

1 AN ACT concerning public health.

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

4 Section 1. Short title. This Act may be cited as the  
5 Disease and Symptom Complex Surveillance and Reporting Act.

6 Section 5. Legislative findings and purpose.

7 (a) The General Assembly finds that: (i) protection of  
8 the public health and welfare of the citizens of Illinois  
9 requires immediate access by State government to information  
10 regarding outbreaks of disease symptoms and other medical  
11 symptom complexes; (ii) although systems exist within State  
12 government to access and maintain databases as to certain  
13 medical symptoms, these existing systems are not designed to  
14 furnish the immediately available integrated statewide  
15 surveillance and data access needed to promptly address  
16 unusual occurrences of disease symptoms and other medical  
17 symptom complexes; (iii) it is the obligation of State  
18 government to protect the citizens of the State of Illinois  
19 by developing such an immediately accessible, comprehensive,  
20 and integrated data surveillance and collection system  
21 regarding outbreaks of disease symptoms and other medical  
22 symptom complexes.

23 (b) The purpose of this Act is to establish a  
24 comprehensive, integrated statewide data surveillance and  
25 collection system, through electronic and other appropriate  
26 means, that contains immediately accessible, comprehensive,  
27 and integrated data regarding disease symptoms and other  
28 medical symptom complexes; provided, however, that such  
29 system shall contain stringent confidentiality and privacy  
30 protections for individually identifiable health information.

1 Section 10. Definitions. For purposes of this Act, unless  
2 the context requires otherwise:

3 "Communicable Diseases Code" means the Illinois Control  
4 of Communicable Diseases Code.

5 "Department" means the Illinois Department of Public  
6 Health.

7 "Director" means the Director of Public Health.

8 "Disease symptoms" means medical symptoms of communicable  
9 or non-communicable diseases, and, for purposes of  
10 communicable diseases, includes without limitation those  
11 diseases reportable under the Illinois Control of  
12 Communicable Diseases Code.

13 "Individually identifiable health information" means  
14 information collected pursuant to this Act that relates to  
15 the past, present, or future physical or mental health or  
16 condition of an individual or that relates to the provision  
17 of health care to an individual, such that the information  
18 identifies the individual or there is reasonable basis to  
19 believe the information can be used to identify the  
20 individual.

21 "Medical symptom complex" means symptoms or symptom  
22 clusters for other than disease, including without limitation  
23 those required to be reported under the Illinois Health and  
24 Hazardous Substances Registry Act.

25 Section 15. Data system. The Department, in order to  
26 prevent and control disease, injury, or disability among  
27 citizens of the State of Illinois, shall establish a  
28 statewide system of uninterrupted access to surveillance,  
29 interoperable networks, information exchange, and data  
30 protocols, a comprehensive system of reporting to State  
31 government, and immediate access to medical data, treatment  
32 guidelines and health alerts, for disease symptoms and  
33 medical symptom complexes. This system shall use electronic

1 and other appropriate means of communication. Individually  
2 identifiable health information accessed through this system  
3 shall be subject to, and protected by, the confidentiality  
4 and privacy provisions set forth in Section 30.

5 Section 20. Emergency medical investigations. When the  
6 Director determines that morbidity or mortality from a  
7 particular set of disease symptoms or a medical symptom  
8 complex warrants study to protect and control disease,  
9 injury, or disability among citizens of the State of  
10 Illinois, the Director may declare the disease symptoms or  
11 medical symptom complex to be the subject of an emergency  
12 medical investigation, and require the persons and entities  
13 identified in Section 25 to submit or make available such  
14 information, medical records, data, and reports as are  
15 necessary for the purpose of the study. Individually  
16 identifiable health information furnished pursuant to this  
17 Section shall be subject to, and protected by, the  
18 confidentiality and privacy protections set forth in Section  
19 30. Nothing in this Act shall be construed to compel any  
20 individual to submit to a medical examination or medical  
21 supervision.

22 Section 25. Required participation. The following persons  
23 and entities must participate in the surveillance and  
24 reporting system described in Section 15 and the emergency  
25 medical investigations described in Section 20, in accordance  
26 with the provisions of this Act and the rules promulgated by  
27 the Department:

- 28 (1) Physicians and physician group practices.
- 29 (2) Nurses.
- 30 (3) Nurse aides.
- 31 (4) Dentists.
- 32 (5) Health care practitioners.

- 1           (6) Hospitals and hospital personnel.
- 2           (7) Health insurance entities.
- 3           (8) Laboratories and laboratory personnel.
- 4           (9) Long-term care facilities and personnel.
- 5           (10) Community health centers, rural health clinics, and
- 6 public health clinics.
- 7           (11) Local health departments.
- 8           (12) State-operated health facilities.
- 9           (13) School personnel.
- 10          (14) Day care personnel.
- 11          (15) Pharmacies and pharmacy personnel.
- 12          (16) Coroners and medical examiners.
- 13          (17) Emergency medical technicians and other first
- 14 responders.

