



# CLIENT ADVISORY

## Health/Healthcare Provider Adopted Legislation *September 2007*

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### **AIDS Confidentiality Act**

This Public Act amends the AIDS Confidentiality Act to expand the availability of HIV testing and seeks to make HIV testing a routine part of general medical care. The amendment expands the means by which pre-test information may be given, and clarifies that an informed consent for HIV testing may be combined with a routine medical consent. Additionally, the healthcare provider may offer "opt-out" testing, where the subject will receive HIV testing unless they specifically refuse to do so. The amendment also clarifies that anonymous testing may be given after pre-test information is provided. The damages for a violation of this Act have been raised to \$2000 for a negligent violation and \$10,000 for an intentional or reckless violation.

Effective June 1, 2008. *See Public Act 95-0007.*

### **Federal Family Opportunity Act**

This Public Act amends the Public Aid Code to implement the Medical Assistance provisions of the Federal Family Opportunity Act. The Department of Human Services, in conjunction with the Department of Healthcare and Family Services, shall also take steps to secure Federal funds for a demonstration project concerning home and community-based alternatives to psychiatric residential treatment facilities for children, and the location in Illinois of a family-to-family health information center, as authorized by the Federal Act.

Effective August 10, 2007. *See Public Act 95-0037.*

### **Biomonitoring Feasibility Study Act**

This Public Act creates the Biomonitoring Feasibility Study Act, which enables the University of Illinois to conduct a study to establish the best way to monitor the presence of certain chemicals in individuals living in the State. The Act also creates a Scientific Guidance Panel to assist the University in implementing the study. The draft report is due within two years of the effective date of the Act.

Effective January 1, 2008. *See Public Act 95-0074.*

### **Stem Cell Research and Human Cloning Prohibition Act**

This Public Act creates the Stem Cell Research and Human Cloning Prohibition Act, which permits stem cell research as delineated in the Act, but prohibits any type of cloning of a human being. The Act also establishes a grant program through the Department of Public Health and establishes an Illinois Regenerative Medicine Institute Oversight Committee.

Effective January 1, 2008. *See Public Act 95-0519.*

### **Smoke Free Illinois Act**

This Public Act creates the Smoke Free Illinois Act, which prohibits smoking in all public places, places of employment and government vehicles, as defined by the Act, throughout the State of Illinois. Additionally, no one is allowed to smoke within 15 feet of any entrance to a public place or place of employment. The Act does not apply to private residences, unless used for child care, adult day

care, as a healthcare facility, or any other home based business; retail tobacco stores; private and semi-private rooms in nursing homes and long-term care facilities, and hotel and motel rooms designated as smoking rooms.

Effective January 1, 2008. *See Public Act 95-0017.*

### **Public Aid Code**

The Public Aid Code is amended to expand the definition of practitioners who may provide authorized services under the Code to include, beside persons licensed under the Medical Practice Act, persons licensed under other laws of the State as clinical social workers.

Effective August 28, 2007. *See Public Act 95-0518.*

### **Illinois Health Facilities Planning Act**

This Public Act amends the Illinois Health Facilities Planning Act to require that any written review or findings concerning an application for a permit must be made available to the public at least 14 calendar days before the meeting of the State Board at which the review or findings are considered. Both the applicant and the public may submit to the State Board written responses concerning the review or findings.

Effective January 1, 2008. *See Public Act 95-0237.*

### **Cord Blood Stem Cell Banks**

The Civil Administrative Code has been amended to direct the Department of Public Health to establish a network of human cord blood stem cell banks. The Bank must be licensed and accredited and meet a variety of other requirements.

Effective August 24, 2007. *See Public Act 95-0406.*

### **Health Data Task Force**

This Public Act amends the Civil Administrative Code, in accordance with the 2007 State Health Improvement Plan, to create a Health Data Task Force that will implement a system for public access to integrated health data, consistent with privacy and other laws. The data is to be used to report on the scope of health problems, plan prevention programs, and evaluate program effectiveness at the State and community level.

Effective August 24, 2007. *See Public Act 95-0418.*

### **Men's Health Issues**

This Public Act directs the Department of Public Health to designate a member of its staff to address men's health issues not currently or adequately addressed by the Department.

Effective August 10, 2007. *See Public Act 95-0036.*

### **Task Force on the Condition of African American Men in Illinois**

The Department of Human Services Act is amended to create a Task Force to study issues affecting African American men, including health problems, life expectancy issues, higher rates of incarceration and lower rates of completion of high school or post-secondary education. The Task Force shall report its findings to the Governor and the General Assembly by December 31, 2008.

Effective August 13, 2007. *See Public Act 95-0062.*

## **Medical Records**

Two Public Acts have made changes to the Code of Civil Procedure concerning the retrieval of medical records as follows:

(1) Allows the charging of the actual postage or shipping charge for the records; (2) Clarifies that records retrieved from digital or electronic formats do not qualify as microfiche or microfilm retrieval for calculating charges for their production under this statute. Instead, the charge for these records is 50% of the per page charge for paper copies and includes the cost of each CD, DVD or other digital media; (3) If the records are already maintained electronically, they must also be provided to the patient in an electronic format. If the provider cannot create or transmit electronic records, then the provider must inform the requestor in writing of the reasons the records cannot be provided electronically. The explanation can be included with the paper copies if the requestor chooses to produce them in this manner. The amendment also provides a definition for healthcare practitioner and adds a requirement that all healthcare practitioners must release records to the patient or the patient's authorized representative upon receiving a valid authorization.

The fee provision sections are effective January 1, 2008. All other changes are effective immediately. *See Public Act 95-478 and Public Act 95-480.*