



Rep. Daniel J. Burke

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LRB097 06238 RPM 56312 a

1 AMENDMENT TO SENATE BILL 123

2 AMENDMENT NO. _____. Amend Senate Bill 123 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Public Health Standing Orders Act.

6 Section 5. Definitions. In this Act:

7 "Health care personnel" means persons working within the
8 scope of their licensure or training and experience with a
9 public health clinic who provide medical services, including
10 volunteers and staff not employed by the public health clinic.

11 "Public health clinic" has the same meaning as provided in
12 subsection (c) of Section 6-101 of the Local Governmental and
13 Governmental Employees Tort Immunities Act.

14 "Public health standing orders physician" has the same
15 meaning as provided in subsection (d) of Section 6-101 of the
16 Local Governmental and Governmental Employees Tort Immunities

1 Act.

2 Section 10. Public health orders; standing physician
3 protocols. Public health standing orders, also referred to as
4 standing physician protocols, issued pursuant to this Act shall
5 contain, at the minimum, the following elements:

6 (1) the name of the public health clinic authorized to
7 provide the medical services;

8 (2) the specific medical services authorized to be
9 provided;

10 (3) any instructions on the training or experience of
11 health care personnel who are authorized to provide the
12 specified health care services;

13 (4) the effective date for the standing order; and

14 (5) the name and signature of the public health
15 standing orders physician.

16 Section 15. Health care personnel; standing orders.
17 Notwithstanding any other provision of law to the contrary,
18 health care personnel may provide medical services within a
19 public health clinic in conformance with standing orders issued
20 by a public health standing orders physician without prior
21 establishment of a physician-patient relationship between the
22 public health standing orders physician and the person
23 receiving medical services.

1 Section 20. Health care personnel; qualifications. Health
2 care personnel who provide medical services pursuant to a
3 public health standing order shall:

4 (1) be trained in the medical services to be provided;

5 (2) verify and document the applicability of the public
6 health standing orders to any individual;

7 (3) complete accurate and legible entries in all
8 records required by federal and State law;

9 (4) when applicable, document informed consent with
10 the patient or client; and

11 (5) understand where and how to access and use
12 emergency devices, techniques, and services for adverse
13 reactions.

14 Section 25. Physician delegation; hospitals.

15 (a) Nothing in this Act shall be construed to affect or in
16 any way limit physician delegation, including the use of
17 standing orders or protocols for any person or group of persons
18 without prior establishment of a physician-patient
19 relationship between the physician and the person receiving
20 medical services.

21 (b) Nothing in the Act shall be construed to affect or in
22 any way limit standing orders or protocols as implemented by
23 hospitals licensed under the Illinois Hospital Licensing Act,
24 hospital affiliates as defined by the Illinois Hospital
25 Licensing Act, or hospitals licensed under the University of

1 Illinois Hospital Act.

2 Section 90. The Local Governmental and Governmental
3 Employees Tort Immunity Act is amended by changing Sections
4 6-101 and 6-110 as follows:

5 (745 ILCS 10/6-101) (from Ch. 85, par. 6-101)

6 Sec. 6-101. As used in this Article, unless the context
7 otherwise requires:

8 (a) "Medical facility" includes a hospital, infirmary,
9 clinic, dispensary, mental institution or similar facility.

10 (b) "Mental institution" means any medical facility or part
11 of any medical facility used primarily for the care or
12 treatment of persons committed for mental illness or addiction.

13 (c) "Public health clinic" means an outpatient program
14 ~~clinic~~ conducted by a locally based not-for-profit
15 corporation, or by any local board of health whose health
16 department is recognized by, and has a designation status
17 established by, the Illinois Department of Public Health and
18 complies with the Public Health Standing Orders Act.

19 (d) "Public health standing ~~Standing~~ orders physician"
20 means a person licensed to practice medicine in all its
21 branches in Illinois and who, under an agreement with a locally
22 based not-for-profit corporation which conducts a public
23 health clinic which provides among its services free medical
24 services to indigent persons unable to pay for their own

1 medical care, or a local board of health, provides medical
2 oversight to a public health clinic in accordance with the
3 following:

4 (1) reviews the standing orders ~~protocols~~ for the
5 public health clinic and amends the standing orders
6 ~~protocols~~ from time to time in keeping with current trends
7 in sound medical practice;

8 (2) reviews the standing orders ~~protocols~~, as amended,
9 with the professional staff of the public health clinic at
10 least once a year;

11 (3) participates in a site visit of a clinic covered by
12 the standing orders periodically ~~at least once a year~~;

13 (4) signs standing orders for medical procedures
14 conducted in the public health clinic in conformance with
15 sound medical practice; and

16 (5) is available for consultation with the
17 professional clinic staff.

18 (e) The changes to this Section made by this amendatory Act
19 of the 97th General Assembly apply only to causes of actions
20 accruing on or after the effective date of this amendatory Act
21 of the 97th General Assembly.

22 (Source: P.A. 86-950.)

23 (745 ILCS 10/6-110) (from Ch. 85, par. 6-110)

24 Sec. 6-110. Public health standing ~~Standing~~ orders
25 physicians providing medical oversight to a public health

1 clinic in conformance with an agreement with a locally based
2 not-for-profit corporation which conducts a public health
3 clinic, or with a local board of health, whether compensated or
4 not, shall be considered employees of a local public entity for
5 the purpose of affording them the protections of this Act.

6 The changes to this Section made by this amendatory Act of
7 the 97th General Assembly apply only to causes of actions
8 accruing on or after the effective date of this amendatory Act
9 of the 97th General Assembly.

10 (Source: P.A. 86-950.)".