15           Section 30. Confidentiality of information obtained. All  
16 reports made pursuant to the provisions of this Act shall be  
17 strictly confidential, including the identity of the  
18 individual who is the subject of the report and the identity  
19 of the author of such report, and shall be used only for  
20 public health purposes. The Department shall not release any  
21 data or information obtained pursuant to this Act to any  
22 individuals or entities for purposes other than protection of  
23 the public health, unless the data or information can be  
24 de-identified such that there is no reasonable basis to  
25 believe the data or information that is released could be  
26 used to identify an individual through such means as  
27 automated record linking technology, data analysis and  
28 exchange, or any other similar methods. The Department shall  
29 by rule or regulation establish standards or guidelines for  
30 ensuring the protection of information made confidential or  
31 privileged under law. The privacy protections enumerated in  
32 this Section and the rules promulgated thereunder shall be in  
33 addition to the privacy and confidentiality provisions

1 contained in the Communicable Disease Report Act, the Control  
2 of Communicable Diseases Code, and the Illinois Health and  
3 Hazardous Substances Registry Act.

4 Section 35. Admissibility as evidence. Individually  
5 identifiable health information obtained by the Department  
6 pursuant to the provisions of this Act and the regulations  
7 promulgated under this Act shall not be admissible as  
8 evidence, nor discoverable in any action of any kind in any  
9 court or before any tribunal, board, agency, or person. The  
10 identity of the individual or entity who makes a report to  
11 the Department pursuant to this Act shall be confidential and  
12 shall not be admissible as evidence, nor discoverable in any  
13 action of any kind in any court or before any tribunal,  
14 board, agency, or person. The disclosure of any such  
15 information or data, whether proper or improper, shall not  
16 waive or have any effect upon its confidentiality,  
17 nondiscoverability, or nonadmissibility. The inadmissibility  
18 of information as evidence as described by this Section shall  
19 be in addition to the similar inadmissibility provisions  
20 contained in the Communicable Disease Report Act, the Control  
21 of Communicable Diseases Code, and the Illinois Health and  
22 Hazardous Substances Registry Act.

23 Section 40. Promulgation of rules. The Department shall  
24 adopt any rules necessary to ensure proper implementation and  
25 administration of this Act. Those rules shall include  
26 provisions for the imposition of fines and other appropriate  
27 civil remedies upon violation of this Act or the rules.

28 Section 45. Act takes precedence. In case of any conflict  
29 between the provisions of this Act and any other law,  
30 executive order, or administrative regulation, the provisions  
31 of this Act shall prevail and control.

1           Section 50. Penalties. Any person who violates this Act  
2 shall be guilty of a Class A misdemeanor and shall be fined a  
3 sum not less than \$1,000 per violation. Each day's violation  
4 constitutes a separate offense. The State's Attorney of the  
5 county in which the violation occurred, or the Attorney  
6 General, shall bring such actions in the name of the People  
7 of the State of Illinois, and may, in addition to other  
8 remedies provided in this Act, bring action for an injunction  
9 to restrain such violation. Any person who violates any rule  
10 or regulation adopted by the Department, or who violates any  
11 determination or order of the Department thereunder, shall be  
12 subject to fines of up to \$10,000 per violation and other  
13 appropriate civil penalties as determined by the Department  
14 through issuance of rules.

15           Section 55. Limited liability. The persons and entities  
16 listed in items (1) through (17) of Section 25, who in good  
17 faith report information described in Section 15 or  
18 participate in an emergency medical investigation described  
19 in Section 5, shall be immune from civil liability in  
20 connection with such reporting or participation. The identity  
21 of any individual who makes a report or who is identified in  
22 a report shall be confidential and the identity of any person  
23 making a report or named therein shall not be disclosed  
24 publicly or in any action of any kind in any court or before  
25 any tribunal, board, or agency. Nothing in this Act shall  
26 exonerate the persons and entities listed in items (1)  
27 through (17) of Section 20 from liability for injury caused  
28 by willful or wanton misconduct.

29           Section 60. Severability. If any provision or clause of  
30 this Act or the application thereof to any person or  
31 circumstances is held invalid, such invalidity shall not  
32 affect other provisions or applications of the Act which can

1 be given effect without the invalid provision or application,  
2 and to this end the provisions of this Act are declared to be  
3 severable.

4 Section 65. Exclusive jurisdiction. It is declared to be  
5 the law of this State that the regulation of disease symptoms  
6 and symptom complexes as described in this Act is an exercise  
7 of exclusive State power which may not be exercised  
8 concurrently by any unit of local government, including home  
9 rule units.

10 Section 920. The State Mandates Act is amended by adding  
11 Section 8.26 as follows:

12 (30 ILCS 805/8.26 new)

13 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6  
14 and 8 of this Act, no reimbursement by the State is required  
15 for the implementation of any mandate created by this  
16 amendatory Act of the 92nd General Assembly.

17 Section 999. Effective date. This Act takes effect upon  
18 becoming law.