



Rep. Greg Harris

Filed: 3/18/2014

09800HB4501ham001

LRB098 17938 RPM 57017 a

1 AMENDMENT TO HOUSE BILL 4501

2 AMENDMENT NO. _____. Amend House Bill 4501 by deleting
3 everything after the enacting clause and inserting the
4 following:

5 "Section 5. The Consent by Minors to Medical Procedures Act
6 is amended by adding Section 1.5 as follows:

7 (410 ILCS 210/1.5 new)

8 Sec. 1.5. Consent by minor seeking care for primary care
9 services.

10 (a) The consent to the performance of primary care services
11 by a physician licensed to practice medicine in all its
12 branches, an advanced practice nurse who has a written
13 collaborative agreement with a collaborating physician that
14 authorizes provision of services for minors, or a physician
15 assistant who has been delegated authority to provide services
16 for minors executed by a minor seeking care is not voidable

1 because of such minority, and for such purpose, a minor seeking
2 care is deemed to have the same legal capacity to act and has
3 the same powers and obligations as has a person of legal age
4 under the following circumstances:

5 (1) the health care professional reasonably believes
6 that the minor seeking care understands the benefits and
7 risks of any proposed primary care or services; and

8 (2) the minor seeking care is identified in writing as
9 a minor seeking care by:

10 (A) an adult relative;

11 (B) a representative of a homeless service agency
12 that receives federal, State, county, or municipal
13 funding to provide those services or that is otherwise
14 sanctioned by a local continuum of care;

15 (C) an attorney licensed to practice law in this
16 State;

17 (D) a public school homeless liaison or school
18 social worker;

19 (E) a social service agency providing services to
20 at risk, homeless, or runaway youth; or

21 (F) a representative of a religious organization.

22 (b) A health care professional rendering primary care
23 services under this Section shall not incur civil or criminal
24 liability or professional discipline for failure to obtain
25 valid consent if he or she relied in good faith on the
26 representations made by the minor or the information provided

1 under paragraph (2) of subsection (a) of this Section. Under
2 such circumstances, good faith shall be presumed.

3 (c) The confidential nature of any communication between a
4 health care professional described in Section 1 of this Act and
5 a minor seeking care is not waived (1) by the presence, at the
6 time of communication, of any additional persons present at the
7 request of the minor seeking care, (2) by the health care
8 professional's disclosure of confidential information to the
9 additional person with the consent of the minor seeking care,
10 when reasonably necessary to accomplish the purpose for which
11 the additional person is consulted, or (3) by the health care
12 professional billing a health benefit insurance or plan under
13 which the minor seeking care is insured, is enrolled, or has
14 coverage for the services provided.

15 (d) Nothing in this Section shall be construed to limit or
16 expand a minor's existing powers and obligations under any
17 federal, State, or local law. Nothing in this Section shall be
18 construed to affect the Parental Notice of Abortion Act of
19 1995. Nothing in this Section affects the right or authority of
20 a parent or legal guardian to verbally, in writing, or
21 otherwise authorize health care services to be provided for a
22 minor in their absence.

23 (e) For the purposes of this Section:

24 "Minor seeking care" means a person at least 14 years
25 of age but less than 18 years of age who is living separate
26 and apart from his or her parents or legal guardian,

1 whether with or without the consent of a parent or legal
2 guardian who is unable or unwilling to return to the
3 residence of a parent, and managing his or her own personal
4 affairs. "Minor seeking care" does not include minors who
5 are under the protective custody, temporary custody, or
6 guardianship of the Department of Children and Family
7 Services.

8 "Primary care services" means health care services
9 that include screening, counseling, immunizations,
10 medication, and treatment of illness and conditions
11 customarily provided by licensed health care professionals
12 in an out-patient setting. "Primary care services" does not
13 include invasive care, beyond standard injections,
14 laceration care, or non-surgical fracture care."

15 Section 99. Effective date. This Act takes effect October
16 1, 2014."