



Human Services Committee

Filed: 3/11/2009

09600HB0748ham001

LRB096 04246 DRJ 23475 a

1 AMENDMENT TO HOUSE BILL 748

2 AMENDMENT NO. _____. Amend House Bill 748 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by
5 changing 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.

1 (b) Within 30 days after admission, new residents who do
2 not have a guardian of the person or an executed power of
3 attorney for health care shall be provided with written notice,
4 in a form and manner provided by rule of the Department, of
5 their right to provide the name of one or more potential health
6 care surrogates that a treating physician should consider in
7 selecting a surrogate to act on the resident's behalf should
8 the resident lose decision-making capacity. The notice shall
9 include a form of declaration that may be utilized by the
10 resident to identify potential health care surrogates or by the
11 facility to document any inability or refusal to make such a
12 declaration. A signed copy of the resident's declaration of a
13 potential health care surrogate or decision to decline to make
14 such a declaration, or documentation by the facility of the
15 resident's inability to make such a declaration, shall be
16 placed in the resident's clinical record and shall satisfy the
17 facility's obligation under this Section. Such a declaration
18 shall be used only for informational purposes in the selection
19 of a surrogate pursuant to the Health Care Surrogate Act. A
20 facility that complies with this Section is not liable to any
21 healthcare provider, resident, or resident's representative or
22 any other person relating to the identification or selection of
23 a surrogate or potential health care surrogate.

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

25 Section 10. The Health Care Surrogate Act is amended by

1 changing Section 15 as follows:

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

3 Sec. 15. Applicability. This Act applies to patients who
4 lack decisional capacity or who have a qualifying condition.
5 This Act does not apply to instances in which the patient has
6 an operative and unrevoked living will under the Illinois
7 Living Will Act, an operative and unrevoked declaration for
8 mental health treatment under the Mental Health Treatment
9 Preferences Declaration Act, or an authorized agent under a
10 power of attorney for health care under the Illinois Power of
11 Attorney Act and the patient's condition falls within the
12 coverage of the living will, the declaration for mental health
13 treatment, or the power of attorney for health care. In those
14 instances, the living will, declaration for mental health
15 treatment, or power of attorney for health care, as the case
16 may be, shall be given effect according to its terms. This Act
17 does apply in circumstances in which a patient has a qualifying
18 condition but the patient's condition does not fall within the
19 coverage of the living will, the declaration for mental health
20 treatment, or the power of attorney for health care.

21 Each health care facility shall maintain any advance
22 directives proffered by the patient or other authorized person,
23 including a do not resuscitate order, a living will, a
24 declaration for mental health treatment, a declaration of a
25 potential surrogate or surrogates should the person become

1 incapacitated or impaired, or a power of attorney for health
2 care, in the patient's medical records for the duration of the
3 patient's stay. This Act does apply to patients without a
4 qualifying condition. If a patient is an adult with decisional
5 capacity, then the right to refuse medical treatment or
6 life-sustaining treatment does not require the presence of a
7 qualifying condition.

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