

1 AN ACT in relation to health.

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

4 Section 5. The Medical Patient Rights Act is amended by
5 changing Sections 2, 3, and 4 and adding Section 2.06 as
6 follows:

7 (410 ILCS 50/2) (from Ch. 111 1/2, par. 5402)

8 Sec. 2. As used in this Act, unless the context otherwise
9 requires, the terms specified in the Sections following this
10 Section and preceding Section 3 2-01-through--2-05 have the
11 meanings ascribed to them in those Sections.

12 (Source: P.A. 86-820; 86-1355; 86-1475.)

13 (410 ILCS 50/2.06 new)

14 Sec. 2.06. "Physician" means a person licensed under the
15 Medical Practice Act to practice medicine in all of its
16 branches.

17 (410 ILCS 50/3) (from Ch. 111 1/2, par. 5403)

18 Sec. 3. The following rights are hereby established:

19 (a) The right of each patient to care consistent with
20 sound nursing and medical practices, to be informed of the
21 name of the physician responsible for coordinating his or her
22 care, to receive information concerning his or her condition
23 and proposed treatment, to refuse any treatment to the extent
24 permitted by law, and to privacy and confidentiality of
25 records except as otherwise provided by law.

26 (a-5) The right of each patient, in non-emergency care
27 situations, to be informed by a physician whether that
28 physician is a party to a contract with the patient's health
29 services corporation or insurance company, if any, and

1 participates in the provider network or panel maintained by
2 the health care services organization or insurance company.
3 If the physician is not a party to a contract with the
4 patient's health care organization or insurance company, the
5 physician must provide the patient with the following
6 information before rendering any services to the patient:

7 (1) An explanation of itemized services to be
8 rendered in non-emergency care settings.

9 (2) An itemized explanation of the estimated
10 charges for the services to be rendered.

11 (3) An explanation of the patient's responsibility
12 for payment of any of those charges.

13 (a-6) The Department of Professional Regulation shall
14 enforce the provisions of subsection (a-5). The Department
15 shall adopt rules to establish the following:

16 (1) A process by which patients may file complaints
17 with the Department alleging a violation of subsection
18 (a-5).

19 (2) A process for investigating complaints filed
20 under item (1).

21 (3) A hearing process to determine whether a
22 complaint filed under item (1) has merit.

23 (4) Appropriate civil monetary and other penalties
24 to be imposed if the Department determines that a
25 violation of subsection (a-5) has occurred.

26 (b) The right of each patient, regardless of source of
27 payment, to examine and receive a reasonable explanation of
28 his total bill for services rendered by his physician or
29 health care provider, including the itemized charges for
30 specific services received. Each physician or health care
31 provider shall be responsible only for a reasonable
32 explanation of those specific services provided by such
33 physician or health care provider.

34 (c) In the event an insurance company or health services

1 corporation cancels or refuses to renew an individual policy
2 or plan, the insured patient shall be entitled to timely,
3 prior notice of the termination of such policy or plan.

4 An insurance company or health services corporation that
5 requires any insured patient or applicant for new or
6 continued insurance or coverage to be tested for infection
7 with human immunodeficiency virus (HIV) or any other
8 identified causative agent of acquired immunodeficiency
9 syndrome (AIDS) shall (1) give the patient or applicant prior
10 written notice of such requirement, (2) proceed with such
11 testing only upon the written authorization of the applicant
12 or patient, and (3) keep the results of such testing
13 confidential. Notice of an adverse underwriting or coverage
14 decision may be given to any appropriately interested party,
15 but the insurer may only disclose the test result itself to a
16 physician designated by the applicant or patient, and any
17 such disclosure shall be in a manner that assures
18 confidentiality.

19 The Department of Insurance shall enforce the provisions
20 of this subsection.

21 (d) The right of each patient to privacy and
22 confidentiality in health care. Each physician, health care
23 provider, health services corporation and insurance company
24 shall refrain from disclosing the nature or details of
25 services provided to patients, except that such information
26 may be disclosed to the patient, the party making treatment
27 decisions if the patient is incapable of making decisions
28 regarding the health services provided, those parties
29 directly involved with providing treatment to the patient or
30 processing the payment for that treatment, those parties
31 responsible for peer review, utilization review and quality
32 assurance, and those parties required to be notified under
33 the Abused and Neglected Child Reporting Act, the Illinois
34 Sexually Transmissible Disease Control Act or where otherwise

1 authorized or required by law. This right may be waived in
2 writing by the patient or the patient's guardian, but a
3 physician or other health care provider may not condition the
4 provision of services on the patient's or guardian's
5 agreement to sign such a waiver.

6 (Source: P.A. 86-895; 86-902; 86-1028; 87-334.)

7 (410 ILCS 50/4) (from Ch. 111 1/2, par. 5404)

8 Sec. 4. Any physician or health care provider that
9 violates a patient's rights as set forth in subparagraph (a)
10 of Section 3 is guilty of a petty offense and shall be fined
11 \$500. Any insurance company or health service corporation
12 that violates a patient's rights as set forth in subparagraph
13 (c) ~~(b)~~ of Section 3 is guilty of a petty offense and shall
14 be fined \$1,000. Any physician, health care provider, health
15 services corporation or insurance company that violates a
16 patient's rights as set forth in subsection (c) of Section 3
17 is guilty of a petty offense and shall be fined \$1,000.

18 (Source: P.A. 86-902.)