

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 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
16 chiropractic physician, a licensed optometrist ~~and surgery~~, a
17 licensed advanced practice nurse, or a licensed physician
18 assistant executed by a married person who is a minor, by a
19 parent who is a minor, by a pregnant woman who is a minor, or by
20 any person 18 years of age or older, is not voidable because of
21 such minority, and, for such purpose, a married person who is a
22 minor, a parent who is a minor, a pregnant woman who is a

1 minor, or any person 18 years of age or older, is deemed to
2 have the same legal capacity to act and has the same powers and
3 obligations as has a person of legal age.

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

5 (410 ILCS 210/1.5)

6 Sec. 1.5. Consent by minor seeking care for limited primary
7 care services.

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

17 (1) the health care professional reasonably believes
18 that the minor seeking care understands the benefits and
19 risks of any proposed primary care or services; and

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

22 (A) an adult relative;

23 (B) a representative of a homeless service agency
24 that receives federal, State, county, or municipal
25 funding to provide those services or that is otherwise

1 sanctioned by a local continuum of care;

2 (C) an attorney licensed to practice law in this
3 State;

4 (D) a public school homeless liaison or school
5 social worker;

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

8 (F) a representative of a religious organization.

9 (b) A health care professional rendering primary care
10 services under this Section shall not incur civil or criminal
11 liability for failure to obtain valid consent or professional
12 discipline for failure to obtain valid consent if he or she
13 relied in good faith on the representations made by the minor
14 or the information provided under paragraph (2) of subsection
15 (a) of this Section. Under such circumstances, good faith shall
16 be presumed.

17 (c) The confidential nature of any communication between a
18 health care professional described in Section 1 of this Act and
19 a minor seeking care is not waived (1) by the presence, at the
20 time of communication, of any additional persons present at the
21 request of the minor seeking care, (2) by the health care
22 professional's disclosure of confidential information to the
23 additional person with the consent of the minor seeking care,
24 when reasonably necessary to accomplish the purpose for which
25 the additional person is consulted, or (3) by the health care
26 professional billing a health benefit insurance or plan under

1 which the minor seeking care is insured, is enrolled, or has
2 coverage for the services provided.

3 (d) Nothing in this Section shall be construed to limit or
4 expand a minor's existing powers and obligations under any
5 federal, State, or local law. Nothing in this Section shall be
6 construed to affect the Parental Notice of Abortion Act of
7 1995. Nothing in this Section affects the right or authority of
8 a parent or legal guardian to verbally, in writing, or
9 otherwise authorize health care services to be provided for a
10 minor in their absence.

11 (e) For the purposes of this Section:

12 "Minor seeking care" means a person at least 14 years
13 of age but less than 18 years of age who is living separate
14 and apart from his or her parents or legal guardian,
15 whether with or without the consent of a parent or legal
16 guardian who is unable or unwilling to return to the
17 residence of a parent, and managing his or her own personal
18 affairs. "Minor seeking care" does not include minors who
19 are under the protective custody, temporary custody, or
20 guardianship of the Department of Children and Family
21 Services.

22 "Primary care services" means health care services
23 that include screening, counseling, immunizations,
24 medication, and treatment of illness and conditions
25 customarily provided by licensed health care professionals
26 in an out-patient setting, eye care services, excluding

1 advanced optometric procedures, provided by optometrists,
2 and services provided by chiropractic physicians according
3 to the scope of practice of chiropractic physicians under
4 the Medical Practice Act of 1987. "Primary care services"
5 does not include invasive care, beyond standard
6 injections, laceration care, or non-surgical fracture
7 care.

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

9 (410 ILCS 210/2) (from Ch. 111, par. 4502)

10 Sec. 2. Any parent, including a parent who is a minor, may
11 consent to the performance upon his or her child of a health
12 care service ~~medical or surgical procedure~~ by a physician
13 licensed to practice medicine in all its branches, a
14 chiropractic physician, a licensed optometrist ~~and surgery,~~ a
15 licensed advanced practice nurse, or a licensed physician
16 assistant or a dental procedure by a licensed dentist. The
17 consent of a parent who is a minor shall not be voidable
18 because of such minority, but, for such purpose, a parent who
19 is a minor shall be deemed to have the same legal capacity to
20 act and shall have the same powers and obligations as has a
21 person of legal age.

