



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1564

Introduced 2/20/2015, by Sen. Daniel Biss

SYNOPSIS AS INTRODUCED:

745 ILCS 70/2	from Ch. 111 1/2, par. 5302
745 ILCS 70/3	from Ch. 111 1/2, par. 5303
745 ILCS 70/6.1 new	
745 ILCS 70/6.2 new	
745 ILCS 70/7	from Ch. 111 1/2, par. 5307
745 ILCS 70/9	from Ch. 111 1/2, par. 5309

Amends the Health Care Right of Conscience Act. Makes changes in the Section concerning findings and policy. Defines "access to care and information protocols" and "material information". Provides that notwithstanding any other law, a health care facility, or any physician or health care personnel working in the facility, may refuse to permit, perform, assist in, counsel about, suggest, recommend, refer for, or participate in health care services because of a conscience-based objection only if the refusal occurs in accordance with written access to care and information protocols designed to ensure that (1) the patient receives material information in a timely fashion; and (2) the refusal will not impair the patient's health by causing delay of or inability to access the refused health care service. Provides that nothing in the Act shall be construed to prevent a health care facility from requiring that physicians or health care personnel working in the facility comply with access to care and information protocols. Makes other changes in Sections concerning: (i) discrimination by employers or institutions; and (ii) liability.

LRB099 05684 HEP 25727 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Health Care Right of Conscience Act is
5 amended by changing Sections 2, 3, 7, and 9 and by adding
6 Sections 6.1 and 6.2 as follows:

7 (745 ILCS 70/2) (from Ch. 111 1/2, par. 5302)

8 Sec. 2. Findings and policy. The General Assembly finds and
9 declares that people and organizations hold different beliefs
10 about whether certain health care services are morally
11 acceptable. It is the public policy of the State of Illinois to
12 respect and protect the right of conscience of all persons who
13 refuse to obtain, receive or accept, or who are engaged in, the
14 delivery of, arrangement for, or payment of health care
15 services and medical care whether acting individually,
16 corporately, or in association with other persons; ~~and~~ to
17 prohibit all forms of discrimination, disqualification,
18 coercion, disability or imposition of liability upon such
19 persons or entities by reason of their refusing to act contrary
20 to their conscience or conscientious convictions in providing,
21 paying for, or refusing to obtain, receive, accept, deliver,
22 pay for, or arrange for the payment of health care services and
23 medical care; and to ensure that patients receive timely access

1 to material information and medically appropriate care.

2 (Source: P.A. 90-246, eff. 1-1-98.)

3 (745 ILCS 70/3) (from Ch. 111 1/2, par. 5303)

4 Sec. 3. Definitions. As used in this Act, unless the
5 context clearly otherwise requires:

6 (a) "Health care" means any phase of patient care,
7 including but not limited to, testing; diagnosis; prognosis;
8 ancillary research; instructions; family planning,
9 counselling, referrals, or any other advice in connection with
10 the use or procurement of contraceptives and sterilization or
11 abortion procedures; medication; or surgery or other care or
12 treatment rendered by a physician or physicians, nurses,
13 paraprofessionals or health care facility, intended for the
14 physical, emotional, and mental well-being of persons;

15 (b) "Physician" means any person who is licensed by the
16 State of Illinois under the Medical Practice Act of 1987;

17 (c) "Health care personnel" means any nurse, nurses' aide,
18 medical school student, professional, paraprofessional or any
19 other person who furnishes, or assists in the furnishing of,
20 health care services;

21 (d) "Health care facility" means any public or private
22 hospital, clinic, center, medical school, medical training
23 institution, laboratory or diagnostic facility, physician's
24 office, infirmary, dispensary, ambulatory surgical treatment
25 center or other institution or location wherein health care

1 services are provided to any person, including physician
2 organizations and associations, networks, joint ventures, and
3 all other combinations of those organizations;

