

# HB3714



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3714

by Rep. David McSweeney

#### SYNOPSIS AS INTRODUCED:

410 ILCS 50/8 new

Amends the Medical Patient Rights Act. Provides that an attorney may not be present during an independent medical examination unless consent has been obtained from both the patient on whom the examination is being performed and the health care professional performing the examination. Provides that all parties to the legal action for which the independent medical examination is being performed must have an attorney present if any other party's attorney is present. Provides that an attorney present during an independent medical examination may not communicate with the patient or health care professional performing the independent medical examination during the examination.

LRB101 04965 CPF 49974 b

A BILL FOR

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 adding Section 8 as follows:

6 (410 ILCS 50/8 new)

7 Sec. 8. Independent medical examination; attorney  
8 presence.

9 (a) For purposes of this Section:

10 "Patient" means an individual who is having an independent  
11 medical examination performed upon him or her.

12 (b) An attorney who represents any party in an adversarial  
13 legal action may not be present during an independent medical  
14 examination conducted for that legal action unless consent has  
15 been obtained from:

16 (1) the patient; and

17 (2) the health care professional performing the  
18 independent medical examination.

19 (c) If an attorney having met the consent requirements of  
20 subsection (b) is present for an independent medical  
21 examination taking place for a legal action, all other parties  
22 who are represented by an attorney in that legal action must  
23 also have an attorney present who has met the consent

1 requirements of subsection (b). If any attorney is unable to  
2 meet the consent requirements of subsection (b), then no  
3 attorney representing any party in the legal action shall be  
4 present during the independent medical examination.

5 (d) An attorney present during an independent medical  
6 examination may not communicate with the patient or health care  
7 professional performing the independent medical examination  
8 during the examination.