

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, 6, 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. It is also the public policy of the State of

1 Illinois to ensure that patients receive timely access to  
2 information and medically appropriate care.

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

4 (745 ILCS 70/3) (from Ch. 111 1/2, par. 5303)

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

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

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

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

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

1 center or other institution or location wherein health care  
2 services are provided to any person, including physician  
3 organizations and associations, networks, joint ventures, and  
4 all other combinations of those organizations;

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

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

15 (g) "Undue delay" means unreasonable delay that causes  
16 impairment of the patient's health.

17 The above definitions include not only the traditional  
18 combinations and forms of these persons and organizations but  
19 also all new and emerging forms and combinations of these  
20 persons and organizations.

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

22 (745 ILCS 70/6) (from Ch. 111 1/2, par. 5306)

23 Sec. 6. Duty of physicians and other health care personnel.  
24 Nothing in this Act shall relieve a physician from any duty,  
25 which may exist under any laws concerning current standards, of

1 ~~normal~~ medical practice or care practices and procedures, to  
2 inform his or her patient of the patient's condition,  
3 prognosis, legal treatment options, and risks and benefits of  
4 treatment options, provided, however, that such physician  
5 shall be under no duty to perform, assist, counsel, suggest,  
6 recommend, refer or participate in any way in any form of  
7 medical practice or health care service that is contrary to his  
8 or her conscience.

9 Nothing in this Act shall be construed so as to relieve a  
10 physician or other health care personnel from obligations under  
11 the law of providing emergency medical care.

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

13 (745 ILCS 70/6.1 new)

14 Sec. 6.1. Access to care and information protocols. All  
15 health care facilities shall adopt written access to care and  
16 information protocols that are designed to ensure that  
17 conscience-based objections do not cause impairment of  
18 patients' health and that explain how conscience-based  
19 objections will be addressed in a timely manner to facilitate  
20 patient health care services. The protections of Sections 4, 5,  
21 7, 8, 9, 10, and 11 of this Act only apply if conscience-based  
22 refusals occur in accordance with these protocols. These  
23 protocols must, at a minimum, address the following:

24 (1) The health care facility, physician, or health care  
25 personnel shall inform a patient of the patient's

1 condition, prognosis, legal treatment options, and risks  
2 and benefits of the treatment options in a timely manner,  
3 consistent with current standards of medical practice or  
4 care.

5 (2) When a health care facility, physician, or health  
6 care personnel is unable to permit, perform, or participate  
7 in a health care service that is a diagnostic or treatment  
8 option requested by a patient because the health care  
9 service is contrary to the conscience of the health care  
10 facility, physician, or health care personnel, then the  
11 patient shall either be provided the requested health care  
12 service by others in the facility or be notified that the  
13 health care will not be provided and be referred,  
14 transferred, or given information in accordance with  
15 paragraph (3).

16 (3) If requested by the patient or the legal  
17 representative of the patient, the health care facility,  
18 physician, or health care personnel shall: (i) refer the  
19 patient to, or (ii) transfer the patient to, or (iii)  
20 provide in writing information to the patient about other  
21 health care providers who they reasonably believe may offer  
22 the health care service the health care facility,  
23 physician, or health personnel refuses to permit, perform,  
24 or participate in because of a conscience-based objection.

25 (4) If requested by the patient or the legal  
26 representative of the patient, the health care facility,

1       physician, or health care personnel shall provide copies of  
2       medical records to the patient or to another health care  
3       professional or health care facility designated by the  
4       patient in accordance with Illinois law, without undue  
5       delay.

6           (745 ILCS 70/6.2 new)

7       Sec. 6.2. Permissible acts related to access to care and  
8       information protocols. Nothing in this Act shall be construed  
9       to prevent a health care facility from requiring that  
10       physicians or health care personnel working in the facility  
11       comply with access to care and information protocols that  
12       comply with the provisions of this Act.

13           (745 ILCS 70/9) (from Ch. 111 1/2, par. 5309)

14       Sec. 9. Liability. No person, association, or corporation,  
15       which owns, operates, supervises, or manages a health care  
16       facility shall be civilly or criminally liable to any person,  
17       estate, or public or private entity by reason of refusal of the  
18       health care facility to permit or provide any particular form  
19       of health care service which violates the facility's conscience  
20       as documented in its ethical guidelines, mission statement,  
21       constitution, bylaws, articles of incorporation, regulations,  
22       or other governing documents.

23           Nothing in this Act ~~act~~ shall be construed so as to relieve  
24       a physician, ~~or other~~ health care personnel, or a health care

1 facility from obligations under the law of providing emergency  
2 medical care.

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

4 Section 99. Effective date. This Act takes effect January  
5 1, 2016.