



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1849

Introduced 2/9/2017, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

410 ILCS 210/1	from Ch. 111, par. 4501
410 ILCS 210/1.5	
410 ILCS 210/2	from Ch. 111, par. 4502
410 ILCS 210/3	from Ch. 111, par. 4503

Amends the Consent by Minors to Medical Procedures Act. Provides that provisions concerning the giving of consent to the performance of procedures or services apply to the giving of consent to the performance of procedures or services by a licensed optometrist.

LRB100 08467 MJP 18585 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 5. The Consent by Minors to Medical Procedures Act
 5 is amended by changing Sections 1, 1.5, 2, and 3 as follows:

6 (410 ILCS 210/1) (from Ch. 111, par. 4501)

7 Sec. 1. Consent by minor. The consent to the performance of
 8 a medical or surgical procedure by a physician licensed to
 9 practice medicine and surgery, a licensed advanced practice
 10 nurse, a licensed optometrist, or a licensed physician
 11 assistant executed by a married person who is a minor, by a
 12 parent who is a minor, by a pregnant woman who is a minor, or by
 13 any person 18 years of age or older, is not voidable because of
 14 such minority, and, for such purpose, a married person who is a
 15 minor, a parent who is a minor, a pregnant woman who is a
 16 minor, or any person 18 years of age or older, is deemed to
 17 have the same legal capacity to act and has the same powers and
 18 obligations as has a person of legal age.

19 (Source: P.A. 99-173, eff. 7-29-15.)

20 (410 ILCS 210/1.5)

21 Sec. 1.5. Consent by minor seeking care for primary care
 22 services.

1 (a) The consent to the performance of primary care services
2 by a physician licensed to practice medicine in all its
3 branches, a licensed advanced practice nurse, a licensed
4 optometrist, or a licensed physician assistant executed by a
5 minor seeking care is not voidable because of such minority,
6 and for such purpose, a minor seeking care is deemed to have
7 the same legal capacity to act and has the same powers and
8 obligations as has a person of legal age under the following
9 circumstances:

10 (1) the health care professional reasonably believes
11 that the minor seeking care understands the benefits and
12 risks of any proposed primary care or services; and

13 (2) the minor seeking care is identified in writing as
14 a minor seeking care by:

15 (A) an adult relative;

16 (B) a representative of a homeless service agency
17 that receives federal, State, county, or municipal
18 funding to provide those services or that is otherwise
19 sanctioned by a local continuum of care;

20 (C) an attorney licensed to practice law in this
21 State;

22 (D) a public school homeless liaison or school
23 social worker;

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

26 (F) a representative of a religious organization.

1 (b) A health care professional rendering primary care
2 services under this Section shall not incur civil or criminal
3 liability for failure to obtain valid consent or professional
4 discipline for failure to obtain valid consent if he or she
5 relied in good faith on the representations made by the minor
6 or the information provided under paragraph (2) of subsection
7 (a) of this Section. Under such circumstances, good faith shall
8 be presumed.

9 (c) The confidential nature of any communication between a
10 health care professional described in Section 1 of this Act and
11 a minor seeking care is not waived (1) by the presence, at the
12 time of communication, of any additional persons present at the
13 request of the minor seeking care, (2) by the health care
14 professional's disclosure of confidential information to the
15 additional person with the consent of the minor seeking care,
16 when reasonably necessary to accomplish the purpose for which
17 the additional person is consulted, or (3) by the health care
18 professional billing a health benefit insurance or plan under
19 which the minor seeking care is insured, is enrolled, or has
20 coverage for the services provided.

21 (d) Nothing in this Section shall be construed to limit or
22 expand a minor's existing powers and obligations under any
23 federal, State, or local law. Nothing in this Section shall be
24 construed to affect the Parental Notice of Abortion Act of
25 1995. Nothing in this Section affects the right or authority of
26 a parent or legal guardian to verbally, in writing, or

1 otherwise authorize health care services to be provided for a
2 minor in their absence.

3 (e) For the purposes of this Section:

4 "Minor seeking care" means a person at least 14 years
5 of age but less than 18 years of age who is living separate
6 and apart from his or her parents or legal guardian,
7 whether with or without the consent of a parent or legal
8 guardian who is unable or unwilling to return to the
9 residence of a parent, and managing his or her own personal
10 affairs. "Minor seeking care" does not include minors who
11 are under the protective custody, temporary custody, or
12 guardianship of the Department of Children and Family
13 Services.

14 "Primary care services" means health care services
15 that include screening, counseling, immunizations,
16 medication, and treatment of illness and conditions
17 customarily provided by licensed health care professionals
18 in an out-patient setting. "Primary care services" does not
19 include invasive care, beyond standard injections,
20 laceration care, or non-surgical fracture care.

21 (Source: P.A. 98-671, eff. 10-1-14; 99-173, eff. 7-29-15.)

22 (410 ILCS 210/2) (from Ch. 111, par. 4502)

23 Sec. 2. Any parent, including a parent who is a minor, may
24 consent to the performance upon his or her child of a medical
25 or surgical procedure by a physician licensed to practice

1 medicine and surgery, a licensed advanced practice nurse, a
2 licensed optometrist, or a licensed physician assistant or a
3 dental procedure by a licensed dentist. The consent of a parent
4 who is a minor shall not be voidable because of such minority,
5 but, for such purpose, a parent who is a minor shall be deemed
6 to have the same legal capacity to act and shall have the same
7 powers and obligations as has a person of legal age.

8 (Source: P.A. 99-173, eff. 7-29-15.)

9 (410 ILCS 210/3) (from Ch. 111, par. 4503)

10 Sec. 3. (a) Where a hospital, a physician licensed to
11 practice medicine or surgery, a licensed advanced practice
12 nurse, a licensed optometrist, or a licensed physician
13 assistant renders emergency treatment or first aid or a
14 licensed dentist renders emergency dental treatment to a minor,
15 consent of the minor's parent or legal guardian need not be
16 obtained if, in the sole opinion of the physician, advanced
17 practice nurse, physician assistant, dentist, or hospital, the
18 obtaining of consent is not reasonably feasible under the
19 circumstances without adversely affecting the condition of
20 such minor's health.

21 (b) Where a minor is the victim of a predatory criminal
22 sexual assault of a child, aggravated criminal sexual assault,
23 criminal sexual assault, aggravated criminal sexual abuse or
24 criminal sexual abuse, as provided in Sections 11-1.20 through
25 11-1.60 of the Criminal Code of 2012, the consent of the

1 minor's parent or legal guardian need not be obtained to
2 authorize a hospital, physician, advanced practice nurse,
3 physician assistant, or other medical personnel to furnish
4 medical care or counseling related to the diagnosis or
5 treatment of any disease or injury arising from such offense.
6 The minor may consent to such counseling, diagnosis or
7 treatment as if the minor had reached his or her age of
8 majority. Such consent shall not be voidable, nor subject to
9 later disaffirmance, because of minority.

10 (Source: P.A. 99-173, eff. 7-29-15.)