4 (e) "Conscience" means a sincerely held set of moral
5 convictions arising from belief in and relation to God, or
6 which, though not so derived, arises from a place in the life
7 of its possessor parallel to that filled by God among adherents
8 to religious faiths; ~~and~~

9 (f) "Health care payer" means a health maintenance
10 organization, insurance company, management services
11 organization, or any other entity that pays for or arranges for
12 the payment of any health care or medical care service,
13 procedure, or product; ~~and~~

14 (g) "Access to care and information protocols" means the
15 written policies, protocols and procedures described in
16 Section 6.1 of this Act; and

17 (h) "Material information" means:

18 (1) all information, pertinent to patient health care
19 decision making and consistent with accepted standards of
20 medical practice, about a patient's condition, prognosis,
21 relevant treatment options, and the risks and benefits of
22 such treatment options; and

23 (2) a written document that contains the names of and
24 contact information for health care facilities,
25 physicians, or health care personnel that can provide the
26 patient the particular form of health care service refused

1 because of a conscience-based objection to the health care
2 service, unless the patient has been referred or
3 transferred to a health care facility, physician, or other
4 health care personnel that can provide him or her with the
5 refused health care service.

6 The above definitions include not only the traditional
7 combinations and forms of these persons and organizations but
8 also all new and emerging forms and combinations of these
9 persons and organizations.

10 (Source: P.A. 90-246, eff. 1-1-98.)

11 (745 ILCS 70/6.1 new)

12 Sec. 6.1. Duty to enact and comply with access to care and
13 information protocols. Notwithstanding any other law, a health
14 care facility, or any physician or health care personnel
15 working in the facility, may refuse to permit, perform, assist
16 in, counsel about, suggest, recommend, refer for, or
17 participate in health care services because of a
18 conscience-based objection only if the refusal occurs in
19 accordance with written access to care and information
20 protocols designed to ensure that:

21 (1) the patient receives material information in a
22 timely fashion; and

23 (2) the refusal will not impair the patient's health by
24 causing delay of or inability to access the refused health
25 care service.

1 (745 ILCS 70/6.2 new)

2 Sec. 6.2. Permissible acts related to access to care and
3 information protocols. Nothing in this Act shall be construed
4 to prevent a health care facility from requiring that
5 physicians or health care personnel working in the facility
6 comply with access to care and information protocols.

7 (745 ILCS 70/7) (from Ch. 111 1/2, par. 5307)

8 Sec. 7. Discrimination by employers or institutions. It
9 shall be unlawful for any public or private employer, entity,
10 agency, institution, official or person, including but not
11 limited to, a medical, nursing or other medical training
12 institution, to deny admission because of, ~~to place any~~
13 ~~reference in its application form concerning, to orally~~
14 ~~question about,~~ to impose any burdens in terms or conditions of
15 employment on, or to otherwise discriminate in any way against,
16 any applicant, in terms of employment, admission to or
17 participation in any programs for which the applicant is
18 eligible, or to discriminate in relation thereto, in any other
19 manner, on account of the applicant's refusal to receive,
20 obtain, accept, perform, counsel, suggest, recommend, refer,
21 assist or participate in any way in any forms of health care
22 services contrary to his or her conscience.

23 (Source: P.A. 90-246, eff. 1-1-98.)

1 (745 ILCS 70/9) (from Ch. 111 1/2, par. 5309)

2 Sec. 9. Liability. No person, association, or corporation,
3 which owns, operates, supervises, or manages a health care
4 facility shall be civilly or criminally liable to any person,
5 estate, or public or private entity by reason of refusal of the
6 health care facility to permit or provide any particular form
7 of health care service which violates the facility's conscience
8 as documented in its ethical guidelines, mission statement,
9 constitution, bylaws, articles of incorporation, regulations,
10 or other governing documents.

11 Nothing in this act shall be construed so as to relieve a
12 physician, ~~or other~~ health care personnel, or a health care
13 facility from obligations under the law of providing emergency
14 medical care.

15 (Source: P.A. 90-246, eff. 1-1-98.)