



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1824

Introduced 2/26/2021, by Sen. Patricia Van Pelt

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Unidentified Patient Act. Provides that the Act may be referred to as the Elisha Brittmann 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.

LRB102 17109 CPF 22539 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  
15 or escort to positively identify the patient's relevant  
16 information, including, but not limited to, the patient's  
17 name, 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  
6 is 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  
22 one week after publication under subsection (d), the  
23 information submitted to local media outlets shall be  
24 submitted to a wider 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.  
3 Any DNA sample collected under this subsection must be  
4 provided on a voluntary basis and shall be used solely to help  
5 identify the 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  
9 personnel must disclose only the information allowed under  
10 HIPAA, including only disclosing DNA, dental records, or body  
11 fluid as a means of identification pursuant to a court order,  
12 warrant, or written administrative request.