



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0639

Introduced 1/28/2005, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

410 ILCS 50/2.06 new  
410 ILCS 50/2.07 new  
410 ILCS 50/3.3 new  
410 ILCS 50/3.4 new  
410 ILCS 50/3.5 new

Amends the Medical Patient Rights Act. Establishes protections for patient records and procedures that must be followed before those records may be transmitted to a site outside the United States.

LRB094 06810 RXD 36913 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 5. The Medical Patient Rights Act is amended by  
5 adding Sections 2.06, 2.07, 3.3, 3.4, and 3.5 as follows:

6 (410 ILCS 50/2.06 new)

7 Sec. 2.06. "Health care business" means any person or  
8 entity, whether established to make a profit or not, that  
9 collects or retains individually identifiable health  
10 information about individuals in relation to medical care.

11 (410 ILCS 50/2.07 new)

12 Sec. 2.07. "Individually identifiable health information"  
13 has the same meaning as in the federal Health Insurance  
14 Portability and Accountability Act of 1996.

15 (410 ILCS 50/3.3 new)

16 Sec. 3.3. Receipt and transmission of individually  
17 identifiable health information.

18 (a) A person or entity that has contracted or subcontracted  
19 with a health care business to receive individually  
20 identifiable health information shall disclose to the health  
21 care business whether any of the information will be  
22 transferred to a site outside the United States.

23 (b) No health care business, or person or entity that has  
24 contracted or subcontracted with a health care business, shall  
25 transmit individually identifiable health information to a  
26 site outside the United States unless all of the following  
27 apply:

28 (1) The health care business discloses to the  
29 individual at the time of enrollment and reenrollment, or  
30 in the case of a health facility upon admission or as soon

1 as practical after admission, that his or her individually  
2 identifiable health information may be transmitted to a  
3 site outside the United States.

4 (2) The health care business obtains a consent  
5 acknowledgment from the individual whose health  
6 information is identifiable that his or her individually  
7 identifiable health information may be transmitted to a  
8 site outside the United States. This consent must be  
9 renewed annually.

10 (3) The individual may revoke his or her consent in  
11 writing to the health care business at any time.

12 (4) The obligations imposed on a health care business  
13 by this Section are undertaken by the business itself and  
14 are not delegated to a physician or surgeon employed by, or  
15 contracted with, the health care business.

16 (410 ILCS 50/3.4 new)

17 Sec. 3.4. Consent required.

18 (a) A health care business shall utilize a form, statement,  
19 or writing to obtain consent to transmit individually  
20 identifiable health information to a site outside the United  
21 States.

22 (b) The form, statement, or writing shall meet the  
23 following criteria:

24 (1) It shall be dated and signed by the individual  
25 whose health care information is identifiable.

26 (2) It shall clearly and conspicuously disclose all of  
27 the following:

28 (A) By signing, the individual is consenting to the  
29 transmission of his or her individually identifiable  
30 health information to a site outside the United States.

31 (B) The consent of the individual must be renewed  
32 on at least an annual basis.

33 (C) The individual may revoke his or her consent at  
34 any time.

35 (D) The procedure by which consent may be revoked.

1 (410 ILCS 50/3.5 new)

2 Sec. 3.5. Discrimination prohibited. A health care  
3 business shall not discriminate against an individual or deny  
4 an individual health care service because the individual has  
5 not provided his or her consent under Sections 3.3 and 3.4.