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Filed: 4/30/2014

09800SB3076ham001

LRB098 15875 HEP 58826 a

1 AMENDMENT TO SENATE BILL 3076

2 AMENDMENT NO. _____. Amend Senate Bill 3076, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Department of Public Health Powers and
6 Duties Law of the Civil Administrative Code of Illinois is
7 amended by changing Section 2310-600 as follows:

8 (20 ILCS 2310/2310-600)

9 Sec. 2310-600. Advance directive information.

10 (a) The Department of Public Health shall prepare and
11 publish the summary of advance directives law, as in Illinois
12 ~~that is~~ required by the federal Patient Self-Determination Act,
13 and related forms. Publication may be limited to the World Wide
14 Web. The summary required under this subsection (a) must
15 include the Department of Public Health Uniform DNR/POLST form.

16 (b) The Department of Public Health shall publish Spanish

1 language versions of the following:

2 (1) The statutory Living Will Declaration form.

3 (2) The Illinois Statutory Short Form Power of Attorney
4 for Health Care.

5 (3) The statutory Declaration of Mental Health
6 Treatment Form.

7 (4) The summary of advance directives law in Illinois.

8 (5) The Department of Public Health Uniform DNR/POLST
9 form ~~DNR Advance Directive forms~~.

10 Publication may be limited to the World Wide Web.

11 (b-5) In consultation with a statewide professional
12 organization representing physicians licensed to practice
13 medicine in all its branches, statewide organizations
14 representing nursing homes, registered professional nurses,
15 and emergency medical systems, and a statewide organization
16 representing hospitals, the Department of Public Health shall
17 develop and publish a uniform form for practitioner
18 cardiopulmonary resuscitation (CPR) or life-sustaining
19 treatment ~~physician do not resuscitate~~ orders that may be
20 utilized in all settings. The form shall meet the published
21 minimum requirements to nationally be considered a
22 practitioner ~~physician~~ orders for life-sustaining treatment
23 form, or POLST, and may be referred to as the Department of
24 Public Health Uniform DNR/POLST form ~~DNR Advance Directive~~.
25 This form ~~advance directive~~ does not replace a physician's or
26 other practitioner's authority to make a do-not-resuscitate

1 (DNR) order.

2 (c) (Blank).

3 (d) The Department of Public Health shall publish the
4 Department of Public Health Uniform DNR/POLST form reflecting
5 the changes made by this amendatory Act of the 98th General
6 Assembly no later than January 1, 2015.

7 (Source: P.A. 97-382, eff. 1-1-12.)

8 Section 10. The Nursing Home Care Act is amended by
9 changing Section 2-104.2 as follows:

10 (210 ILCS 45/2-104.2) (from Ch. 111 1/2, par. 4152-104.2)

11 Sec. 2-104.2. Do-Not-Resuscitate Orders and Department of
12 Public Health Uniform DNR/POLST form.

13 (a) Every facility licensed under this Act shall establish
14 a policy for the implementation of practitioner ~~physician~~
15 orders concerning cardiopulmonary resuscitation (CPR) or
16 life-sustaining treatment including, but not limited to,
17 ~~limiting resuscitation such as those commonly referred to as~~
18 "Do-Not-Resuscitate" orders. This policy may only prescribe
19 the format, method of documentation and duration of any
20 practitioner ~~physician~~ orders ~~limiting resuscitation~~. Any
21 orders under this policy shall be honored by the facility. The
22 Department of Public Health Uniform DNR/POLST form under
23 Section 2310-600 of the Department of Public Health Powers and
24 Duties Law of the Civil Administrative Code of Illinois, ~~DNR~~

1 ~~Advance Directive~~ or a copy of that form or a previous version
2 of the uniform form, Advance Directive shall be honored by the
3 facility.

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

1 (Source: P.A. 96-448, eff. 1-1-10.)

2 Section 12. The ID/DD Community Care Act is amended by
3 changing Section 2-104.2 as follows:

4 (210 ILCS 47/2-104.2)

5 Sec. 2-104.2. Do Not Resuscitate Orders. Every facility
6 licensed under this Act shall establish a policy for the
7 implementation of physician orders limiting resuscitation such
8 as those commonly referred to as "Do Not Resuscitate" orders.
9 This policy may only prescribe the format, method of
10 documentation and duration of any physician orders limiting
11 resuscitation. Any orders under this policy shall be honored by
12 the facility. The Department of Public Health Uniform DNR/POLST
13 ~~DNR Order~~ form or a copy of that form or a previous version of
14 the uniform form shall be honored by the facility.

15 (Source: P.A. 96-339, eff. 7-1-10.)

