

1 AN ACT concerning regulation.

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 Public
5 Health Standing Orders Act.

6 Section 5. Definitions. In this Act:

7 "Health care personnel" means persons working within the
8 scope of their licensure or training and experience with a
9 public health clinic who provide medical services, including
10 volunteers and staff not employed by the public health clinic.

11 "Public health clinic" has the same meaning as provided in
12 subsection (c) of Section 6-101 of the Local Governmental and
13 Governmental Employees Tort Immunities Act.

14 "Public health standing orders physician" has the same
15 meaning as provided in subsection (d) of Section 6-101 of the
16 Local Governmental and Governmental Employees Tort Immunities
17 Act.

18 Section 10. Public health orders; standing physician
19 protocols. Public health standing orders, also referred to as
20 standing physician protocols, issued pursuant to this Act shall
21 contain, at the minimum, the following elements:

22 (1) the name of the public health clinic authorized to

1 provide the medical services;

2 (2) the specific medical services authorized to be
3 provided;

4 (3) any instructions on the training or experience of
5 health care personnel who are authorized to provide the
6 specified health care services;

7 (4) the effective date for the standing order; and

8 (5) the name and signature of the public health
9 standing orders physician.

10 Section 15. Health care personnel; standing orders.
11 Notwithstanding any other provision of law to the contrary,
12 health care personnel may provide medical services within a
13 public health clinic in conformance with standing orders issued
14 by a public health standing orders physician without prior
15 establishment of a physician-patient relationship between the
16 public health standing orders physician and the person
17 receiving medical services.

18 Section 20. Health care personnel; qualifications. Health
19 care personnel who provide medical services pursuant to a
20 public health standing order shall:

21 (1) be trained in the medical services to be provided;

22 (2) verify and document the applicability of the public
23 health standing orders to any individual;

24 (3) complete accurate and legible entries in all

1 records required by federal and State law;

2 (4) when applicable, document informed consent with
3 the patient or client; and

4 (5) understand where and how to access and use
5 emergency devices, techniques, and services for adverse
6 reactions.

7 Section 25. Physician delegation; hospitals.

8 (a) Nothing in this Act shall be construed to affect or in
9 any way limit physician delegation, including the use of
10 standing orders or protocols for any person or group of persons
11 without prior establishment of a physician-patient
12 relationship between the physician and the person receiving
13 medical services.

14 (b) Nothing in this Act shall be construed to affect or in
15 any way limit standing orders or protocols as implemented by
16 hospitals licensed under the Illinois Hospital Licensing Act,
17 hospital affiliates as defined by the Illinois Hospital
18 Licensing Act, or hospitals licensed under the University of
19 Illinois Hospital Act.

20 Section 90. The Local Governmental and Governmental
21 Employees Tort Immunity Act is amended by changing Sections
22 6-101 and 6-110 as follows:

23 (745 ILCS 10/6-101) (from Ch. 85, par. 6-101)

1 Sec. 6-101. As used in this Article, unless the context
2 otherwise requires:

3 (a) "Medical facility" includes a hospital, infirmary,
4 clinic, dispensary, mental institution or similar facility.

5 (b) "Mental institution" means any medical facility or part
6 of any medical facility used primarily for the care or
7 treatment of persons committed for mental illness or addiction.

8 (c) "Public health clinic" means an outpatient program
9 ~~clinic~~ conducted by a locally based not-for-profit
10 corporation, or by any local board of health whose health
11 department is recognized by, and has a designation status
12 established by, the Illinois Department of Public Health and
13 complies with the Public Health Standing Orders Act.

14 (d) "Public health standing ~~Standing~~ orders physician"
15 means a person licensed to practice medicine in all its
16 branches in Illinois and who, under an agreement with a locally
17 based not-for-profit corporation which conducts a public
18 health clinic which provides among its services free medical
19 services to indigent persons unable to pay for their own
20 medical care, or a local board of health, provides medical
21 oversight to a public health clinic in accordance with the
22 following:

23 (1) reviews the standing orders ~~protocols~~ for the
24 public health clinic and amends the standing orders
25 ~~protocols~~ from time to time in keeping with current trends
26 in sound medical practice;

1 (2) reviews the standing orders ~~protocols~~, as amended,
2 with the professional staff of the public health clinic at
3 least once a year;

4 (3) participates in a site visit of a clinic covered by
5 the standing orders periodically ~~at least once a year~~;

6 (4) signs standing orders for medical procedures
7 conducted in the public health clinic in conformance with
8 sound medical practice; and

9 (5) is available for consultation with the
10 professional clinic staff.

11 (e) The changes to this Section made by this amendatory Act
12 of the 97th General Assembly apply only to causes of actions
13 accruing on or after the effective date of this amendatory Act
14 of the 97th General Assembly.

15 (Source: P.A. 86-950.)

16 (745 ILCS 10/6-110) (from Ch. 85, par. 6-110)

17 Sec. 6-110. Public health standing ~~Standing~~ orders
18 physicians providing medical oversight to a public health
19 clinic in conformance with an agreement with a locally based
20 not-for-profit corporation which conducts a public health
21 clinic, or with a local board of health, whether compensated or
22 not, shall be considered employees of a local public entity for
23 the purpose of affording them the protections of this Act.

24 The changes to this Section made by this amendatory Act of
25 the 97th General Assembly apply only to causes of actions

1 accruing on or after the effective date of this amendatory Act
2 of the 97th General Assembly.

3 (Source: P.A. 86-950.)