



Rep. Sara Feigenholtz

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09700HB4085ham003

LRB097 15077 RPM 65930 a

1 AMENDMENT TO HOUSE BILL 4085

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4085 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Ultrasound Opportunity Act.

6 Section 5. Legislative purpose. The purposes of this Act is  
7 to:

8 (1) protect the physical health and welfare of every  
9 person considering a medical procedure;

10 (2) ensure that every person considering a medical  
11 procedure receive complete information on the reality and  
12 status of their medical condition and that every person  
13 submitting to a medical procedure do so only after giving  
14 her voluntary and informed consent to the medical  
15 procedure; and

16 (3) reduce the risk that a person may elect to have a

1 medical procedure, only to discover later, with  
2 devastating psychological consequences, that their  
3 decision was not fully informed.

4 Section 10. Definitions. Unless the language or context  
5 clearly indicates a different meaning is intended, the  
6 following words or phrases for the purpose of this Act shall be  
7 given the meaning ascribed to them:

8 "Medical emergency" means a condition that, on the  
9 basis of the physician's good faith clinical judgment, so  
10 complicates the medical condition of a person as to  
11 necessitate immediate treatment to avert death or for which  
12 a delay will create serious risk of substantial and  
13 irreversible impairment of major bodily function.

14 "Physician" means any person licensed to practice  
15 medicine in all its branches under the Medical Practice Act  
16 of 1987.

17 "Qualified person" means a person having documented  
18 evidence that he or she has completed a course in the  
19 operation of ultrasound equipment and is in compliance with  
20 any other requirements of law regarding the operation of  
21 ultrasound equipment.

22 Section 15. Offer of ultrasound required.

23 (a) At any facility where medical procedures are performed,  
24 the physician who is to perform the medical procedure, the

1 referring physician, or another qualified person working in  
2 conjunction with either physician shall offer any person  
3 seeking medical care, including, but not limited to, cardiac,  
4 renal, liver, gallbladder, vascular, abdominal, obstetric,  
5 gynecological, muscle, ligament, tendon, eye, testicle,  
6 salivary gland, lymph node, breast, liver, kidney, and joint  
7 diagnosis or treatment, an opportunity to receive and view an  
8 ultrasound by someone qualified to perform ultrasounds at the  
9 facility, or at a facility listed in a listing of local  
10 ultrasound providers provided by the facility, at least one  
11 hour prior to the person having any part of a medical procedure  
12 performed, and prior to the administration of any anesthesia or  
13 medication in preparation for the medical procedure.

14 (b) The ultrasound shall be performed by a qualified person  
15 or persons. The active ultrasound image must be of a quality  
16 consistent with standard medical practice. The person's  
17 response to the offer must be documented by the facility,  
18 including the date and time of the offer and the person's  
19 signature attesting to their informed decision to accept or  
20 decline the offer.

21 Section 20. Reports. The Department of Public Health shall  
22 prepare and make available a reporting form, to be submitted by  
23 each facility that performs medical procedures to the  
24 Department annually. The form shall provide for the collection  
25 of the following information:

1           (1) The number of individuals who chose to view an  
2           ultrasound pursuant to this Act and the number who did not;  
3           and of each of those numbers, the number who, to the best  
4           of the reporting facility's information and belief, went on  
5           to obtain the medical procedure.

6           (2) The name of the facility.

7           (3) The date of the report.

8           Section 25. Medical emergency. The requirements under this  
9           Act shall not apply when, in the medical judgment of the  
10          physician performing or inducing the medical procedure based on  
11          the particular facts of the case before him or her, there  
12          exists a medical emergency.

13          Section 97. Severability. The provisions of this Act are  
14          severable under Section 1.31 of the Statute on Statutes.

15          Section 99. Effective date. This Act takes effect upon  
16          becoming law."