

# HB0124



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0124

Introduced 1/14/2021, by Rep. Mary E. Flowers

### SYNOPSIS AS INTRODUCED:

410 ILCS 50/3

from Ch. 111 1/2, par. 5403

Amends the Medical Patient Rights Act. Provides that each patient has the right to receive care from a medical professional who is culturally sensitive to the patient's life experience.

LRB102 00043 CPF 10045 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 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  
9 sound nursing and medical practices, to be informed of the  
10 name of the physician responsible for coordinating his or  
11 her care, to receive information concerning his or her  
12 condition and proposed treatment, to refuse any treatment  
13 to the extent permitted by law, and to privacy and  
14 confidentiality of records except as otherwise provided by  
15 law.

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

1           (c) In the event an insurance company or health  
2 services corporation cancels or refuses to renew an  
3 individual policy or plan, the insured patient shall be  
4 entitled to timely, prior notice of the termination of  
5 such policy or plan.

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

21           The Department of Insurance shall enforce the  
22 provisions of this subsection.

23           (d) The right of each patient to privacy and  
24 confidentiality in health care. Each physician, health  
25 care provider, health services corporation and insurance  
26 company shall refrain from disclosing the nature or

1 details of services provided to patients, except that such  
2 information may be disclosed: (1) to the patient, (2) to  
3 the party making treatment decisions if the patient is  
4 incapable of making decisions regarding the health  
5 services provided, (3) for treatment in accordance with 45  
6 CFR 164.501 and 164.506, (4) for payment in accordance  
7 with 45 CFR 164.501 and 164.506, (5) to those parties  
8 responsible for peer review, utilization review, and  
9 quality assurance, (6) for health care operations in  
10 accordance with 45 CFR 164.501 and 164.506, (7) to those  
11 parties required to be notified under the Abused and  
12 Neglected Child Reporting Act or the Illinois Sexually  
13 Transmissible Disease Control Act, or (8) as otherwise  
14 permitted, authorized, or required by State or federal  
15 law. This right may be waived in writing by the patient or  
16 the patient's guardian or legal representative, but a  
17 physician or other health care provider may not condition  
18 the provision of services on the patient's, guardian's, or  
19 legal representative's agreement to sign such a waiver. In  
20 the interest of public health, safety, and welfare,  
21 patient information, including, but not limited to, health  
22 information, demographic information, and information  
23 about the services provided to patients, may be  
24 transmitted to or through a health information exchange,  
25 as that term is defined in Section 2 of the Mental Health  
26 and Developmental Disabilities Confidentiality Act, in

1           accordance with the disclosures permitted pursuant to this  
2           Section. Patients shall be provided the opportunity to opt  
3           out of their health information being transmitted to or  
4           through a health information exchange in accordance with  
5           the regulations, standards, or contractual obligations  
6           adopted by the Illinois Health Information Exchange Office  
7           in accordance with Section 9.6 of the Mental Health and  
8           Developmental Disabilities Confidentiality Act, Section  
9           9.6 of the AIDS Confidentiality Act, or Section 31.8 of  
10          the Genetic Information Privacy Act, as applicable. In the  
11          case of a patient choosing to opt out of having his or her  
12          information available on an HIE, nothing in this Act shall  
13          cause the physician or health care provider to be liable  
14          for the release of a patient's health information by other  
15          entities that may possess such information, including, but  
16          not limited to, other health professionals, providers,  
17          laboratories, pharmacies, hospitals, ambulatory surgical  
18          centers, and nursing homes.

19           (e) The right of each patient to receive care from a  
20           medical professional who is culturally sensitive to the  
21           patient's life experience.

22          (Source: P.A. 101-649, eff. 7-7-20.)