



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1728

Introduced 2/17/2021, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

410 ILCS 50/3.5 new

Amends the Medical Patient Rights Act. Provides that, in addition to any other right provided under the Act: (1) females over the age of 40 have the right to a breast cancer screening mammogram once per year; and all persons have a right to request annual screening under the age of 40 if such person has a family history of breast cancer; or genetic testing has confirmed likelihood that such person has otherwise tested positive for BRCA1 or BRCA2 mutations; (2) males have the right to prostate-specific antigen testing at once per year if specified requirements are met; (3) all persons have the right to colorectal screening under specified conditions; (4) all persons over the age of 18, or under the age of 18 with one parent's consent, have the right to screening for sexually transmitted diseases or infections at least every 6 months, or in the event of unprotected sexual activity; and (5) all persons over the age of 18, or under the age of 18 with a parent's or legal guardian's consent, have the right to screening for COVID-19 infection and testing for COVID-19 antibodies. Provides that, unless otherwise provided by law, the patient seeking the diagnostic test without a written order from a physician shall be responsible for paying the requested diagnostic costs, provided that the provider of the diagnostic testing must provide the patient in writing the cost of the diagnostic test prior to the test being performed, and the patient agrees in writing to that amount.

LRB102 13477 CPF 18824 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 1. Short title. This Act may be referred to as the
5 Patient Diagnostic Freedom and Better Health Through Early
6 Detection Act.

7 Section 5. The Medical Patient Rights Act is amended by
8 adding Section 3.5 as follows:

9 (410 ILCS 50/3.5 new)

10 Sec. 3.5. Patient diagnostic rights.

11 (a) In addition to any other right provided under this
12 Act, a patient has the right to secure the following
13 diagnostic testing for the patient without need for a written
14 request from a physician:

15 (1) females over the age of 40 have the right to a
16 breast cancer screening mammogram once per year; and all
17 persons have a right to request annual screening under the
18 age of 40 if such person has a family history of breast
19 cancer; or genetic testing has confirmed likelihood that
20 such person has otherwise tested positive for BRCA1 or
21 BRCA2 mutations.

22 (2) males have the right to prostate-specific antigen

1 testing at once per year if he is:

2 (A) asymptomatic but age 50 and over;

3 (B) African-American but age 40 and over;

4 (C) age 40 and over with a personal or family
5 history of prostate cancer;

6 (D) a Vietnam veteran or has other military
7 service which may have involved exposure to Agent
8 Orange; or

9 (E) in possession of prostate biopsy results that
10 showed a Gleason score above 6.

11 (3) all persons have the right to colorectal screening
12 under the following conditions:

13 (A) at least once every 3 years over the age of 45,
14 if such person has a family history of colorectal
15 cancer; or

16 (B) at least once every 5 years over the age of 50,
17 if such person is asymptomatic.

18 (4) all persons over the age of 18, or under the age of
19 18 with one parent's consent, have the right to screening
20 for sexually transmitted diseases or infections at least
21 every 6 months, or in the event of unprotected sexual
22 activity.

23 (5) all persons over the age of 18, or under the age of
24 18 with a parent's or legal guardian's consent, have the
25 right to screening for COVID-19 infection and testing for
26 COVID-19 antibodies.

1 (b) Unless otherwise provided by law, the patient seeking
2 the diagnostic test without a written order from a physician
3 shall be responsible for paying the requested diagnostic
4 costs, provided that the provider of the diagnostic testing
5 must provide the patient in writing the cost of the diagnostic
6 test prior to the test being performed, and the patient agrees
7 in writing to that amount.