

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 adding Section 1.5 as follows:

6 (410 ILCS 210/1.5 new)

7 Sec. 1.5. Consent by minor seeking care for primary care  
8 services.

9 (a) The consent to the performance of primary care services  
10 by a physician licensed to practice medicine in all its  
11 branches, an advanced practice nurse who has a written  
12 collaborative agreement with a collaborating physician that  
13 authorizes provision of services for minors, or a physician  
14 assistant who has been delegated authority to provide services  
15 for minors executed by a minor seeking care is not voidable  
16 because of such minority, and for such purpose, a minor seeking  
17 care is deemed to have the same legal capacity to act and has  
18 the same powers and obligations as has a person of legal age  
19 under the following circumstances:

20 (1) the health care professional reasonably believes  
21 that the minor seeking care understands the benefits and  
22 risks of any proposed primary care or services; and

23 (2) the minor seeking care is identified in writing as

1 a minor seeking care by:

2 (A) an adult relative;

3 (B) a representative of a homeless service agency  
4 that receives federal, State, county, or municipal  
5 funding to provide those services or that is otherwise  
6 sanctioned by a local continuum of care;

7 (C) an attorney licensed to practice law in this  
8 State;

9 (D) a public school homeless liaison or school  
10 social worker;

11 (E) a social service agency providing services to  
12 at risk, homeless, or runaway youth; or

13 (F) a representative of a religious organization.

14 (b) A health care professional rendering primary care  
15 services under this Section shall not incur civil or criminal  
16 liability for failure to obtain valid consent or professional  
17 discipline for failure to obtain valid consent if he or she  
18 relied in good faith on the representations made by the minor  
19 or the information provided under paragraph (2) of subsection  
20 (a) of this Section. Under such circumstances, good faith shall  
21 be presumed.

22 (c) The confidential nature of any communication between a  
23 health care professional described in Section 1 of this Act and  
24 a minor seeking care is not waived (1) by the presence, at the  
25 time of communication, of any additional persons present at the  
26 request of the minor seeking care, (2) by the health care

1 professional's disclosure of confidential information to the  
2 additional person with the consent of the minor seeking care,  
3 when reasonably necessary to accomplish the purpose for which  
4 the additional person is consulted, or (3) by the health care  
5 professional billing a health benefit insurance or plan under  
6 which the minor seeking care is insured, is enrolled, or has  
7 coverage for the services provided.

8 (d) Nothing in this Section shall be construed to limit or  
9 expand a minor's existing powers and obligations under any  
10 federal, State, or local law. Nothing in this Section shall be  
11 construed to affect the Parental Notice of Abortion Act of  
12 1995. Nothing in this Section affects the right or authority of  
13 a parent or legal guardian to verbally, in writing, or  
14 otherwise authorize health care services to be provided for a  
15 minor in their absence.

16 (e) For the purposes of this Section:

17 "Minor seeking care" means a person at least 14 years  
18 of age but less than 18 years of age who is living separate  
19 and apart from his or her parents or legal guardian,  
20 whether with or without the consent of a parent or legal  
21 guardian who is unable or unwilling to return to the  
22 residence of a parent, and managing his or her own personal  
23 affairs. "Minor seeking care" does not include minors who  
24 are under the protective custody, temporary custody, or  
25 guardianship of the Department of Children and Family  
26 Services.

1           "Primary care services" means health care services  
2           that include screening, counseling, immunizations,  
3           medication, and treatment of illness and conditions  
4           customarily provided by licensed health care professionals  
5           in an out-patient setting. "Primary care services" does not  
6           include invasive care, beyond standard injections,  
7           laceration care, or non-surgical fracture care.

8           Section 99. Effective date. This Act takes effect October  
9           1, 2014.