

Formerly cited as IL ST CH 111 1/2 ¶ 87-5



**Effective: January 1, 2010**

West's Smith-Hurd Illinois Compiled Statutes Annotated [Currentness](#)

Chapter 410. Public Health

[Prevention and Protection](#)

[Act 70. Sexual Assault Survivors Emergency Treatment Act \(Refs & Annos\)](#)

**→→ 70/5. Minimum requirements for hospitals providing hospital emergency services and forensic services to sexual assault survivors**

§ 5. Minimum requirements for hospitals providing hospital emergency services and forensic services to sexual assault survivors.

(a) Every hospital providing hospital emergency services and forensic services to sexual assault survivors under this Act shall, as minimum requirements for such services, provide, with the consent of the sexual assault survivor, and as ordered by the attending physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes provision of emergency services, or a physician assistant who has been delegated authority to provide hospital emergency services and forensic services, the following:

- (1) appropriate medical examinations and laboratory tests required to ensure the health, safety, and welfare of a sexual assault survivor or which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, or both; and records of the results of such examinations and tests shall be maintained by the hospital and made available to law enforcement officials upon the request of the sexual assault survivor;
- (2) appropriate oral and written information concerning the possibility of infection, sexually transmitted disease and pregnancy resulting from sexual assault;
- (3) appropriate oral and written information concerning accepted medical procedures, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault;
- (4) an amount of medication for treatment at the hospital and after discharge as is deemed appropriate by the attending physician, an advanced practice nurse, or a physician assistant and consistent with the hospital's current approved protocol for sexual assault survivors;
- (5) an evaluation of the sexual assault survivor's risk of contracting human immunodeficiency virus (HIV) from the sexual assault;
- (6) written and oral instructions indicating the need for follow-up examinations and laboratory tests after the sexual assault to determine the presence or absence of sexually transmitted disease;
- (7) referral by hospital personnel for appropriate counseling; and

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(8) 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 healthcare.

(b) Any person who is a sexual assault survivor who seeks emergency hospital services and forensic services or follow-up healthcare under this Act shall be provided such services without the consent of any parent, guardian, custodian, surrogate, or agent.

(c) Nothing in this Section creates a physician-patient relationship that extends beyond discharge from the hospital emergency department.

CREDIT(S)

P.A. 79-564, § 5, eff. Jan. 1, 1976. Amended by P.A. 83-1067, § 5, eff. July 1, 1984; P.A. 85-577, § 1, eff. Sept. 18, 1987; [P.A. 91-888, § 5, eff. July 6, 2000](#); [P.A. 93-962, § 15, eff. Aug. 20, 2004](#); [P.A. 94-434, § 5, eff. Jan. 1, 2006](#); [P.A. 95-432, § 5, eff. Jan. 1, 2008](#); [P.A. 96-318, § 5, eff. Jan. 1, 2010](#).

**Formerly** Ill.Rev.Stat.1991, ch. 111 1/2, ¶ 87-5.

Current through P.A. 97-680 of the 2012 Reg. Sess.

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