

1 AN ACT in relation to health.

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

4 Section 5. The Hospital Licensing Act is amended by  
5 adding Section 6.21 as follows:

6 (210 ILCS 85/6.21 new)

7 Sec. 6.21. Patient's informed consent.

8 (a) In this Section, "health services corporation" has  
9 the same meaning as in the Medical Patient Rights Act.

10 (b) Every hospital must develop a procedure to obtain a  
11 patient's informed consent, in a non-emergent situation, to  
12 any services or procedures to be performed in the hospital by  
13 a physician who is neither (i) included in a contract between  
14 the hospital and a health services corporation or insurance  
15 company nor (ii) otherwise participating in the patient's  
16 health services corporation or insurance company plan. To be  
17 "informed" for purposes of this Section, a patient's consent  
18 must be based on all of the following, which must be provided  
19 by the hospital to the patient:

20 (1) An explanation of the itemized services to be  
21 rendered.

22 (2) An itemized explanation of the estimated  
23 charges for the services to be rendered.

24 (3) An explanation of the patient's responsibility  
25 for any charges.

26 (c) This Section applies only when there is a contract  
27 in force between a hospital and a health services corporation  
28 or insurance company.

29 (d) The Department shall enforce the provisions of this  
30 Section. The Department shall adopt rules to establish the  
31 following:

1           (1) A process by which patients may file complaints  
2           with the Department alleging a violation of this Section.

3           (2) A process for the investigation of complaints  
4           filed under item (1).

5           (3) A hearing process to determine whether a  
6           complaint filed under item (1) has merit.

7           (4) Appropriate fines and penalties to be imposed  
8           if the Department determines that a violation of this  
9           Section has occurred.

10           Section 10. The Medical Patient Rights Act is amended by  
11           adding Section 7 as follows:

12           (410 ILCS 50/7 new)

13           Sec. 6.20. Patient's informed consent.

14           (a) Every hospital must develop a procedure to obtain a  
15           patient's informed consent, in a non-emergent situation, to  
16           any services or procedures to be performed in the hospital by  
17           a physician who is neither (i) included in a contract between  
18           the hospital and a health services corporation or insurance  
19           company nor (ii) otherwise participating in the patient's  
20           health services corporation or insurance company plan. To be  
21           "informed" for purposes of this Section, a patient's consent  
22           must be based on all of the following, which must be provided  
23           by the hospital to the patient:

24           (1) An explanation of the itemized services to be  
25           rendered.

26           (2) An itemized explanation of the estimated  
27           charges for the services to be rendered.

28           (3) An explanation of the patient's responsibility  
29           for any charges.

30           (b) This Section applies only when there is a contract  
31           in force between a hospital and a health services corporation  
32           or insurance company.

1       (c) The Department of Public Health shall enforce the  
2 provisions of this Section. The Department shall adopt rules  
3 to establish the following:

4           (1) A process by which patients may file complaints  
5 with the Department alleging a violation of this Section.

6           (2) A process for the investigation of complaints  
7 filed under item (1).

8           (3) A hearing process to determine whether a  
9 complaint filed under item (1) has merit.

10          (4) Appropriate fines and penalties to be imposed  
11 if the Department determines that a violation of this  
12 Section has occurred.