

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 545

SEXUAL ASSAULT SURVIVORS
EMERGENCY TREATMENT CODE

Section

545.10	Applicability
545.20	Definitions
545.25	Incorporated and Referenced Materials
545.30	Application of Rules (Repealed)
545.35	Development and Approval of Plans
545.40	Program Administration (Repealed)
545.50	Areawide Sexual Assault Treatment Plans
545.60	Treatment of Sexual Assault Survivors
545.65	Transfer of Sexual Assault Survivors
545.67	Compliance Review
545.70	Requirements of Sexual Assault Transfer Plans (Repealed)
545.80	Approval of a Sexual Assault Treatment Plan (Repealed)
545.90	Approval of a Sexual Assault Transfer Plan (Repealed)
545.95	Emergency Contraception
545.100	<u>Written Notice to Sexual Assault Survivors</u> Hospital Charges and Reimbursement (Repealed)

545.APPENDIX A Sexual Assault Treatment Plan Form

545.APPENDIX B Sexual Assault Transfer Plan Form

545.APPENDIX C Emergency Contraception Protocols

AUTHORITY: Implementing and authorized by the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].

SOURCE: Filed December 30, 1977; rules repealed and new rules adopted at 5 Ill. Reg. 1139, effective January 23, 1981; codified at 8 Ill. Reg. 16334; amended at 11 Ill. Reg. 1589, effective February 1, 1987; amended at 12 Ill. Reg. 20790, effective December 1, 1988; emergency amendment at 26 Ill. Reg. 5151, effective April 1, 2002, for a maximum of 150 days; emergency expired August 28, 2002; amended at 27 Ill. Reg. 1567, effective January 15, 2003; amended at 33 Ill. Reg. 14588, effective October 9, 2009; amended at 34 Ill. Reg. 12214, effective August 4, 2010; amended at 41 Ill. Reg. _____, effective _____.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 545.20 Definitions

Act – the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].

Advanced practice nurse or APN – a person who has met the qualifications of a certified nurse midwife (CNM); certified nurse practitioner (CNP); certified registered nurse anesthetist (CRNA); or clinical nurse specialist (CNS) and has been licensed by the Department of Financial and Professional Regulation, as defined in the Nurse Practice Act. (Section 50-5 of the Nurse Practice Act)

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

Areawide sexual assault treatment plan or areawide plan – a plan, developed by the hospitals in the community or area to be served, which provides for hospital emergency services to sexual assault survivors that shall be made available by each of the participating hospitals. (Section 1a of the Act)

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

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

Drug-facilitated sexual assault – the use of a ~~chemical submissive agent~~controlled substance, commonly called a "date rape drug", in the commission of a sex offense, given without consent of the victim, that produces relaxant effects, including blackouts, coma, impaired judgment and/or loss of coordination.

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

Follow-up healthcare – healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 90 days after the initial visit for hospital emergency services. (Section 1a of the Act)

Forensic services – the collection of evidence pursuant to a statewide sexual assault evidence collection program administered by the Department of State

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Police, using the Illinois State Police Sexual Assault Evidence Collection Kit.
(Section 1a of the Act)

Health care professional – a physician, a physician assistant, or an advanced practice nurse. (Section 1a of the Act)

Hospital – has the meaning given to that term in the Hospital Licensing Act.
(Section 1a of the Act)

Hospital emergency services – health care delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department of a hospital, including, but not limited to, care ordered by such personnel for a sexual assault survivor in the emergency department. (Section 1a of the Act)

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

Nurse – a person licensed under the Nurse Practice Act. (Section 1a of the Act)

Physician – a person licensed to practice medicine in all its branches as defined in the Medical Practice Act of 1987. (Section 1a of the Act) ~~*Physician assistant – any person not a physician who has been certified as a physician assistant by the National Commission on the Certification of Physician Assistants or equivalent successor agency and performs procedures under the supervision of a physician as defined in the Physician Assistant Practice Act of 1987.* (Section 4 of the Physician Assistant Practice Act of 1987)~~

Physician assistant – any person not a physician who has been certified as a physician assistant by the National Commission on the Certification of Physician Assistants or equivalent successor agency and performs procedures under the supervision of a physician as defined in the Physician Assistant Practice Act of 1987. (Section 4 of the Physician Assistant Practice Act of 1987)

Sexual assault – an act of nonconsensual sexual conduct or sexual penetration, as defined in Section 11-0.142-12 of the Criminal Code of 2012-1961, including, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~*Criminal Code of 2012-12-13 through 12-16 of the Criminal Code of 1961.*~~
(Section 1a of the Act)

Sexual assault nurse examiner – a registered nurse who 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. (Section 6.4(c) of the Act)

Sexual assault survivor or survivor – a person who presents for hospital emergency 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 in order to receive emergency treatment. (Section 1a of the Act)

Sexual assault treatment plan – a written plan developed by a hospital that describes the hospital's procedures and protocols for providing hospital emergency services and forensic services to sexual assault survivors who present themselves for such services, either directly or through transfer from another hospital. (Section 1a of the Act)

Transfer hospital – a hospital that provides only transfer services to sexual assault survivors, pursuant to an Areawide Sexual Assault Treatment Plan.

Transfer services – the appropriate medical screening examination and necessary stabilizing treatment prior to the transfer of a sexual assault survivor to a hospital that provides hospital emergency services and 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 that provides hospital emergency treatment services and forensic evidence collection to sexual assault survivors, pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan.

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

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Voucher – a document generated by a hospital at the time the sexual assault survivor receives hospital emergency and forensic services that a sexual assault survivor may present to providers to cover the cost of any follow-up healthcare. (Section 1a of the Act)

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 545.100 Written Notice to Sexual Assault Survivors~~Hospital Charges and Reimbursement (Repealed)~~

- a) *Every hospital providing treatment services to sexual assault survivors in accordance with a plan approved under Section 2 of the Act and this Section 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, health care professional, laboratory, or pharmacy for the services the sexual assault survivor received as an outpatient at the hospital;*
 - 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 emergency department of the treating facility, the hospital will give the sexual assault survivor a voucher for follow-up healthcare if the sexual assault survivor is eligible to receive a voucher;*
 - 4) *The definition of "follow-up healthcare" as set forth in Section 1a of the Act and Section 545.20 of this Part;*
 - 5) *A phone number the sexual assault survivor may call should the sexual assault survivor receive a bill from the hospital for hospital emergency services and forensic services; and*
 - 6) *The toll-free phone number of the Office of the Illinois Attorney General, Crime Victim Services Division, ~~that~~ the sexual assault survivor may call should the sexual assault survivor receive a bill from an ambulance*

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

provider, a health care professional, a laboratory, or a pharmacy.

- b) *This Section 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 of the Act)*

(Source: Old Section repealed at 33 Ill. Reg. 14588 and new Section added at 41 Ill. Reg. _____, effective _____)