



Sen. Heather A. Steans

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LRB100 07027 MJP 22374 a

1 AMENDMENT TO SENATE BILL 938

2 AMENDMENT NO. _____. Amend Senate Bill 938 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Consent by Minors to Medical Procedures Act
5 is amended by changing Sections 0.01, 1, 1.5, 2, 3, 4, and 5 as
6 follows:

7 (410 ILCS 210/0.01) (from Ch. 111, par. 4500)

8 Sec. 0.01. Short title. This Act may be cited as the
9 Consent by Minors to Health Care Services ~~Medical Procedures~~
10 Act.

11 (Source: P.A. 86-1324.)

12 (410 ILCS 210/1) (from Ch. 111, par. 4501)

13 Sec. 1. Consent by minor. The consent to the performance of
14 a health care service ~~medical or surgical procedure~~ by a
15 physician licensed to practice medicine in all its branches, a

1 chiropractic physician, a licensed optometrist and surgery, a
2 licensed advanced practice nurse, or a licensed physician
3 assistant executed by a married person who is a minor, by a
4 parent who is a minor, by a pregnant woman who is a minor, or by
5 any person 18 years of age or older, is not voidable because of
6 such minority, and, for such purpose, a married person who is a
7 minor, a parent who is a minor, a pregnant woman who is a
8 minor, or any person 18 years of age or older, is deemed to
9 have the same legal capacity to act and has the same powers and
10 obligations as has a person of legal age.

11 (Source: P.A. 99-173, eff. 7-29-15.)

12 (410 ILCS 210/1.5)

13 Sec. 1.5. Consent by minor seeking care for limited primary
14 care services.

15 (a) The consent to the performance of primary care services
16 by a physician licensed to practice medicine in all its
17 branches, a licensed advanced practice nurse, ~~or~~ a licensed
18 physician assistant, a chiropractic physician, or a licensed
19 optometrist executed by a minor seeking care is not voidable
20 because of such minority, and for such purpose, a minor seeking
21 care is deemed to have the same legal capacity to act and has
22 the same powers and obligations as has a person of legal age
23 under the following circumstances:

24 (1) the health care professional reasonably believes
25 that the minor seeking care understands the benefits and

1 risks of any proposed primary care or services; and

2 (2) the minor seeking care is identified in writing as
3 a minor seeking care by:

4 (A) an adult relative;

5 (B) a representative of a homeless service agency
6 that receives federal, State, county, or municipal
7 funding to provide those services or that is otherwise
8 sanctioned by a local continuum of care;

9 (C) an attorney licensed to practice law in this
10 State;

11 (D) a public school homeless liaison or school
12 social worker;

13 (E) a social service agency providing services to
14 at risk, homeless, or runaway youth; or

15 (F) a representative of a religious organization.

16 (b) A health care professional rendering primary care
17 services under this Section shall not incur civil or criminal
18 liability for failure to obtain valid consent or professional
19 discipline for failure to obtain valid consent if he or she
20 relied in good faith on the representations made by the minor
21 or the information provided under paragraph (2) of subsection
22 (a) of this Section. Under such circumstances, good faith shall
23 be presumed.

24 (c) The confidential nature of any communication between a
25 health care professional described in Section 1 of this Act and
26 a minor seeking care is not waived (1) by the presence, at the

1 time of communication, of any additional persons present at the
2 request of the minor seeking care, (2) by the health care
3 professional's disclosure of confidential information to the
4 additional person with the consent of the minor seeking care,
5 when reasonably necessary to accomplish the purpose for which
6 the additional person is consulted, or (3) by the health care
7 professional billing a health benefit insurance or plan under
8 which the minor seeking care is insured, is enrolled, or has
9 coverage for the services provided.

10 (d) Nothing in this Section shall be construed to limit or
11 expand a minor's existing powers and obligations under any
12 federal, State, or local law. Nothing in this Section shall be
13 construed to affect the Parental Notice of Abortion Act of
14 1995. Nothing in this Section affects the right or authority of
15 a parent or legal guardian to verbally, in writing, or
16 otherwise authorize health care services to be provided for a
17 minor in their absence.

18 (e) For the purposes of this Section:

19 "Minor seeking care" means a person at least 14 years
20 of age but less than 18 years of age who is living separate
21 and apart from his or her parents or legal guardian,
22 whether with or without the consent of a parent or legal
23 guardian who is unable or unwilling to return to the
24 residence of a parent, and managing his or her own personal
25 affairs. "Minor seeking care" does not include minors who
26 are under the protective custody, temporary custody, or

1 guardianship of the Department of Children and Family
2 Services.

3 "Primary care services" means health care services
4 that include screening, counseling, immunizations,
5 medication, and treatment of illness and conditions
6 customarily provided by licensed health care professionals
7 in an out-patient setting, eye care services, excluding
8 advanced optometric procedures, provided by optometrists,
9 and services provided by chiropractic physicians according
10 to the scope of practice of chiropractic physicians under
11 the Medical Practice Act of 1987. "Primary care services"
12 does not include invasive care, beyond standard
13 injections, laceration care, or non-surgical fracture
14 care.

15 (Source: P.A. 98-671, eff. 10-1-14; 99-173, eff. 7-29-15.)

16 (410 ILCS 210/2) (from Ch. 111, par. 4502)

17 Sec. 2. Any parent, including a parent who is a minor, may
18 consent to the performance upon his or her child of a health
19 care service ~~medical or surgical procedure~~ by a physician
20 licensed to practice medicine in all its branches, a
21 chiropractic physician, a licensed optometrist ~~and surgery,~~ a
22 licensed advanced practice nurse, or a licensed physician
23 assistant or a dental procedure by a licensed dentist. The
24 consent of a parent who is a minor shall not be voidable
25 because of such minority, but, for such purpose, a parent who

1 is a minor shall be deemed to have the same legal capacity to
2 act and shall have the same powers and obligations as has a
3 person of legal age.

