AN ACT concerning patient rights.

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

Section 5. The Medical Patient Rights Act is amended by changing Section 3 and adding Section 2.06 as follows:

(410 ILCS 50/2.06 new)

Sec. 2.06. Pharmaceutical company. "Pharmaceutical company" means a company or business, or an agent or representative thereof, that manufactures, or distributes wholesale pharmaceuticals, medications, or prescription drugs.

(410 ILCS 50/3) (from Ch. 111 1/2, par. 5403)

Sec. 3. The following rights are hereby established:

(a) The right of each patient to care consistent with sound nursing and medical practices, to be informed of the name of the physician responsible for coordinating his or her care, to receive information concerning his or her condition and proposed treatment, to refuse any treatment to the extent permitted by law, and to privacy and confidentiality of records except as otherwise provided by law.

(b) The right of each patient, regardless of source of payment, to examine and receive a reasonable explanation of his total bill for services rendered by his physician or health care provider, including the itemized charges for specific services received. Each physician or health care provider shall be responsible only for a reasonable explanation of those specific services provided by such physician or health care provider.

(c) In the event an insurance company or health services corporation cancels or refuses to renew an individual policy

or plan, the insured patient shall be entitled to timely, prior notice of the termination of such policy or plan.

An insurance company or health services corporation that requires any insured patient or applicant for new or continued insurance or coverage to be tested for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS) shall (1) give the patient or applicant prior written notice of such requirement, (2) proceed with such testing only upon the written authorization of the applicant or patient, and (3) keep the results of such testing confidential. Notice of an adverse underwriting or coverage decision may be given to any appropriately interested party, but the insurer may only disclose the test result itself to a physician designated by the applicant or patient, and any such disclosure shall be in a manner that assures confidentiality.

The Department of Insurance shall enforce the provisions of this subsection.

(d) The right of each patient to privacy and confidentiality in health care. Each physician, health care provider, health services corporation, pharmaceutical company, and insurance company shall refrain from disclosing the nature or details of services provided to patients, except that such information may be disclosed to the patient, the party making treatment decisions if the patient is incapable of making decisions regarding the health services provided, those parties directly involved with providing treatment to the patient or processing the payment for that treatment, those parties responsible for peer review, utilization review and quality assurance, and those parties required to be notified under the Abused and Neglected Child Reporting Act, the Illinois Sexually Transmissible Disease Control Act or where otherwise authorized or required by law.

This right may be waived in writing by the patient or the patient's guardian, but a physician or other health care provider may not condition the provision of services on the patient's or guardian's agreement to sign such a waiver. A pharmaceutical company may not require a patient to authorize disclosure to receive medications. A patient may, however, authorize the disclosure of information necessary for his or her participation in a patient assistance program, prescription drug discount program or other offers for free or reduced price medicine, clinical research project, limited supply distribution program, compassionate use program, a program of research conducted by or for a pharmaceutical company, research sanctioned by the FDA or the National Institutes of Health, or a patient registry established in accordance with FDA regulations. In addition, information concerning the nature or details of services provided to patients may be disclosed for the compilation of medical records used for epidemiological, pharmacoeconomic, or health outcome studies that do not reveal the identity of the patient.

(Source: P.A. 86-895; 86-902; 86-1028; 87-334.)

Section 99. Effective date. This Act takes effect upon becoming law.