

1 AN ACT concerning patient rights.

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 changing Section 3 and adding Section 2.06 as follows:

6 (410 ILCS 50/2.06 new)

7 Sec. 2.06. Pharmaceutical company. "Pharmaceutical  
8 company" means a company or business, or an agent or  
9 representative thereof, that manufactures, sells, or  
10 distributes pharmaceuticals, medications, or prescription  
11 drugs.

12 (410 ILCS 50/3) (from Ch. 111 1/2, par. 5403)

13 Sec. 3. The following rights are hereby established:

14 (a) The right of each patient to care consistent with  
15 sound nursing and medical practices, to be informed of the  
16 name of the physician responsible for coordinating his or her  
17 care, to receive information concerning his or her condition  
18 and proposed treatment, to refuse any treatment to the extent  
19 permitted by law, and to privacy and confidentiality of  
20 records except as otherwise provided by law.

21 (b) The right of each patient, regardless of source of  
22 payment, to examine and receive a reasonable explanation of  
23 his total bill for services rendered by his physician or  
24 health care provider, including the itemized charges for  
25 specific services received. Each physician or health care  
26 provider shall be responsible only for a reasonable  
27 explanation of those specific services provided by such  
28 physician or health care provider.

29 (c) In the event an insurance company or health services  
30 corporation cancels or refuses to renew an individual policy

1 or plan, the insured patient shall be entitled to timely,  
2 prior notice of the termination of such policy or plan.

3 An insurance company or health services corporation that  
4 requires any insured patient or applicant for new or  
5 continued insurance or coverage to be tested for infection  
6 with human immunodeficiency virus (HIV) or any other  
7 identified causative agent of acquired immunodeficiency  
8 syndrome (AIDS) shall (1) give the patient or applicant prior  
9 written notice of such requirement, (2) proceed with such  
10 testing only upon the written authorization of the applicant  
11 or patient, and (3) keep the results of such testing  
12 confidential. Notice of an adverse underwriting or coverage  
13 decision may be given to any appropriately interested party,  
14 but the insurer may only disclose the test result itself to a  
15 physician designated by the applicant or patient, and any  
16 such disclosure shall be in a manner that assures  
17 confidentiality.

18 The Department of Insurance shall enforce the provisions  
19 of this subsection.

20 (d) The right of each patient to privacy and  
21 confidentiality in health care. Each physician, health care  
22 provider, health services corporation, pharmaceutical  
23 company, and insurance company shall refrain from disclosing  
24 the nature or details of services provided to patients,  
25 except that such information may be disclosed to the patient,  
26 the party making treatment decisions if the patient is  
27 incapable of making decisions regarding the health services  
28 provided, those parties directly involved with providing  
29 treatment to the patient or processing the payment for that  
30 treatment, those parties responsible for peer review,  
31 utilization review and quality assurance, and those parties  
32 required to be notified under the Abused and Neglected Child  
33 Reporting Act, the Illinois Sexually Transmissible Disease  
34 Control Act or where otherwise authorized or required by law.

1 This right may be waived in writing by the patient or the  
2 patient's guardian, but a physician or other health care  
3 provider may not condition the provision of services on the  
4 patient's or guardian's agreement to sign such a waiver. A  
5 pharmaceutical company may not require a patient to authorize  
6 disclosure to receive medications.

7 (Source: P.A. 86-895; 86-902; 86-1028; 87-334.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.