:

2129
2130 1) The name and address of the pediatric health care facility;

2131
2132 2) The contact information, including name, telephone number, fax number,
2133 and email address, for the individual responsible for implementation and
2134 enforcement of the sexual assault treatment plan and billing submission to
2135 the Illinois Department of Healthcare and Family Services; and

2136
2137 3) Documentation of the pediatric health care facility's ability to comply with
2138 Sections 2, 2.06, 2.2, 5, 5.1, 5.2, 5.3, 6.5, 6.6, ~~and 7~~, and 7.5 of the Act.

2139
2140 b) The completed pediatric sexual assault treatment plan shall be emailed to
2141 DPH.HCFPLicensure@illinois.gov. ~~sent to:~~

2142
2143 ~~Illinois Department of Public Health~~
2144 ~~Division of Health Care Facilities and Programs~~
2145 ~~525 West Jefferson Street, 4th Floor~~
2146 ~~Springfield IL 62761-0001~~

2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
2186
2187
2188
2189

- c) A completed copy of the pediatric sexual assault treatment plan shall be retained by the pediatric health care facility.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 545.90 Approval of an Out-of-State Hospital Sexual Assault Treatment Plan

- a) The out-of-state hospital that consents *to the jurisdiction of the Department in accordance with Section 2.06 of the Act* (Section 5.4(b)(i) of the Act) shall submit its sexual assault treatment plan on a form provided by the Department. The out-of-state hospital sexual assault treatment plan shall include, at a minimum:

- 1) The name and address of the out-of-state hospital;
- 2) The contact information, including name, telephone number, fax number, and email address, for the individual responsible for implementation and enforcement of the sexual assault treatment plan and billing submission to the Illinois Department of Healthcare and Family Services; and
- 3) Documentation of the out-of-state hospital's ability to comply with Sections 2, 2.06, 2.2, 5, 5.1, 5.2, 5.3, 5.4, 6.5, 6.6, ~~and 7~~, and 7.5 of the Act.

- b) The completed sexual assault treatment plan shall be emailed to DPH.HCFPLicensure@illinois.gov. ~~sent to:~~

~~Illinois Department of Public Health
Division of Health Care Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield IL 62761-0001~~

- c) A completed copy of the sexual assault treatment plan shall be retained by the out-of-state hospital.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 545.95 Emergency Contraception

- a) *Every hospital or approved pediatric health care facility providing services to acute sexual assault survivors in accordance with a plan approved under Section 545.35 shall develop a protocol for providing emergency contraception information and treatment to sexual assault survivors.* (Section 2.2(b) of the Act)

2190
2191
2192
2193
2194
2195
2196
2197
2198
2199
2200
2201
2202
2203
2204
2205
2206
2207
2208
2209
2210
2211
2212
2213
2214
2215
2216
2217
2218
2219
2220
2221
2222
2223
2224
2225
2226
2227
2228
2229
2230
2231
2232

- b) *The Department will approve the protocol if it finds that the implementation of the protocol would provide sufficient protection for survivors of acute sexual assault and if the protocol provides for the following as soon as possible and, in any event, no later than 12 hours after the sexual assault survivor presents ~~themselves~~ ~~himself or herself~~ at the hospital or approved pediatric health care facility for emergency care:

 - 1) *Medically and factually accurate written and oral information about emergency contraception;*
 - 2) *The indications and contraindications and risks associated with the use of emergency contraception;*
 - 3) *A description of how and when victims may be provided emergency contraception at no cost upon the written order of a physician, a licensed APRN who possesses clinical privileges recommended by the hospital or approved pediatric health care facility medical staff and granted by the hospital or approved pediatric health care facility as authorized by the Nurse Practice Act, or a licensed physician assistant (Section 2.2(b) of the Act); and*
 - 4) *Appropriate referral to a physician.**
- c) *The hospital or approved pediatric health care facility shall implement the protocol upon approval by the Department. (Section 2.2(b) of the Act)*
- d) *The Department will produce medically and factually accurate written materials that all treatment hospitals and approved pediatric health care facilities shall provide to each female acute sexual assault survivor of childbearing age.*

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 545.100 Sexual Assault Services Vouchers and Written Notice to Sexual Assault Survivors

- a) *Every hospital or approved pediatric health care facility providing medical forensic ~~examinations~~ ~~services~~ to acute sexual assault survivors shall issue a voucher to any sexual assault survivor who is eligible to receive one in accordance with Section 5.2 of the Act. The hospital or approved pediatric health care facility shall make a copy of the voucher and place it in the medical record of the sexual assault survivor. The hospital or approved pediatric health care facility shall provide a copy of the voucher to the sexual assault survivor after*

2233 discharge upon request. (Section 5(b-5) of the Act)

2234
2235
2236
2237
2238
2239
2240
2241
2242
2243
2244
2245
2246
2247
2248
2249
2250
2251
2252
2253
2254
2255
2256
2257
2258
2259
2260
2261
2262
2263
2264
2265
2266
2267
2268
2269
2270
2271
2272
2273
2274
2275