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

23 (410 ILCS 210/3) (from Ch. 111, par. 4503)

24 Sec. 3. (a) Where a hospital, a physician licensed to

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

12 (b) Where a minor is the victim of a predatory criminal
13 sexual assault of a child, aggravated criminal sexual assault,
14 criminal sexual assault, aggravated criminal sexual abuse or
15 criminal sexual abuse, as provided in Sections 11-1.20 through
16 11-1.60 of the Criminal Code of 2012, the consent of the
17 minor's parent or legal guardian need not be obtained to
18 authorize a hospital, physician, chiropractic physician,
19 optometrist, advanced practice nurse, physician assistant, or
20 other medical personnel to furnish health ~~medical~~ care services
21 or counseling related to the diagnosis or treatment of any
22 disease or injury arising from such offense. The minor may
23 consent to such counseling, diagnosis or treatment as if the
24 minor had reached his or her age of majority. Such consent
25 shall not be voidable, nor subject to later disaffirmance,
26 because of minority.

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

2 (410 ILCS 210/4) (from Ch. 111, par. 4504)

3 Sec. 4. Sexually transmitted disease; drug or alcohol
4 abuse. Notwithstanding any other provision of law, a minor 12
5 years of age or older who may have come into contact with any
6 sexually transmitted disease, or may be determined to be an
7 addict, an alcoholic or an intoxicated person, as defined in
8 the Alcoholism and Other Drug Abuse and Dependency Act, or who
9 may have a family member who abuses drugs or alcohol, may give
10 consent to the furnishing of health ~~medical~~ care services or
11 counseling related to the diagnosis or treatment of the
12 disease. Each incident of sexually transmitted disease shall be
13 reported to the State Department of Public Health or the local
14 board of health in accordance with regulations adopted under
15 statute or ordinance. The consent of the parent, parents, or
16 legal guardian of a minor shall not be necessary to authorize
17 health ~~medical~~ care services or counseling related to the
18 diagnosis or treatment of sexually transmitted disease or drug
19 use or alcohol consumption by the minor or the effects on the
20 minor of drug or alcohol abuse by a member of the minor's
21 family. The consent of the minor shall be valid and binding as
22 if the minor had achieved his or her majority. The consent
23 shall not be voidable nor subject to later disaffirmance
24 because of minority.

25 Anyone involved in the furnishing of health ~~medical~~

1 services care to the minor or counseling related to the
2 diagnosis or treatment of the minor's disease or drug or
3 alcohol use by the minor or a member of the minor's family
4 shall, upon the minor's consent, make reasonable efforts, to
5 involve the family of the minor in his or her treatment, if the
6 person furnishing treatment believes that the involvement of
7 the family will not be detrimental to the progress and care of
8 the minor. Reasonable effort shall be extended to assist the
9 minor in accepting the involvement of his or her family in the
10 care and treatment being given.

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

12 (410 ILCS 210/5) (from Ch. 111, par. 4505)

13 Sec. 5. Counseling; informing parent or guardian. Any
14 physician licensed to practice medicine in all its branches,
15 advanced practice nurse, or physician assistant, who provides
16 diagnosis or treatment or any licensed clinical psychologist or
17 professionally trained social worker with a master's degree or
18 any qualified person employed (i) by an organization licensed
19 or funded by the Department of Human Services, (ii) by units of
20 local government, or (iii) by agencies or organizations
21 operating drug abuse programs funded or licensed by the Federal
22 Government or the State of Illinois or any qualified person
23 employed by or associated with any public or private alcoholism
24 or drug abuse program licensed by the State of Illinois who
25 provides counseling to a minor patient who has come into

1 contact with any sexually transmitted disease referred to in
2 Section 4 of this Act may, but shall not be obligated to,
3 inform the parent, parents, or guardian of the minor as to the
4 treatment given or needed. Any person described in this Section
5 who provides counseling to a minor who abuses drugs or alcohol
6 or has a family member who abuses drugs or alcohol shall not
7 inform the parent, parents, guardian, or other responsible
8 adult of the minor's condition or treatment without the minor's
9 consent unless that action is, in the person's judgment,
10 necessary to protect the safety of the minor, a family member,
11 or another individual.

12 Any such person shall, upon the minor's consent, make
13 reasonable efforts to involve the family of the minor in his or
14 her treatment, if the person furnishing the treatment believes
15 that the involvement of the family will not be detrimental to
16 the progress and care of the minor. Reasonable effort shall be
17 extended to assist the minor in accepting the involvement of
18 his or her family in the care and treatment being given.

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