

January 11, 2018

New Emergency Rules Governing Submission of Treatment/Transfer Plans to the Illinois Department of Public Health to Comply with P.A. 100-0775

Public Act 100-0775 significantly revised the Sexual Assault Survivors Emergency Treatment Act (SASETA) with many new requirements for hospitals effective January 1, 2019. See IHA's previous memo that includes links to a summary of the law, webinar recording, slides, handouts, written Q&A, implementation timeline and other helpful information.

The Illinois Department of Public Health (IDPH) published emergency rules in the January 11, 2019 Illinois Register. The emergency rule, which amends 77 Ill. Adm. Code 545, is to ensure that hospitals and pediatric healthcare facilities submit treatment plans to the department as soon as possible to implement provisions from P.A. 100-775. The emergency rules include specific requirements for the five different types of facilities as set forth in P.A. 100-775 in order to obtain approval from the department. The five different types of facilities that this rule would apply to are as follows:

- Approved pediatric healthcare facility;
- Transfer hospital;
- Treatment hospital;
- Treatment hospital with approved pediatric transfer; and
- Out-of-state hospitals that consent to the jurisdiction of the department.

The rules encourage all healthcare facilities to submit their plans as soon as possible as the emergency rules go into effect January 1, 2019.

The emergency rule updates several of the definitions contained within the administrative code and adds several new definitions. Most importantly, new definitions are created in the code for an *approved pediatric healthcare facility*, *transfer hospital*, *treatment hospital*, and *treatment hospital with approved pediatric transfer*. In order to be approved by the department each facility's plans shall be submitted on a form approved by the department and shall include at a minimum:

- The name and address of the hospital/facility;
- Specific contact information of the individual responsible for implementation and enforcement of the plan and the billing submission to the Illinois Department of Healthcare and Family Services; and
- Documentation of the facility's ability to comply with requirements set forth in specific sections of the act that govern each type of facility.

The emergency rule provides the appropriate address where the plan shall be sent to and mandates that a completed copy of the plan shall be retained by the hospital or facility. Note that these same requirements also apply to out-of-state hospitals that have agreed to fall under the jurisdiction of the Illinois Department of Public Health for the purposes of implementing this act.

Finally, the emergency rule removes the two appendices (Appendix A and Appendix B – prior treatment and transfer plan forms) from the current administrative code as new forms have been developed and posted to IDPH's website (in the right hand column of the webpage). This allows IDPH to revise the forms in the future without needing to go through the rulemaking process.

For questions, please contact Sandy Kraiss, VP Health Policy and Finance.

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