



Sen. Daniel Biss

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1 AMENDMENT TO SENATE BILL 1564

2 AMENDMENT NO. _____. Amend Senate Bill 1564, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Health Care Right of Conscience Act is
6 amended by changing Sections 2, 3, 6, and 9 and by adding
7 Sections 6.1 and 6.2 as follows:

8 (745 ILCS 70/2) (from Ch. 111 1/2, par. 5302)

9 Sec. 2. Findings and policy. The General Assembly finds and
10 declares that people and organizations hold different beliefs
11 about whether certain health care services are morally
12 acceptable. It is the public policy of the State of Illinois to
13 respect and protect the right of conscience of all persons who
14 refuse to obtain, receive or accept, or who are engaged in, the
15 delivery of, arrangement for, or payment of health care
16 services and medical care whether acting individually,

1 corporately, or in association with other persons; and to
2 prohibit all forms of discrimination, disqualification,
3 coercion, disability or imposition of liability upon such
4 persons or entities by reason of their refusing to act contrary
5 to their conscience or conscientious convictions in providing,
6 paying for, or refusing to obtain, receive, accept, deliver,
7 pay for, or arrange for the payment of health care services and
8 medical care. It is also the public policy of the State of
9 Illinois to ensure that patients receive timely access to
10 information and medically appropriate care.

11 (Source: P.A. 90-246, eff. 1-1-98.)

12 (745 ILCS 70/3) (from Ch. 111 1/2, par. 5303)

13 Sec. 3. Definitions. As used in this Act, unless the
14 context clearly otherwise requires:

15 (a) "Health care" means any phase of patient care,
16 including but not limited to, testing; diagnosis; prognosis;
17 ancillary research; instructions; family planning,
18 counselling, referrals, or any other advice in connection with
19 the use or procurement of contraceptives and sterilization or
20 abortion procedures; medication; or surgery or other care or
21 treatment rendered by a physician or physicians, nurses,
22 paraprofessionals or health care facility, intended for the
23 physical, emotional, and mental well-being of persons;

24 (b) "Physician" means any person who is licensed by the
25 State of Illinois under the Medical Practice Act of 1987;

1 (c) "Health care personnel" means any nurse, nurses' aide,
2 medical school student, professional, paraprofessional or any
3 other person who furnishes, or assists in the furnishing of,
4 health care services;

5 (d) "Health care facility" means any public or private
6 hospital, clinic, center, medical school, medical training
7 institution, laboratory or diagnostic facility, physician's
8 office, infirmary, dispensary, ambulatory surgical treatment
9 center or other institution or location wherein health care
10 services are provided to any person, including physician
11 organizations and associations, networks, joint ventures, and
12 all other combinations of those organizations;

13 (e) "Conscience" means a sincerely held set of moral
14 convictions arising from belief in and relation to God, or
15 which, though not so derived, arises from a place in the life
16 of its possessor parallel to that filled by God among adherents
17 to religious faiths; ~~and~~

18 (f) "Health care payer" means a health maintenance
19 organization, insurance company, management services
20 organization, or any other entity that pays for or arranges for
21 the payment of any health care or medical care service,
22 procedure, or product; and -

23 (g) "Undue delay" means unreasonable delay that causes
24 impairment of the patient's health.

25 The above definitions include not only the traditional
26 combinations and forms of these persons and organizations but

1 also all new and emerging forms and combinations of these
2 persons and organizations.

3 (Source: P.A. 90-246, eff. 1-1-98.)

4 (745 ILCS 70/6) (from Ch. 111 1/2, par. 5306)

5 Sec. 6. Duty of physicians and other health care personnel.

6 Nothing in this Act shall relieve a physician from any duty,
7 which may exist under any laws concerning current standards, of
8 ~~normal~~ medical practice or care practices and procedures, to
9 inform his or her patient of the patient's condition,
10 prognosis, legal treatment options, and risks and benefits of
11 treatment options, provided, however, that such physician
12 shall be under no duty to perform, assist, counsel, suggest,
13 recommend, refer or participate in any way in any form of
14 medical practice or health care service that is contrary to his
15 or her conscience.

16 Nothing in this Act shall be construed so as to relieve a
17 physician or other health care personnel from obligations under
18 the law of providing emergency medical care.

19 (Source: P.A. 90-246, eff. 1-1-98.)

20 (745 ILCS 70/6.1 new)

21 Sec. 6.1. Access to care and information protocols. All
22 health care facilities shall adopt written access to care and
23 information protocols that are designed to ensure that
24 conscience-based objections do not cause impairment of

1 patients' health and that explain how conscience-based
2 objections will be addressed in a timely manner to facilitate
3 patient health care services. The protections of Sections 4, 5,
4 7, 8, 9, 10, and 11 of this Act only apply if conscience-based
5 refusals occur in accordance with these protocols. These
6 protocols must, at a minimum, address the following:

7 (1) The health care facility, physician, or health care
8 personnel shall inform a patient of the patient's
9 condition, prognosis, legal treatment options, and risks
10 and benefits of the treatment options in a timely manner,
11 consistent with current standards of medical practice or
12 care.

13 (2) When a health care facility, physician, or health
14 care personnel is unable to permit, perform, or participate
15 in a health care service that is a diagnostic or treatment
16 option requested by a patient because the health care
17 service is contrary to the conscience of the health care
18 facility, physician, or health care personnel, then the
19 patient shall either be provided the requested health care
20 service by others in the facility or be notified that the
21 health care will not be provided and be referred,
22 transferred, or given information in accordance with
23 paragraph 3.

24 (3) If requested by the patient or the legal
25 representative of the patient, the health care facility,
26 physician, or health care personnel shall: (i) refer the

1 patient to, or (ii) transfer the patient to, or (iii)
2 provide in writing information to the patient about other
3 health care providers who they reasonably believe may offer
4 the health care service the health care facility,
5 physician, or health personnel refuses to permit, perform,
6 or participate in because of a conscience-based objection.

7 (4) If requested by the patient or the legal
8 representative of the patient, the health care facility,
9 physician, or health care personnel shall provide copies of
10 medical records to the patient or to another health care
11 professional or health care facility designated by the
12 patient in accordance with Illinois law, without undue
13 delay.

14 (745 ILCS 70/6.2 new)

15 Sec. 6.2. Permissible acts related to access to care and
16 information protocols. Nothing in this Act shall be construed
17 to prevent a health care facility from requiring that
18 physicians or health care personnel working in the facility
19 comply with access to care and information protocols that
20 comply with the provisions of this Act.

21 (745 ILCS 70/9) (from Ch. 111 1/2, par. 5309)

22 Sec. 9. Liability. No person, association, or corporation,
23 which owns, operates, supervises, or manages a health care
24 facility shall be civilly or criminally liable to any person,

1 estate, or public or private entity by reason of refusal of the
2 health care facility to permit or provide any particular form
3 of health care service which violates the facility's conscience
4 as documented in its ethical guidelines, mission statement,
5 constitution, bylaws, articles of incorporation, regulations,
6 or other governing documents.

7 Nothing in this Act ~~act~~ shall be construed so as to relieve
8 a physician, ~~or other~~ health care personnel, or a health care
9 facility from obligations under the law of providing emergency
10 medical care.

11 (Source: P.A. 90-246, eff. 1-1-98.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2016.".