Health Care Right of Conscience Act Changes

November 18, 2016

Memorandum

Recently signed into law, Public Act 99-0690 (SB 1564) amends the Health Care Right of Conscience Act. Effective Jan. 1, 2017, the law requires healthcare facilities, including physicians’ offices, to develop “access to care and information protocols” that will ensure that conscience-based objections are handled in a timely manner.

This initiative, spearheaded by the American Civil Liberties Union (ACLU), is designed to ensure patients who are seeking a service that either a healthcare professional or facility finds to be objectionable, under the Right of Conscience Act, has a path to receive those services. Patients can be referred to another healthcare professional within that facility or provided with resources on where they can receive those services elsewhere.

The legislation outlines minimum standards for which a protocol would be triggered when a conscience-based objection occurs. Each protocol must include steps for the following:

1. Informing the patient of their condition, prognosis, legal treatment options and risks/benefits of those treatment options in a timely manner that is consistent with current standards of medical practice or care;
2. Providing the patient with the service by another member of the facility staff who does not have a conscience-based objection to the procedure or test or, if not available, be referred, transferred or given information on where the patient can receive this service elsewhere. The facility providing the referral, transfer or information about other facilities or providers must “reasonably believe” that those providers or facilities offer the service in which the patient is seeking; and
3. The facility or provider must provide, without undue delay, copies of that patient’s medical record to the patient or the designated facility or provider.

The legislation does not provide specific requirements about the written information that should be included—relating to where the patient may obtain the services sought—and does not prohibit the provision of additional information and resources. The Illinois Catholic Health Association (ICHA) is developing resources and protocol templates for hospital use. For further information, please contact Patrick Cacchione at 312-368-0011.