

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 5. The Consent by Minors to Medical Procedures Act
5 is amended by adding Section 1.5 as follows:

6 (410 ILCS 210/1.5 new)

7 Sec. 1.5. Consent by minor seeking care for primary care
8 services.

9 (a) The consent to the performance of primary care services
10 by a physician licensed to practice medicine in all its
11 branches, an advanced practice nurse who has a written
12 collaborative agreement with a collaborating physician that
13 authorizes provision of services for minors, or a physician
14 assistant who has been delegated authority to provide services
15 for minors executed by a minor seeking care is not voidable
16 because of such minority, and for such purpose, a minor seeking
17 care is deemed to have the same legal capacity to act and has
18 the same powers and obligations as has a person of legal age
19 under the following circumstances:

20 (1) the health care professional reasonably believes
21 that the minor seeking care understands the benefits and
22 risks of any proposed primary care or services; and

23 (2) the minor seeking care is identified in writing as

1 a minor seeking care by:

2 (A) an adult relative;

3 (B) a representative of a homeless service agency
4 that receives federal, State, county, or municipal
5 funding to provide those services or that is otherwise
6 sanctioned by a local continuum of care;

7 (C) an attorney licensed to practice law in this
8 State;

9 (D) a public school homeless liaison or school
10 social worker;

11 (E) a social service agency providing services to
12 at risk, homeless, or runaway youth; or

13 (F) a representative of a religious organization.

14 (b) A health care professional rendering primary care
15 services under this Section shall not incur civil or criminal
16 liability for failure to obtain valid consent or professional
17 discipline for failure to obtain valid consent if he or she
18 relied in good faith on the representations made by the minor
19 or the information provided under paragraph (2) of subsection
20 (a) of this Section. Under such circumstances, good faith shall
21 be presumed.

22 (c) The confidential nature of any communication between a
23 health care professional described in Section 1 of this Act and
24 a minor seeking care is not waived (1) by the presence, at the
25 time of communication, of any additional persons present at the
26 request of the minor seeking care, (2) by the health care

1 professional's disclosure of confidential information to the
2 additional person with the consent of the minor seeking care,
3 when reasonably necessary to accomplish the purpose for which
4 the additional person is consulted, or (3) by the health care
5 professional billing a health benefit insurance or plan under
6 which the minor seeking care is insured, is enrolled, or has
7 coverage for the services provided.

8 (d) Nothing in this Section shall be construed to limit or
9 expand a minor's existing powers and obligations under any
10 federal, State, or local law. Nothing in this Section shall be
11 construed to affect the Parental Notice of Abortion Act of
12 1995. Nothing in this Section affects the right or authority of
13 a parent or legal guardian to verbally, in writing, or
14 otherwise authorize health care services to be provided for a
15 minor in their absence.

16 (e) For the purposes of this Section:

17 "Minor seeking care" means a person at least 14 years
18 of age but less than 18 years of age who is living separate
19 and apart from his or her parents or legal guardian,
20 whether with or without the consent of a parent or legal
21 guardian who is unable or unwilling to return to the
22 residence of a parent, and managing his or her own personal
23 affairs. "Minor seeking care" does not include minors who
24 are under the protective custody, temporary custody, or
25 guardianship of the Department of Children and Family
26 Services.

1 "Primary care services" means health care services
2 that include screening, counseling, immunizations,
3 medication, and treatment of illness and conditions
4 customarily provided by licensed health care professionals
5 in an out-patient setting. "Primary care services" does not
6 include invasive care, beyond standard injections,
7 laceration care, or non-surgical fracture care.

8 Section 99. Effective date. This Act takes effect October
9 1, 2014.