



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5048

Introduced 1/27/2022, by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-104.2

from Ch. 111 1/2, par. 4152-104.2

Amends the Nursing Home Care Act. Provides that facilities licensed under the Act must offer to provide POLST-appropriate residents or their representatives an opportunity to execute the Department of Public Health Uniform POLST form within specified time periods. Defines "POLST-appropriate resident". Requires that the offer to provide the form shall be made by a facility staff member or community partner who is able to discuss and prepare the form in accordance with institutional policy or by a qualified health care practitioner. Provides that the execution of a Department of Public Health Uniform POLST form shall not be a requirement for admission to any facility or a precondition to the provision of services by any provider of health care services.

LRB102 25173 CPF 34436 b

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
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 and Department of
8 Public Health Uniform POLST form.

9 (a) Every facility licensed under this Act shall establish
10 a policy for the implementation of practitioner orders
11 concerning cardiopulmonary resuscitation (CPR) or
12 life-sustaining treatment including, but not limited to,
13 "Do-Not-Resuscitate" orders. This policy may only prescribe
14 the format, method of documentation and duration of any
15 practitioner orders. Any orders under this policy shall be
16 honored by the facility. The Department of Public Health
17 Uniform POLST form under Section 2310-600 of the Department of
18 Public Health Powers and Duties Law of the Civil
19 Administrative Code of Illinois, or a copy of that form or a
20 previous version of the uniform form, shall be honored by the
21 facility.

22 (b) Within 30 days after admission, new residents who do
23 not have a guardian of the person or an executed power of

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

23 (c) A facility licensed under this Act must offer to
24 provide POLST-appropriate residents or their representatives
25 an opportunity to execute the Department of Public Health
26 Uniform POLST form. The offer to provide the form shall be made

1 by a facility staff member or community partner who is able to
2 discuss and prepare the Department of Public Health Uniform
3 POLST form in accordance with institutional policy or by a
4 qualified health care practitioner, as that term is defined
5 under Section 10 of the Health Care Surrogate Act. For
6 residents who reside at the facility on the effective date of
7 this amendatory Act of the 102nd General Assembly, the
8 facility must offer POLST-appropriate residents the Department
9 of Public Health Uniform POLST form within one year after the
10 effective date of this amendatory Act of the 102nd General
11 Assembly. On and after the effective date of this amendatory
12 Act of the 102nd General Assembly, the facility must offer the
13 Department of Public Health Uniform POLST form to new
14 POLST-appropriate residents within 30 days after admission to
15 the facility.

16 In this subsection, "POLST-appropriate resident" means a
17 person of any age who:

18 (1) is at high risk for a life-threatening clinical
19 event because the person has a serious life-limiting
20 medical condition, which may include advanced frailty; or

21 (2) has a history of an emergency department transfer
22 or admission or a hospitalization for the treatment of a
23 life-threatening emergency or clinical event due to a
24 serious, chronic, and life-limiting condition, which may
25 include advanced frailty.

26 (d) Execution of a Department of Public Health Uniform

1 POLST form shall not be a requirement for admission to any
2 facility or a precondition to the provision of services by any
3 provider of health care services.

4 (Source: P.A. 98-1110, eff. 8-26-14; 99-319, eff. 1-1-16.)