



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5115

Introduced 2/8/2024, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

110 ILCS 330/8j new
210 ILCS 85/6.35 new
410 ILCS 50/3.5 new

Amends the University of Illinois Hospital Act and the Hospital Licensing Act. Provides that before using any diagnostic algorithm to diagnose a patient, a hospital must first confirm that the diagnostic algorithm has been certified by the Department of Public Health and the Department of Innovation and Technology, has been shown to achieve as or more accurate diagnostic results than other diagnostic means, and is not the only method of diagnosis available to a patient. Sets forth provisions concerning certification of the diagnostic algorithm and annual reporting by the proprietor of the diagnostic algorithm. Amends the Medical Patient Rights Act. Provides that a patient has the right to be told when a diagnostic algorithm will be used to diagnose them. Provides that before a diagnostic algorithm is used to diagnose a patient, the patient must first be presented with the option of being diagnosed without the diagnostic algorithm and consent to the diagnostic algorithm's use.

LRB103 35748 JAG 65829 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 University of Illinois Hospital Act is
5 amended by adding Section 8j as follows:

6 (110 ILCS 330/8j new)

7 Sec. 8j. Diagnostic algorithm.

8 (a) Before using any diagnostic algorithm to diagnose a
9 patient, the University of Illinois Hospital must first
10 confirm all of the following:

11 (1) The diagnostic algorithm has been certified by the
12 Department of Public Health and the Department of
13 Innovation and Technology.

14 (2) The diagnostic algorithm has been shown to achieve
15 as or more accurate diagnostic results than other
16 diagnostic means.

17 (3) The diagnostic algorithm is not the only method of
18 diagnosis available to a patient.

19 (b) In order for a diagnostic algorithm to be certified by
20 the Department of Public Health and the Department of
21 Innovation and Technology, the proprietor of the diagnostic
22 algorithm and associated software must regularly evaluate the
23 diagnostic algorithm for biases and discrimination against

1 protected categories of groups under the Illinois Human Rights
2 Act and report its findings on an annual basis to the
3 Department of Public Health and the Department of Innovation
4 and Technology.

5 (c) Within 3 months after receipt of the report of the
6 proprietor of the diagnostic algorithm under subsection (b),
7 the Department of Public Health and the Department of
8 Innovation and Technology must review the findings and may
9 open further investigations by a third party when deemed
10 appropriate. If the Department of Public Health and the
11 Department of Innovation and Technology find that the
12 diagnostic algorithm has perpetuated biases and discrimination
13 against protected categories of groups under the Illinois
14 Human Rights Act, the proprietor must take prompt action to
15 ensure the biases and discrimination are addressed, as
16 determined by the Department of Public Health and the
17 Department of Innovation and Technology, within 3 months after
18 the finding. If the biases and discrimination are not
19 addressed within 3 months after the finding, the Department of
20 Public Health and the Department of Innovation and Technology
21 shall revoke the diagnostic algorithm's certification until
22 the biases and discrimination are addressed, as determined by
23 the Department of Public Health and Department of Innovation
24 and Technology.

25 Section 10. The Hospital Licensing Act is amended by

1 adding Section 6.35 as follows:

2 (210 ILCS 85/6.35 new)

3 Sec. 6.35. Diagnostic algorithm.

4 (a) Before using any diagnostic algorithm to diagnose a
5 patient, a hospital licensed under this Act must first confirm
6 all of the following:

7 (1) The diagnostic algorithm has been certified by the
8 Department of Public Health and the Department of
9 Innovation and Technology.

10 (2) The diagnostic algorithm has been shown to achieve
11 as or more accurate diagnostic results than other
12 diagnostic means.

13 (3) The diagnostic algorithm is not the only method of
14 diagnosis available to a patient.

15 (b) In order for a diagnostic algorithm to be certified by
16 the Department of Public Health and the Department of
17 Innovation and Technology, the proprietor of the diagnostic
18 algorithm and associated software must regularly evaluate the
19 diagnostic algorithm for biases and discrimination against
20 protected categories of groups under the Illinois Human Rights
21 Act and report its findings on an annual basis to the
22 Department of Public Health and the Department of Innovation
23 and Technology.

24 (c) Within 3 months after receipt of the report of the
25 proprietor of the diagnostic algorithm under subsection (b),

1 the Department of Public Health and the Department of
2 Innovation and Technology must review the findings and may
3 open further investigations by a third party when deemed
4 appropriate. If the Department of Public Health and the
5 Department of Innovation and Technology find that the
6 diagnostic algorithm has perpetuated biases and discrimination
7 against protected categories of groups under the Illinois
8 Human Rights Act, the proprietor must take prompt action to
9 ensure the biases and discrimination are addressed, as
10 determined by the Department of Public Health and the
11 Department of Innovation and Technology, within 3 months after
12 the finding. If the biases and discrimination are not
13 addressed within 3 months after the finding, the Department of
14 Public Health and the Department of Innovation and Technology
15 shall revoke the diagnostic algorithm's certification until
16 the biases and discrimination are addressed, as determined by
17 the Department of Public Health and Department of Innovation
18 and Technology.

19 Section 15. The Medical Patient Rights Act is amended by
20 adding Section 3.5 as follows:

21 (410 ILCS 50/3.5 new)

22 Sec. 3.5. Diagnostic algorithm. A patient has the right to
23 be told when a diagnostic algorithm will be used to diagnose
24 him or her. Before a diagnostic algorithm is used to diagnose a

1 patient, the patient must first:

2 (1) be presented with the option of being diagnosed
3 without the diagnostic algorithm; and

4 (2) consent to the diagnostic algorithm's use.