- b) *Every hospital and approved pediatric health care facility with a sexual assault treatment plan or sexual assault transfer plan providing treatment services to sexual assault survivors in accordance with a plan approved by the Department under Section 2 of the Act and this Part shall provide a written notice to a sexual assault survivor. The written notice shall include, but is not limited to, the following:*
- 1) *A statement that the sexual assault survivor should not be directly billed by any ambulance provider providing transportation services, or by any hospital, approved pediatric health care facility, health care professional, laboratory, or pharmacy for the services the sexual assault survivor received as an outpatient at the hospital or approved pediatric health care facility;*
 - 2) *A statement that a sexual assault survivor who is admitted to a hospital may be billed for inpatient services provided by a hospital, health care professional, laboratory, or pharmacy;*
 - 3) *A statement that, prior to the sexual assault survivor leaving the hospital or approved pediatric health care facility, the hospital or approved pediatric health care facility will give the sexual assault survivor a sexual assault services voucher for follow-up healthcare if the sexual assault survivor is eligible to receive a sexual assault services voucher;*
 - 4) *The definition of "follow-up healthcare" as set forth in Section 1a of the Act and Section 545.20 of this Part; and*
 - ~~5) *A phone number the sexual assault survivor may call should the sexual assault survivor receive a bill from the hospital or pediatric health care facility for medical forensic services; and*~~
 - ~~56) *The toll-free phone number of the Office of the Illinois Attorney General's Health Care Bureau ~~General~~, Crime Victim Services Division, which ~~that~~ the sexual assault survivor may call should the sexual assault survivor receive a bill from an ambulance provider, approved pediatric health care facility, a health care professional, a laboratory, or a pharmacy. (Section 7.5(c) of the Act)*~~
- c) Within 60 days after the Department's approval of a treatment plan, a hospital or an approved pediatric health care facility shall develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic

2276
2277
2278
2279
2280
2281
2282
2283
2284
2285
2286
2287
2288
2289
2290
2291
2292
2293
2294
2295
2296
2297
2298
2299
2300
2301
2302
2303
2304
2305
2306
2307
2308
2309
2310
2311
2312
2313
2314
2315
2316
2317
2318

examination. The billing protocol shall include, at a minimum:

- 1) Prohibitions on submitting any bill for any portion of the medical forensic examination;
 - 2) The actions to be taken if a bill is sent to a collection agency or the failure to pay is reported to any credit reporting agency; and
 - 3) Protocols and procedures for compliance with subsections (a), (a-5), and (c) of Section 7.5 of the Act. (Section 7.5(d) of the Act)
- d) Upon request, the Department of Healthcare and Family Services may provide assistance to hospitals and approved pediatric health care facilities developing billing protocols. (Section 7.5(d) of the Act)
- e) A hospital or approved pediatric health care facility shall provide a copy of its billing protocol to the Department upon request. (Section 7.5(d) of the Act)
- e) ~~Subsection (b) shall not apply to hospitals that provide transfer services as defined under Section 1a of the Act and Section 545.20 of this Part. (Section 7.5(e) of the Act)~~
- f) ~~A sexual assault services voucher shall be issued by ~~the~~ ~~a treatment~~ hospital, ~~treatment hospital with approved pediatric transfer~~ or approved pediatric health care facility ~~whereat the time~~ a sexual assault survivor first presents seeking ~~receives~~ medical forensic examination or medical care and treatment ~~services~~. (Section 5.2(a) of the Act)~~
- ge) ~~Each ~~treatment~~ hospital, ~~treatment hospital with approved pediatric transfer~~, and approved pediatric health care facility shall include in its sexual assault treatment plan or sexual assault transfer plan submitted to the Department in accordance with Section 2 of the Act and Section 545.35 of this Part a protocol for issuing sexual assault services vouchers. The protocol shall, at a minimum, include the following:~~
- 1) Identification of employee positions responsible for issuing sexual assault services vouchers;
 - 2) Identification of employee positions with access to the Medical Electronic Data Interchange or successor system; and
 - 3) For pediatric health care facilities, a statement to be signed by each employee of that facility with access to the Medical Electronic Data

2319 *Interchange or successor system affirming that system will only be used*
2320 *for the purpose of issuing sexual assault services vouchers. (Section*
2321 *5.2(b) of the Act)*

2322
2323 *h) Every transfer hospital providing medical care and treatment to sexual assault*
2324 *survivors shall issue a voucher to any sexual assault survivor who is eligible to*
2325 *receive one. The transfer hospital shall make a copy of the voucher and place it*
2326 *in the medical record of the sexual assault survivor. The hospital shall provide a*
2327 *copy of the voucher to the sexual assault survivor prior to transfer, or after*
2328 *discharge upon request. (Section 5.2(b) of the Act)*

2329
2330 *i) A sexual assault services voucher may be used to seek payment for any*
2331 *ambulance services, medical forensic services, laboratory examination, medical*
2332 *care and treatment as defined by this Partservices, pharmacy services, and follow-*
2333 *up healthcare provided as a result of the sexual assault. (Section 5.2(c) of the*
2334 *Act)*

