



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB3695

Introduced 2/24/2005, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

410 ILCS 50/3

from Ch. 111 1/2, par. 5403

Amends the Medical Patient Rights Act. Provides that a physician-patient relationship does not exist until a physician consents to it for a specific course of treatment or care. Provides that a physician-patient relationship is not created by a referral to a physician by any person, receipt of patient health care information, or establishment of an appointment.

LRB094 09356 RXD 39600 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Medical Patient Rights Act is amended by
5 changing Section 3 as follows:

6 (410 ILCS 50/3) (from Ch. 111 1/2, par. 5403)

7 Sec. 3. The following rights are hereby established:

8 (a) The right of each patient to care consistent with sound
9 nursing and medical practices, to be informed of the name of
10 the physician responsible for coordinating his or her care, to
11 receive information concerning his or her condition and
12 proposed treatment, to refuse any treatment to the extent
13 permitted by law, and to privacy and confidentiality of records
14 except as otherwise provided by law. A physician-patient
15 relationship does not exist until a physician consents to it
16 for a specific course of treatment or care. A physician-patient
17 relationship is not created by a referral to a physician by any
18 person, receipt of patient health care information, or
19 establishment of an appointment.

20 (b) The right of each patient, regardless of source of
21 payment, to examine and receive a reasonable explanation of his
22 total bill for services rendered by his physician or health
23 care provider, including the itemized charges for specific
24 services received. Each physician or health care provider shall
25 be responsible only for a reasonable explanation of those
26 specific services provided by such physician or health care
27 provider.

28 (c) In the event an insurance company or health services
29 corporation cancels or refuses to renew an individual policy or
30 plan, the insured patient shall be entitled to timely, prior
31 notice of the termination of such policy or plan.

32 An insurance company or health services corporation that

1 requires any insured patient or applicant for new or continued
2 insurance or coverage to be tested for infection with human
3 immunodeficiency virus (HIV) or any other identified causative
4 agent of acquired immunodeficiency syndrome (AIDS) shall (1)
5 give the patient or applicant prior written notice of such
6 requirement, (2) proceed with such testing only upon the
7 written authorization of the applicant or patient, and (3) keep
8 the results of such testing confidential. Notice of an adverse
9 underwriting or coverage decision may be given to any
10 appropriately interested party, but the insurer may only
11 disclose the test result itself to a physician designated by
12 the applicant or patient, and any such disclosure shall be in a
13 manner that assures confidentiality.

14 The Department of Insurance shall enforce the provisions of
15 this subsection.

16 (d) The right of each patient to privacy and
17 confidentiality in health care. Each physician, health care
18 provider, health services corporation and insurance company
19 shall refrain from disclosing the nature or details of services
20 provided to patients, except that such information may be
21 disclosed to the patient, the party making treatment decisions
22 if the patient is incapable of making decisions regarding the
23 health services provided, those parties directly involved with
24 providing treatment to the patient or processing the payment
25 for that treatment, those parties responsible for peer review,
26 utilization review and quality assurance, and those parties
27 required to be notified under the Abused and Neglected Child
28 Reporting Act, the Illinois Sexually Transmissible Disease
29 Control Act or where otherwise authorized or required by law.
30 This right may be waived in writing by the patient or the
31 patient's guardian, but a physician or other health care
32 provider may not condition the provision of services on the
33 patient's or guardian's agreement to sign such a waiver.

34 (Source: P.A. 86-895; 86-902; 86-1028; 87-334.)