4 (Source: P.A. 99-173, eff. 7-29-15.)

5 (410 ILCS 210/3) (from Ch. 111, par. 4503)

6 Sec. 3. (a) Where a hospital, a physician licensed to
7 practice medicine in all its branches, a chiropractic
8 physician, a licensed optometrist ~~or surgery~~, a licensed
9 advanced practice nurse, or a licensed physician assistant
10 renders emergency treatment or first aid or a licensed dentist
11 renders emergency dental treatment to a minor, consent of the
12 minor's parent or legal guardian need not be obtained if, in
13 the sole opinion of the physician, chiropractic physician,
14 optometrist, advanced practice nurse, physician assistant,
15 dentist, or hospital, the obtaining of consent is not
16 reasonably feasible under the circumstances without adversely
17 affecting the condition of such minor's health.

18 (b) Where a minor is the victim of a predatory criminal
19 sexual assault of a child, aggravated criminal sexual assault,
20 criminal sexual assault, aggravated criminal sexual abuse or
21 criminal sexual abuse, as provided in Sections 11-1.20 through
22 11-1.60 of the Criminal Code of 2012, the consent of the
23 minor's parent or legal guardian need not be obtained to
24 authorize a hospital, physician, chiropractic physician,
25 optometrist, advanced practice nurse, physician assistant, or

1 other medical personnel to furnish health ~~medical~~ care services
2 or counseling related to the diagnosis or treatment of any
3 disease or injury arising from such offense. The minor may
4 consent to such counseling, diagnosis or treatment as if the
5 minor had reached his or her age of majority. Such consent
6 shall not be voidable, nor subject to later disaffirmance,
7 because of minority.

8 (Source: P.A. 99-173, eff. 7-29-15.)

9 (410 ILCS 210/4) (from Ch. 111, par. 4504)

10 Sec. 4. Sexually transmitted disease; drug or alcohol
11 abuse. Notwithstanding any other provision of law, a minor 12
12 years of age or older who may have come into contact with any
13 sexually transmitted disease, or may be determined to be an
14 addict, an alcoholic or an intoxicated person, as defined in
15 the Alcoholism and Other Drug Abuse and Dependency Act, or who
16 may have a family member who abuses drugs or alcohol, may give
17 consent to the furnishing of health ~~medical~~ care services or
18 counseling related to the diagnosis or treatment of the
19 disease. Each incident of sexually transmitted disease shall be
20 reported to the State Department of Public Health or the local
21 board of health in accordance with regulations adopted under
22 statute or ordinance. The consent of the parent, parents, or
23 legal guardian of a minor shall not be necessary to authorize
24 health ~~medical~~ care services or counseling related to the
25 diagnosis or treatment of sexually transmitted disease or drug

1 use or alcohol consumption by the minor or the effects on the
2 minor of drug or alcohol abuse by a member of the minor's
3 family. The consent of the minor shall be valid and binding as
4 if the minor had achieved his or her majority. The consent
5 shall not be voidable nor subject to later disaffirmance
6 because of minority.

7 Anyone involved in the furnishing of health ~~medical~~
8 services care to the minor or counseling related to the
9 diagnosis or treatment of the minor's disease or drug or
10 alcohol use by the minor or a member of the minor's family
11 shall, upon the minor's consent, make reasonable efforts, to
12 involve the family of the minor in his or her treatment, if the
13 person furnishing treatment believes that the involvement of
14 the family will not be detrimental to the progress and care of
15 the minor. Reasonable effort shall be extended to assist the
16 minor in accepting the involvement of his or her family in the
17 care and treatment being given.

18 (Source: P.A. 88-670, eff. 12-2-94; 89-187, eff. 7-19-95.)

19 (410 ILCS 210/5) (from Ch. 111, par. 4505)

20 Sec. 5. Counseling; informing parent or guardian. Any
21 physician licensed to practice medicine in all its branches,
22 advanced practice nurse, or physician assistant, who provides
23 diagnosis or treatment or any licensed clinical psychologist or
24 professionally trained social worker with a master's degree or
25 any qualified person employed (i) by an organization licensed

1 or funded by the Department of Human Services, (ii) by units of
2 local government, or (iii) by agencies or organizations
3 operating drug abuse programs funded or licensed by the Federal
4 Government or the State of Illinois or any qualified person
5 employed by or associated with any public or private alcoholism
6 or drug abuse program licensed by the State of Illinois who
7 provides counseling to a minor patient who has come into
8 contact with any sexually transmitted disease referred to in
9 Section 4 of this Act may, but shall not be obligated to,
10 inform the parent, parents, or guardian of the minor as to the
11 treatment given or needed. Any person described in this Section
12 who provides counseling to a minor who abuses drugs or alcohol
13 or has a family member who abuses drugs or alcohol shall not
14 inform the parent, parents, guardian, or other responsible
15 adult of the minor's condition or treatment without the minor's
16 consent unless that action is, in the person's judgment,
17 necessary to protect the safety of the minor, a family member,
18 or another individual.

19 Any such person shall, upon the minor's consent, make
20 reasonable efforts to involve the family of the minor in his or
21 her treatment, if the person furnishing the treatment believes
22 that the involvement of the family will not be detrimental to
23 the progress and care of the minor. Reasonable effort shall be
24 extended to assist the minor in accepting the involvement of
25 his or her family in the care and treatment being given.

26 (Source: P.A. 93-962, eff. 8-20-04.)"