2335
2336 *j) After services are provided to a survivor as a result of a sexual assault, a sexual*
2337 *assault services voucher shall be used to seek payment for transportation to the*
2338 *hospital the survivor initially presented at, the survivor's residence, or a survivor*
2339 *services shelter by taxi, or rideshare services, if available. A hospital shall obtain*
2340 *written consent of the survivor to use a taxi or rideshare services arranged by the*
2341 *hospital. (Section 5.2(c-5) of the Act)*

2342
2343 *g) Any treatment hospital, treatment hospital with approved pediatric transfer,*
2344 *approved pediatric health care facility, health care professional, ambulance*
2345 *provider, laboratory, or pharmacy may submit a bill for services provided to a*
2346 *sexual assault survivor as a result of a sexual assault to the Department of*
2347 *Healthcare and Family Services Sexual Assault Emergency Treatment Program.*
2348 *The bill shall include ~~the~~:*

- 2349
2350 1) *The nameName and date of birth of the sexual assault survivor;*
- 2351
2352 2) *The serviceService provided;*
- 2353
2354 3) *The chargeCharge of service;*
- 2355
2356 4) *The dateDate the service was provided; and*
- 2357
2358 5) *The recipientRecipient identification number, if known. (Section 5.2(d) of*
2359 *the Act)*

2360
2361 *h) A hospital, approved pediatric health care facility, health care professional,*

2362 ambulance provider, laboratory, or pharmacy furnishing a medical forensic
2363 examination~~services~~, medical care and treatment as defined by this Part,
2364 transportation, follow-up healthcare, or medication to a sexual assault survivor
2365 shall not:

- 2366
- 2367 1) Charge or submit a bill for any portion of the costs of the services,
2368 transportation, or medications to the sexual assault survivor, including
2369 any insurance deductible, co-pay, co-insurance, denial of claim by an
2370 insurer, spenddown, or any other out-of-pocket expense;
- 2371
- 2372 2) Communicate with, harass, or intimidate the sexual assault survivor for
2373 payment of services, including, but not limited to, repeatedly calling or
2374 writing to the sexual assault survivor and threatening to refer the matter
2375 to a debt collection agency or to an attorney for collection, enforcement,
2376 or filing of other process;
- 2377
- 2378 3) Refer a bill to a collection agency or attorney for collection action against
2379 the sexual assault survivor;
- 2380
- 2381 4) Contact or distribute information to affect the sexual assault survivor's
2382 credit rating; or
- 2383
- 2384 5) Take any other action adverse to the sexual assault survivor or his or her
2385 family on account of providing services to the sexual assault survivor.
2386 (Section 7.5(a) of the Act)

2387

2388 mi) Nothing in the Act or this Part~~subsection (h)~~ precludes a hospital, health care
2389 provider, ambulance provider, laboratory, or pharmacy from billing the sexual
2390 assault survivor or any applicable health insurance or coverage for inpatient
2391 services. (Section 7.5(b) of the Act)

2392

2393 nj) Notwithstanding any other provision of law, including, but not limited to, Section
2394 7.5(a) of the Act and subsection (~~h~~), a sexual assault survivor who is not the
2395 subscriber or primary policyholder of the sexual assault survivor's insurance
2396 policy may opt out of billing the sexual assault survivor's private insurance
2397 provider. If the sexual assault survivor opts out of billing the sexual assault
2398 survivor's private insurance provider, then the bill for the medical forensic
2399 examination~~services~~ shall be sent to the Department of Healthcare and Family
2400 Services' Sexual Assault Emergency Treatment Program for reimbursement for
2401 the services provided to the sexual assault survivor. (Section 7.5(a-5) of the Act)

2402

2403 o) If a sexual assault services voucher was not issued to a sexual assault survivor by
2404 the hospital or approved pediatric health care facility, then a health care

2405 professional, ambulance provider, laboratory, or pharmacy may submit a request
2406 to the Department of Healthcare and Family Services Sexual Assault Emergency
2407 Treatment Program to issue a sexual assault services voucher. (Section 5.2(d) of
2408 the Act)

2409
2410 (Source: Amended at 50 Ill. Reg. _____, effective _____)

2411
2412 **Section 545.105 Treatment Data Required by the Department**

2413
2414 a) *Each treatment hospital, treatment hospital with approved pediatric transfer, and*
2415 *approved pediatric health care facility shall submit to the Department every six*
2416 *months, in a manner prescribed by the Department, the following information:*

2417
2418 1) *The total number of patients who presented with a complaint of sexual*
2419 *assault; and*

2420
2421 2) *The total number of Illinois State Police Sexual Assault Evidence*
2422 *Collection Kits:*

2423
2424 A) *Offered to all acute sexual assault survivors and pediatric acute*
2425 *sexual assault survivors pursuant to of Section 5(a-5)(1.5) of the*
2426 *Act;*

2427
2428 B) *Completed for all acute sexual assault survivors and pediatric*
2429 *acute sexual assault survivors; and*

2430
2431 C) *Declined by all acute sexual assault survivors and pediatric acute*
2432 *sexual assault survivors.*

2433
2434 b) *This information will be made available on the Department's website. (Section*
2435 *2(e) of the Act)*

2436
2437 (Source: Amended at 50 Ill. Reg. _____, effective _____)