

101ST GENERAL ASSEMBLY**State of Illinois****2019 and 2020****SB2309**

Introduced 11/14/2019, by Sen. Patricia Van Pelt - John F. Curran - Rachelle Crowe - Jacqueline Y. Collins - Mattie Hunter, et al.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Unidentified Patient Act. Provides that the Act may be referred to as the Elisha Britttman Law. Provides that upon the arrival of an unidentified patient into a hospital's emergency department the hospital shall take specified efforts towards identifying the patient. Requires a hospital to contact the local law enforcement agency and request that a missing person report be completed for an unidentified patient if the specified efforts are not possible or are unsuccessful. Provides that local law enforcement should be requested to enter an unidentified patient into the Federal Bureau of Investigation's National Crime Information Center database. Requires hospital staff to contact local law enforcement to perform fingerprinting services in an effort to identify an unidentified patient. Provides that hospital staff shall make a referral to the hospital's public information officer to obtain specified identifying materials and submit them to local media outlets if the fingerprinting services are not possible or are unsuccessful. Provides that if a hospital receives a claim from an individual of being an unidentified patient's next of kin, a DNA sample may be collected from the unidentified patient and the individual and verified either on-site or at an associated laboratory, but must be provided on a voluntary basis and shall be used solely to help identify the unidentified patient and any familial relations. Provides that if law enforcement requests an unidentified patient's information to help identify a suspect, fugitive, material witness, or missing person, the hospital and hospital personnel must disclose only the information allowed under the federal Health Insurance Portability and Accountability Act of 1996. Defines terms.

LRB101 14918 CPF 64754 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 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the Unidentified
6 Patient Act.

7 (b) References to Act. This Act may be referred to as the
8 Elisha Brittman Law.

9 Section 5. Purpose. This Act is designed to provide
10 guidance to emergency department staff in developing
11 procedures for the identification of unidentified patients
12 that are admitted to a hospital.

13 Section 10. Definitions. In this Act:

14 "Adequate identification" means the ability of a patient or
15 escort to positively identify the patient's relevant
16 information, including, but not limited to, the patient's name,
17 address, date of birth, or next of kin.

18 "HIPAA" means the federal Health Insurance Portability and
19 Accountability Act of 1996.

20 "Hospital" means any institution licensed under the
21 Hospital Licensing Act or operated under the University of
22 Illinois Hospital Act.

1 "Missing person report" means a report generated pursuant
2 to the Missing Persons Identification Act.

3 "Unidentified patient" means a patient who is brought into
4 the emergency department of a hospital without any
5 identification, is unable to self-identify, and the hospital is
6 unable to obtain adequate identification.

7 Section 15. Procedure.

8 (a) Upon the arrival of an unidentified patient into a
9 hospital's emergency department:

10 (1) Hospital staff members shall review the patient's
11 chart and personal belongings and hospital records to
12 determine if there is any information regarding the
13 patient's identity.

14 (2) The hospital's admission staff members shall
15 notify any centralized information desk or visitor desk of
16 the unidentified patient so that inquiries are referred to
17 the appropriate hospital staff as well as any law
18 enforcement personnel that may be involved.

19 (3) Detailed physical descriptions should be entered
20 into the hospital's patient database, along with any
21 information gathered from emergency medical technicians or
22 law enforcement personnel.

23 (b) If initial identification efforts for a patient under
24 subsection (a) are not possible or are unsuccessful, the
25 hospital shall contact the local law enforcement agency and

1 request that a missing person report be completed for an
2 unidentified patient who is living or deceased. The law
3 enforcement agency should be requested to enter the
4 unidentified patient into the Federal Bureau of
5 Investigation's National Crime Information Center database as
6 an Unidentified Living Person or Unidentified Deceased Person.

7 (c) Hospital staff shall contact local law enforcement to
8 perform fingerprinting services in an effort to identify an
9 unidentified patient.

10 (d) If identification of an unidentified patient is not
11 possible or is not successful using the fingerprinting process
12 under subsection (c), hospital staff shall make a referral to
13 the hospital's public information officer to obtain a
14 description and, if possible, a photograph of the unidentified
15 patient, as well as any significant case-specific facts that
16 may help with identification of the unidentified patient. This
17 information shall be submitted to local media outlets for
18 assistance in identification of the unidentified patient, with
19 an emphasis on the media from where the unidentified patient
20 was brought in from.

21 (e) If an unidentified patient is not identified within one
22 week after publication under subsection (d), the information
23 submitted to local media outlets shall be submitted to a wider
24 publication area.

25 (f) If a hospital receives a claim from an individual of
26 being an unidentified patient's next of kin, a DNA sample may

1 be collected from the unidentified patient and the individual
2 and verified either on-site or at an associated laboratory. Any
3 DNA sample collected under this subsection must be provided on
4 a voluntary basis and shall be used solely to help identify the
5 unidentified patient and any familial relations.

6 (g) If law enforcement requests an unidentified patient's
7 information to help identify a suspect, fugitive, material
8 witness, or missing person, the hospital and hospital personnel
9 must disclose only the information allowed under HIPAA,
10 including only disclosing DNA, dental records, or body fluid as
11 a means of identification pursuant to a court order, warrant,
12 or written administrative request.