



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by Tom Cross

**SYNOPSIS AS INTRODUCED:**

710 ILCS 15/8	from Ch. 10, par. 208
710 ILCS 15/9	from Ch. 10, par. 209

Amends the Health Care Arbitration Act. Makes changes to the process by which a health care arbitration agreement may be cancelled by any signatory. Removes language requiring the re-affirmation of the health care arbitration agreement during the discharge planning process. Provides that no health care arbitration agreement shall be valid after 10 (instead of 2) years from the date of its execution.

LRB093 15734 LCB 46424 b

1 AN ACT concerning arbitration.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Health Care Arbitration Act is amended by  
5 changing Sections 8 and 9 as follows:

6 (710 ILCS 15/8) (from Ch. 10, par. 208)

7 Sec. 8. Conditions. Every health care arbitration  
8 agreement shall be subject to the following conditions:

9 (a) The agreement is not a condition to the rendering of  
10 health care services by any party and the agreement has been  
11 executed by the recipient of health care services at the  
12 inception of or during the term of provision of services for a  
13 specific cause by either a health care provider or a hospital;  
14 and

15 (b) The agreement is a separate instrument complete in  
16 itself and not a part of any other contract or instrument; and

17 (c) The agreement may not limit, impair, or waive any  
18 substantive rights or defenses of any party, including the  
19 statute of limitations; and

20 (d) The agreement shall not limit, impair, or waive the  
21 procedural rights to be heard, to present material evidence, to  
22 cross-examine witnesses, and to be represented by an attorney,  
23 or other procedural rights of due process of any party.

24 ~~(e) As a part of the discharge planning process the patient~~  
25 ~~or, if appropriate, members of his family must be given a copy~~  
26 ~~of the health care arbitration agreement previously executed by~~  
27 ~~or for the patient and shall re-affirm it. Failure to comply~~  
28 ~~with this provision during the discharge planning process shall~~  
29 ~~void the health care arbitration agreement.~~

30 (Source: P.A. 80-1012.)

31 (710 ILCS 15/9) (from Ch. 10, par. 209)

1           Sec. 9. Mandatory Provisions.

2           (a) Every health care arbitration agreement shall be  
3 clearly captioned "Health Care Arbitration Agreement".

4           (b) Every health care arbitration agreement in relation to  
5 health care services rendered during hospitalization shall  
6 specify the date of commencement of hospitalization. Every  
7 health care arbitration agreement in relation to health care  
8 services not rendered during hospitalization shall state the  
9 specific cause for which the services are provided.

10          (c) Every health care arbitration agreement may be  
11 cancelled by any signatory (1) ~~within 60 days of its execution~~  
12 ~~or~~ within 60 days of the date of the patient's discharge from  
13 the hospital, or last date of treatment, whichever is later, as  
14 to an agreement in relation to health care services rendered  
15 during hospitalization, ~~provided, that if executed other than~~  
16 ~~at the time of discharge of the patient from the hospital, the~~  
17 ~~health care arbitration agreement be reaffirmed at the time of~~  
18 ~~the discharge planning process in the same manner as provided~~  
19 ~~for in the execution of the original agreement;~~ or (2) within  
20 60 days of the date of its execution, or the last date of  
21 treatment by the health care provider, whichever is later, as  
22 to an agreement in relation to health care services not  
23 rendered during hospitalization. Provided, that no health care  
24 arbitration agreement shall be valid after 10 ~~2~~ years from the  
25 date of its execution. An employee of a hospital or health care  
26 provider who is not a signatory to an agreement may cancel such  
27 agreement as to himself until 30 days following his  
28 notification that he is a party to a dispute or issue on which  
29 arbitration has been demanded pursuant to such agreement. If  
30 any person executing a health care arbitration agreement dies  
31 before the period of cancellation as outlined above, the  
32 personal representative of the decedent shall have the right to  
33 cancel the health care arbitration agreement within 60 days of  
34 the date of his appointment as the legal representative of the  
35 decedent's estate. ~~Provided, that if no legal representative is~~  
36 ~~appointed within 6 months of the death of said decedent the~~

1 ~~next of kin of such decedent shall have the right to cancel the~~  
2 ~~health care arbitration agreement within 8 months from the date~~  
3 ~~of death.~~

4 (d) Every health care arbitration agreement shall contain  
5 immediately above the signature lines, in upper case type in  
6 printed letters of at least 3/16 inch height, a caption and  
7 paragraphs as follows:

8 "AGREEMENT TO ARBITRATE HEALTH CARE

9 NEGLIGENCE CLAIMS

10 NOTICE TO PATIENT

11 YOU CANNOT BE REQUIRED TO SIGN THIS AGREEMENT IN ORDER TO  
12 RECEIVE TREATMENT. BY SIGNING THIS AGREEMENT, YOUR RIGHT TO  
13 TRIAL BY A JURY OR A JUDGE IN A COURT WILL BE BARRED AS TO  
14 ANY DISPUTE RELATING TO INJURIES THAT MAY RESULT FROM  
15 NEGLIGENCE DURING YOUR TREATMENT OR CARE, AND WILL BE  
16 REPLACED BY AN ARBITRATION PROCEDURE.

17 THIS AGREEMENT MAY BE CANCELLED WITHIN 60 DAYS ~~OF SIGNING~~  
18 ~~OR 60 DAYS~~ AFTER YOUR HOSPITAL DISCHARGE OR 60 DAYS AFTER  
19 YOUR LAST HEALTH CARE SERVICE ~~MEDICAL TREATMENT~~ IN RELATION  
20 TO HEALTH CARE SERVICES NOT RENDERED DURING  
21 HOSPITALIZATION.

22 THIS AGREEMENT PROVIDES THAT ANY CLAIMS WHICH MAY ARISE OUT  
23 OF YOUR HEALTH CARE WILL BE SUBMITTED TO A PANEL OF  
24 ARBITRATORS, RATHER THAN TO A COURT FOR DETERMINATION. THIS  
25 AGREEMENT REQUIRES ALL PARTIES SIGNING IT TO ABIDE BY THE  
26 DECISION OF THE ARBITRATION PANEL."

27 (e) an executed copy of the AGREEMENT TO ARBITRATE HEALTH  
28 CARE CLAIMS ~~and any reaffirmation of that agreement as required~~  
29 ~~by this Act~~ shall be given to the patient during the time of  
30 the discharge planning process or at the time of discharge  
31 after last date of treatment.

32 (Source: P.A. 91-156, eff. 1-1-00.)