

1 AN ACT concerning civil law.

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 Health Care Services
5 Act is amended by changing Section 2 as follows:

6 (410 ILCS 210/2) (from Ch. 111, par. 4502)

7 Sec. 2. Any parent, including a parent who is a minor, may
8 consent to the performance upon his or her child of a health
9 care service by a physician licensed to practice medicine in
10 all its branches, a chiropractic physician, a licensed
11 optometrist, a licensed advanced practice registered nurse, or
12 a licensed physician assistant or a dental procedure by a
13 licensed dentist. The consent of a parent who is a minor shall
14 not be voidable because of such minority, but, for such
15 purpose, a parent who is a minor shall be deemed to have the
16 same legal capacity to act and shall have the same powers and
17 obligations as has a person of legal age.

18 A parent who consents to the performance upon the parent's
19 child of a health care service under this Section shall be
20 entitled, upon request, to inspect and copy the part of that
21 child's records related to the specific health care service
22 for which the parent is treated as the child's personal
23 representative under HIPAA, 45 CFR 164.502(g). For purposes of

1 this Section, each appointment, referral, test, treatment,
2 procedure, or other medical intervention is a separate and
3 distinct health care service for the purpose of determining
4 whether a parent is treated as the child's personal
5 representative under HIPAA, 45 CFR 164.502(g), with respect to
6 that health care service.

7 (Source: P.A. 99-173, eff. 7-29-15; 100-378, eff. 1-1-18;
8 100-513, eff. 1-1-18; 100-863, eff. 8-14-18.)

9 Section 10. The Mental Health and Developmental
10 Disabilities Confidentiality Act is amended by changing
11 Section 4 as follows:

12 (740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

13 Sec. 4. (a) The following persons shall be entitled, upon
14 request, to inspect and copy a recipient's record or any part
15 thereof:

16 (1) the parent or guardian of a recipient who is under
17 12 years of age;

18 (2) the recipient if he is 12 years of age or older;

19 (3) the parent or guardian of a recipient who is at
20 least 12 but under 18 years, if the recipient is informed
21 and does not object or if the therapist does not find that
22 there are compelling reasons for denying the access. The
23 parent or guardian who is denied access by either the
24 recipient or the therapist may petition a court for access

1 to the record. Nothing in this paragraph is intended to
2 prohibit the parent or guardian of a recipient who is at
3 least 12 but under 18 years from requesting and receiving
4 the following information: current physical and mental
5 condition, diagnosis, treatment needs, services provided,
6 and services needed, including medication, if any;

7 (3.5) the personal representative under HIPAA, 45 CFR
8 164.502(g), of a recipient, regardless of the age of the
9 recipient;

10 (4) the guardian of a recipient who is 18 years or
11 older;

12 (5) an attorney or guardian ad litem who represents a
13 minor 12 years of age or older in any judicial or
14 administrative proceeding, provided that the court or
15 administrative hearing officer has entered an order
16 granting the attorney this right;

17 (6) an agent appointed under a recipient's power of
18 attorney for health care or for property, when the power
19 of attorney authorizes the access;

20 (7) an attorney-in-fact appointed under the Mental
21 Health Treatment Preference Declaration Act; or

22 (8) any person in whose care and custody the recipient
23 has been placed pursuant to Section 3-811 of the Mental
24 Health and Developmental Disabilities Code.

25 (b) Assistance in interpreting the record may be provided
26 without charge and shall be provided if the person inspecting

1 the record is under 18 years of age. However, access may in no
2 way be denied or limited if the person inspecting the record
3 refuses the assistance. A reasonable fee may be charged for
4 duplication of a record. However, when requested to do so in
5 writing by any indigent recipient, the custodian of the
6 records shall provide at no charge to the recipient, or to the
7 Guardianship and Advocacy Commission, the agency designated by
8 the Governor under Section 1 of the Protection and Advocacy
9 for Persons with Developmental Disabilities Act or to any
10 other not-for-profit agency whose primary purpose is to
11 provide free legal services or advocacy for the indigent and
12 who has received written authorization from the recipient
13 under Section 5 of this Act to receive his records, one copy of
14 any records in its possession whose disclosure is authorized
15 under this Act.

16 (c) Any person entitled to access to a record under this
17 Section may submit a written statement concerning any disputed
18 or new information, which statement shall be entered into the
19 record. Whenever any disputed part of a record is disclosed,
20 any submitted statement relating thereto shall accompany the
21 disclosed part. Additionally, any person entitled to access
22 may request modification of any part of the record which he
23 believes is incorrect or misleading. If the request is
24 refused, the person may seek a court order to compel
25 modification.

26 (d) Whenever access or modification is requested, the

1 request and any action taken thereon shall be noted in the
2 recipient's record.

3 (Source: P.A. 99-143, eff. 7-27-15.)