



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0002

Introduced 1/9/2019, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

410 ILCS 50/3.4 new

Amends the Medical Patient Rights Act. Provides that every woman has certain rights with regard to pregnancy and childbirth, including the right to receive care that is consistent with current scientific evidence about benefits and risks, the right to choose her birth setting, the right to be provided with certain information, and the right to be treated with respect at all times before, during, and after pregnancy by her health care professionals and to have a health care professional that is culturally competent and treats her appropriately regardless of her ethnicity, sexual orientation, or religious background. Requires the Department of Public Health, Department of Healthcare and Family Services, Department of Children and Family Services, and Department of Human Services to post information about these rights on their publicly available websites. Requires every health care provider, day care center, Head Start, and community center to post information about these rights in a prominent place and on their websites, if applicable. Requires the Department of Public Health to adopt rules to implement the provisions. Effective immediately.

LRB101 03317 RPS 48325 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Medical Patient Rights Act is amended by
5 adding Section 3.4 as follows:

6 (410 ILCS 50/3.4 new)

7 Sec. 3.4. Rights of women; pregnancy and childbirth.

8 (a) In addition to any other right provided under this Act,
9 every woman has the following rights with regard to pregnancy
10 and childbirth:

11 (1) The right to receive health care before, during,
12 and after pregnancy and childbirth.

13 (2) The right to receive care for her and her infant
14 that is consistent with current scientific evidence about
15 benefits and risks.

16 (3) The right to choose a midwife or a physician as her
17 maternity care provider.

18 (4) The right to choose her birth setting from the full
19 range of safe options available in her community on the
20 basis of complete, objective information about the
21 benefits, risks, and costs of those options.

22 (5) The right to leave her maternity caregiver and
23 select another if she becomes dissatisfied with her care.

1 (6) The right to receive information about the
2 professional identity and qualifications of those involved
3 with her care and to know when those involved are trainees.

4 (7) The right to communicate with caregivers and
5 receive all care in privacy, which may involve excluding
6 nonessential personnel, and to have all personal
7 information treated according to standards of
8 confidentiality.

9 (8) The right to receive maternity care that identifies
10 and addresses social and behavioral factors that affect her
11 health and that of her baby.

12 (9) The right to full and clear information about
13 benefits, risks, and costs of the procedures, drugs, tests,
14 and treatments offered to her and of all other reasonable
15 options, including no intervention.

16 (10) The right to accept or refuse procedures, drugs,
17 tests, and treatments, to have her choices honored, and to
18 change her decision about accepting or refusing those
19 procedures, drugs, tests, or treatment.

20 (11) The right to be informed if her caregivers wish to
21 enroll her or her infant in a research study, to receive
22 full information about all known and possible benefits and
23 risks of participation, and to decide whether to
24 participate, free from coercion and without negative
25 consequences.

26 (12) The right to unrestricted access to all available

1 records about her pregnancy, labor, birth, postpartum
2 care, and infant; to obtain a full copy of these records;
3 and to receive help in understanding them, if necessary.

4 (13) The right to receive maternity care that is
5 appropriate to her cultural and religious background and to
6 receive information in a language in which she can
7 communicate.

8 (14) The right to have family members and friends of
9 her choice present during all aspects of her maternity
10 care.

11 (15) The right to receive continuous social,
12 emotional, and physical support during labor and birth from
13 a caregiver who has been trained in labor support.

14 (16) the right to receive full advance information
15 about risks and benefits of all reasonably available
16 methods for relieving pain during labor and birth,
17 including methods that do not require the use of drugs; to
18 choose which methods will be used; and to change her
19 decision about using those methods at any time.

20 (17) The right to freedom of movement during labor,
21 unencumbered by tubes, wires, or other apparatuses and to
22 give birth in the position of her choice.

23 (18) The right to virtually uninterrupted contact with
24 her newborn from the moment of birth if she and her baby
25 are healthy and do not need care that requires separation.

26 (19) The right to receive complete information about

1 the benefits of breastfeeding well in advance of labor, to
2 refuse supplemental bottles and other actions that
3 interfere with breastfeeding, and to have access to skilled
4 lactation support for as long as she chooses to breastfeed.

5 (20) The right to decide collaboratively with
6 caregivers when she and her baby will leave the birth site
7 for home, based on their conditions and circumstances.

8 (21) The right to be treated with respect at all times
9 before, during, and after pregnancy by her health care
10 professionals and to have a health care professional that
11 is culturally competent and treats her appropriately
12 regardless of her ethnicity, sexual orientation, or
13 religious background.

14 (b) The Department of Public Health, Department of
15 Healthcare and Family Services, Department of Children and
16 Family Services, and Department of Human Services shall post
17 information about these rights on their publicly available
18 websites. Every health care provider, day care center licensed
19 under the Child Care Act of 1969, Head Start, and community
20 center shall post information about these rights in a prominent
21 place and on their websites, if applicable.

22 (c) The Department of Public Health shall adopt rules to
23 implement this Section.

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