



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0938

Introduced 2/7/2017, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

410 ILCS 210/0.5 new	
410 ILCS 210/1	from Ch. 111, par. 4501
410 ILCS 210/1.5	
410 ILCS 210/2	from Ch. 111, par. 4502
410 ILCS 210/3	from Ch. 111, par. 4503

Amends the Consent by Minors to Medical Procedures Act. Provides that provisions concerning the giving of consent to the performance of procedures or services apply to the giving of consent to the performance of procedures or services by a physician licensed under the Medical Practice Act of 1987 (rather than a physician licensed to practice medicine and surgery or a physician licensed to practice medicine in all its branches).

LRB100 07027 MJP 17081 b

1 AN ACT concerning 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 0.5 and by changing Sections 1,
6 1.5, 2, and 3 as follows:

7 (410 ILCS 210/0.5 new)

8 Sec. 0.5. Definition. As used in this Act, "physician"
9 means a physician licensed under the Medical Practice Act of
10 1987.

11 (410 ILCS 210/1) (from Ch. 111, par. 4501)

12 Sec. 1. Consent by minor. The consent to the performance of
13 a medical or surgical procedure by a physician ~~licensed to~~
14 ~~practice medicine and surgery~~, a licensed advanced practice
15 nurse, or a licensed physician assistant executed by a married
16 person who is a minor, by a parent who is a minor, by a pregnant
17 woman who is a minor, or by any person 18 years of age or older,
18 is not voidable because of such minority, and, for such
19 purpose, a married person who is a minor, a parent who is a
20 minor, a pregnant woman who is a minor, or any person 18 years
21 of age or older, is deemed to have the same legal capacity to
22 act and has the same powers and obligations as has a person of

1 legal age.

2 (Source: P.A. 99-173, eff. 7-29-15.)

3 (410 ILCS 210/1.5)

4 Sec. 1.5. Consent by minor seeking care for primary care
5 services.

6 (a) The consent to the performance of primary care services
7 by a physician ~~licensed to practice medicine in all its~~
8 ~~branches~~, a licensed advanced practice nurse, or a licensed
9 physician assistant executed by a minor seeking care is not
10 voidable because of such minority, and for such purpose, a
11 minor seeking care is deemed to have the same legal capacity to
12 act and has the same powers and obligations as has a person of
13 legal age under the following circumstances:

14 (1) the health care professional reasonably believes
15 that the minor seeking care understands the benefits and
16 risks of any proposed primary care or services; and

17 (2) the minor seeking care is identified in writing as
18 a minor seeking care by:

19 (A) an adult relative;

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

24 (C) an attorney licensed to practice law in this
25 State;

1 (D) a public school homeless liaison or school
2 social worker;

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

5 (F) a representative of a religious organization.

6 (b) A health care professional rendering primary care
7 services under this Section shall not incur civil or criminal
8 liability for failure to obtain valid consent or professional
9 discipline for failure to obtain valid consent if he or she
10 relied in good faith on the representations made by the minor
11 or the information provided under paragraph (2) of subsection
12 (a) of this Section. Under such circumstances, good faith shall
13 be presumed.

14 (c) The confidential nature of any communication between a
15 health care professional described in Section 1 of this Act and
16 a minor seeking care is not waived (1) by the presence, at the
17 time of communication, of any additional persons present at the
18 request of the minor seeking care, (2) by the health care
19 professional's disclosure of confidential information to the
20 additional person with the consent of the minor seeking care,
21 when reasonably necessary to accomplish the purpose for which
22 the additional person is consulted, or (3) by the health care
23 professional billing a health benefit insurance or plan under
24 which the minor seeking care is insured, is enrolled, or has
25 coverage for the services provided.

26 (d) Nothing in this Section shall be construed to limit or

1 expand a minor's existing powers and obligations under any
2 federal, State, or local law. Nothing in this Section shall be
3 construed to affect the Parental Notice of Abortion Act of
4 1995. Nothing in this Section affects the right or authority of
5 a parent or legal guardian to verbally, in writing, or
6 otherwise authorize health care services to be provided for a
7 minor in their absence.

8 (e) For the purposes of this Section:

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

19 "Primary care services" means health care services
20 that include screening, counseling, immunizations,
21 medication, and treatment of illness and conditions
22 customarily provided by licensed health care professionals
23 in an out-patient setting. "Primary care services" does not
24 include invasive care, beyond standard injections,
25 laceration care, or non-surgical fracture care.

26 (Source: P.A. 98-671, eff. 10-1-14; 99-173, eff. 7-29-15.)

1 (410 ILCS 210/2) (from Ch. 111, par. 4502)

2 Sec. 2. Any parent, including a parent who is a minor, may
3 consent to the performance upon his or her child of a medical
4 or surgical procedure by a physician ~~licensed to practice~~
5 ~~medicine and surgery~~, a licensed advanced practice nurse, or a
6 licensed physician assistant or a dental procedure by a
7 licensed dentist. The consent of a parent who is a minor shall
8 not be voidable because of such minority, but, for such
9 purpose, a parent who is a minor shall be deemed to have the
10 same legal capacity to act and shall have the same powers and
11 obligations as has a person of legal age.

12 (Source: P.A. 99-173, eff. 7-29-15.)

13 (410 ILCS 210/3) (from Ch. 111, par. 4503)

14 Sec. 3. (a) Where a hospital, a physician ~~licensed to~~
15 ~~practice medicine or surgery~~, a licensed advanced practice
16 nurse, or a licensed physician assistant renders emergency
17 treatment or first aid or a licensed dentist renders emergency
18 dental treatment to a minor, consent of the minor's parent or
19 legal guardian need not be obtained if, in the sole opinion of
20 the physician, advanced practice nurse, physician assistant,
21 dentist, or hospital, the obtaining of consent is not
22 reasonably feasible under the circumstances without adversely
23 affecting the condition of such minor's health.

24 (b) Where a minor is the victim of a predatory criminal

1 sexual assault of a child, aggravated criminal sexual assault,
2 criminal sexual assault, aggravated criminal sexual abuse or
3 criminal sexual abuse, as provided in Sections 11-1.20 through
4 11-1.60 of the Criminal Code of 2012, the consent of the
5 minor's parent or legal guardian need not be obtained to
6 authorize a hospital, physician, advanced practice nurse,
7 physician assistant, or other medical personnel to furnish
8 medical care or counseling related to the diagnosis or
9 treatment of any disease or injury arising from such offense.
10 The minor may consent to such counseling, diagnosis or
11 treatment as if the minor had reached his or her age of
12 majority. Such consent shall not be voidable, nor subject to
13 later disaffirmance, because of minority.
14 (Source: P.A. 99-173, eff. 7-29-15.)