



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4501

by Rep. Greg Harris

#### SYNOPSIS AS INTRODUCED:

410 ILCS 210/1

from Ch. 111, par. 4501

410 ILCS 210/1.5 new

Amends the Consent by Minors to Medical Procedures Act. Provides that a minor may be deemed an "unaccompanied minor" if the minor (1) is living separate and apart from his or her parents or legal guardian, whether with or without the consent of a parent or legal guardian and regardless of the duration of the separate residence, and (2) is managing his or her own personal affairs. Provides that the consent of an unaccompanied minor to a medical or surgical procedure by a health care provider is considered valid if (i) the health care provider rendering the medical or surgical procedure under the Act relied in good faith upon the representations of the minor that the minor is an unaccompanied minor or (ii) the minor is identified, verbally or in writing, as an unaccompanied minor by certain entities. Sets forth provisions concerning liabilities, minors' powers, and third parties.

LRB098 17938 RPM 53062 b

1 AN ACT concerning public 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 Section 1 and by adding Section 1.5 as  
6 follows:

7 (410 ILCS 210/1) (from Ch. 111, par. 4501)

8 Sec. 1. Consent by minor. The consent to the performance of  
9 a medical or surgical procedure by a physician licensed to  
10 practice medicine and surgery, an advanced practice nurse who  
11 has a written collaborative agreement with a collaborating  
12 physician that authorizes provision of services for minors, or  
13 a physician assistant who has been delegated authority to  
14 provide services for minors executed by a married person who is  
15 a minor, by a parent who is a minor, by a pregnant woman who is  
16 a minor, by an unaccompanied minor, or by any person 18 years  
17 of age or older, is not voidable because of such minority, and,  
18 for such purpose, a married person who is a minor, a parent who  
19 is a minor, a pregnant woman who is a minor, an unaccompanied  
20 minor, or any person 18 years of age or older, is deemed to  
21 have the same legal capacity to act and has the same powers and  
22 obligations as has a person of legal age.

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

1 (410 ILCS 210/1.5 new)

2 Sec. 1.5. Unaccompanied minors.

3 (a) For the purposes of this Act, "unaccompanied minor"  
4 means a minor who is (1) living separate and apart from his or  
5 her parents or legal guardian, whether with or without the  
6 consent of a parent or legal guardian and regardless of the  
7 duration of the separate residence, and (2) managing his or her  
8 own personal affairs.

9 (b) The consent of an unaccompanied minor to a medical or  
10 surgical procedure by a health care provider listed in Section  
11 1 of this Act is considered valid if:

12 (1) the health care provider rendering the medical or  
13 surgical procedure under Section 1 of this Act relied in  
14 good faith upon the representations of the minor that the  
15 minor is an unaccompanied minor as defined in subsection  
16 (a); or

17 (2) the minor is identified, verbally or in writing, as  
18 an unaccompanied minor as defined in subsection (a) by:

19 (A) a representative of a homeless service agency  
20 that receives federal, State, county, or municipal  
21 funding to provide those services or that is otherwise  
22 sanctioned by a local continuum of care;

23 (B) an attorney licensed to practice law in this  
24 State;

25 (C) a public school homeless liaison or school

1 social worker;

2 (D) a human services provider funded by this State  
3 to serve homeless or runaway youth, individuals with  
4 mental illness, or individuals with addictions; or

5 (E) a representative of a religious organization  
6 that offers services to the homeless.

7 (c) A health care provider rendering the medical or  
8 surgical procedure under Section 1 of this Act shall not incur  
9 civil or criminal liability due to minority for failing to  
10 obtain valid consent if he or she relied in good faith on the  
11 representations made by the minor or the information provided  
12 under paragraph (2) of subsection (b) of this Section.

13 (d) Except as provided in subsection (f), nothing in this  
14 Section shall be construed to affect the duties or liability of  
15 the health care provider rendering the medical or surgical  
16 procedure under Section 1 of this Act under federal, State, or  
17 local law or for failure to meet the standards of care common  
18 throughout the health professions in this State.

19 (e) Except as provided in subsection (f), nothing in this  
20 Section shall be construed to limit or expand a minor's  
21 existing powers and obligations under any federal, State, or  
22 local law.

23 (f) The confidential nature of any communication between a  
24 health care provider described in Section 1 and an  
25 unaccompanied minor is not waived (1) by the presence, at the  
26 time of the communication, of any additional persons present at

1 the request of the unaccompanied minor, including, but not  
2 limited to, an interpreter, advocate, case manager, or other  
3 person that the minor trusts, to further express the best  
4 interests of the unaccompanied minor and assist the  
5 unaccompanied minor in decision making regarding a medical or  
6 surgical procedure, or (2) by the health care provider's  
7 disclosure of confidential information to the additional  
8 person with the consent of the unaccompanied minor, when  
9 reasonably necessary to accomplish the purpose for which the  
10 additional person is consulted.