

1 AN ACT concerning regulation.

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

4 Section 5. The Nursing Home Care Act is amended by changing
5 Section 2-104.2 as follows:

6 (210 ILCS 45/2-104.2) (from Ch. 111 1/2, par. 4152-104.2)
7 Sec. 2-104.2. Do-Not-Resuscitate Orders.

8 (a) Every facility licensed under this Act shall establish
9 a policy for the implementation of physician orders limiting
10 resuscitation such as those commonly referred to as
11 "Do-Not-Resuscitate" orders. This policy may only prescribe
12 the format, method of documentation and duration of any
13 physician orders limiting resuscitation. Any orders under this
14 policy shall be honored by the facility. The Department of
15 Public Health Uniform DNR Advance Directive or a copy of that
16 Advance Directive shall be honored by the facility.

17 (b) Within 30 days after admission, new residents who do
18 not have a guardian of the person or an executed power of
19 attorney for health care shall be provided with written notice,
20 in a form and manner provided by rule of the Department, of
21 their right to provide the name of one or more potential health
22 care surrogates that a treating physician should consider in
23 selecting a surrogate to act on the resident's behalf should

1 the resident lose decision-making capacity. The notice shall
2 include a form of declaration that may be utilized by the
3 resident to identify potential health care surrogates or by the
4 facility to document any inability or refusal to make such a
5 declaration. A signed copy of the resident's declaration of a
6 potential health care surrogate or decision to decline to make
7 such a declaration, or documentation by the facility of the
8 resident's inability to make such a declaration, shall be
9 placed in the resident's clinical record and shall satisfy the
10 facility's obligation under this Section. Such a declaration
11 shall be used only for informational purposes in the selection
12 of a surrogate pursuant to the Health Care Surrogate Act. A
13 facility that complies with this Section is not liable to any
14 healthcare provider, resident, or resident's representative or
15 any other person relating to the identification or selection of
16 a surrogate or potential health care surrogate.

17 (Source: P.A. 94-865, eff. 6-16-06.)

18 Section 10. The Health Care Surrogate Act is amended by
19 changing Section 15 as follows:

20 (755 ILCS 40/15) (from Ch. 110 1/2, par. 851-15)

21 Sec. 15. Applicability. This Act applies to patients who
22 lack decisional capacity or who have a qualifying condition.
23 This Act does not apply to instances in which the patient has
24 an operative and unrevoked living will under the Illinois

1 Living Will Act, an operative and unrevoked declaration for
2 mental health treatment under the Mental Health Treatment
3 Preferences Declaration Act, or an authorized agent under a
4 power of attorney for health care under the Illinois Power of
5 Attorney Act and the patient's condition falls within the
6 coverage of the living will, the declaration for mental health
7 treatment, or the power of attorney for health care. In those
8 instances, the living will, declaration for mental health
9 treatment, or power of attorney for health care, as the case
10 may be, shall be given effect according to its terms. This Act
11 does apply in circumstances in which a patient has a qualifying
12 condition but the patient's condition does not fall within the
13 coverage of the living will, the declaration for mental health
14 treatment, or the power of attorney for health care.

15 Each health care facility shall maintain any advance
16 directives proffered by the patient or other authorized person,
17 including a do not resuscitate order, a living will, a
18 declaration for mental health treatment, a declaration of a
19 potential surrogate or surrogates should the person become
20 incapacitated or impaired, or a power of attorney for health
21 care, in the patient's medical records for the duration of the
22 patient's stay. This Act does apply to patients without a
23 qualifying condition. If a patient is an adult with decisional
24 capacity, then the right to refuse medical treatment or
25 life-sustaining treatment does not require the presence of a
26 qualifying condition.

1 (Source: P.A. 90-246, eff. 1-1-98.)