16 Section 15. The Emergency Medical Services (EMS) Systems
17 Act is amended by changing Section 3.57 as follows:

18 (210 ILCS 50/3.57)

19 Sec. 3.57. Physician do-not-resuscitate orders and
20 Department of Public Health Uniform DNR/POLST form. The
21 Department of Public Health Uniform DNR/POLST form described in
22 Section 2310-600 of the Department of Public Health Powers and

1 Duties Law of the Civil Administrative Code of Illinois, ~~DNR~~
2 ~~Advance Directive~~ or a copy of that form or a previous version
3 of the uniform form, ~~Advance Directive~~ shall be honored under
4 this Act.

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

6 Section 20. The Hospital Licensing Act is amended by
7 changing Section 6.19 as follows:

8 (210 ILCS 85/6.19)

9 Sec. 6.19. Do-not-resuscitate orders and Department of
10 Public Health Uniform DNR/POLST form. Every facility licensed
11 under this Act shall establish a policy for the implementation
12 of practitioner ~~physician~~ orders concerning cardiopulmonary
13 resuscitation (CPR) or life-sustaining treatment including,
14 but not limited to, ~~limiting resuscitation, such as those~~
15 orders commonly referred to as "do-not-resuscitate" orders.
16 This policy may prescribe only the format, method of
17 documentation, and duration of any practitioner ~~physician~~
18 orders ~~limiting resuscitation~~. The policy may include forms to
19 be used. Any orders issued under the policy shall be honored by
20 the facility. The Department of Public Health Uniform DNR/POLST
21 form described in Section 2310-600 of the Department of Public
22 Health Powers and Duties Law of the Civil Administrative Code
23 of Illinois, ~~DNR Advance Directive~~ or a copy of that form or a
24 previous version of the uniform form, ~~Advance Directive~~ shall

1 be honored under any policy established under this Section.

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

3 Section 25. The Health Care Surrogate Act is amended by
4 changing Section 65 as follows:

5 (755 ILCS 40/65)

6 Sec. 65. Department of Public Health Uniform DNR/POLST form
7 ~~Do not resuscitate advance directive forms.~~

8 (a) An individual of sound mind and having reached the age
9 of majority or having obtained the status of an emancipated
10 person pursuant to the Emancipation of Minors Act may execute a
11 document (consistent with the Department of Public Health
12 Uniform DNR/POLST form described in Section 2310-600 of the
13 Department of Public Health Powers and Duties Law of the Civil
14 Administrative Code of Illinois ~~DNR—Advance Directive~~)
15 directing that resuscitating efforts shall not be implemented.
16 Such a document may also be executed by an attending health
17 care practitioner ~~physician~~. If more than one practitioner
18 shares that responsibility, any of the attending health care
19 practitioners may act under this Section. Notwithstanding the
20 existence of a do-not-resuscitate (DNR) order or Department of
21 Public Health Uniform DNR/POLST form, appropriate organ
22 donation treatment may be applied or continued temporarily in
23 the event of the patient's death, in accordance with subsection
24 (g) of Section 20 of this Act, if the patient is an organ

1 donor.

2 (a-5) Execution of a Department of Public Health Uniform
3 DNR/POLST form is voluntary; no person can be required to
4 execute either form. A person who has executed a Department of
5 Public Health Uniform DNR/POLST form should review the form
6 annually and when the person's condition changes.

7 (b) Consent to a Department of Public Health Uniform
8 DNR/POLST form ~~DNR Advance Directive~~ may be obtained from the
9 individual, or from another person at the individual's
10 direction, or from the individual's legal guardian, agent under
11 a power of attorney for health care, or surrogate decision
12 maker, and witnessed by one individual 18 years of age or
13 older, who attests that the individual, other person, guardian,
14 agent, or surrogate (1) has had an opportunity to read the
15 form; and (2) has signed the form or acknowledged his or her
16 signature or mark on the form in the witness's presence.

17 (b-5) As used in this Section, "attending health care
18 practitioner" means an individual who (1) is an Illinois
19 licensed physician, advanced practice nurse, physician
20 assistant, or licensed resident after completion of one year in
21 a program; (2) is selected by or assigned to the patient; and
22 (3) has primary responsibility for treatment and care of the
23 patient. "POLST" means practitioner orders for life-sustaining
24 treatments.

25 (c) Nothing in this Section shall be construed to affect
26 the ability of an individual to include instructions in an

1 advance directive, such as a power of attorney for health care.
2 The uniform form ~~DNR Advance Directive~~ may, but need not, be in
3 the form adopted by the Department of Public Health pursuant to
4 Section 2310-600 of the Department of Public Health Powers and
5 Duties Law (20 ILCS 2310/2310-600).

6 (d) A health care professional or health care provider may
7 presume, in the absence of knowledge to the contrary, that a
8 completed Department of Public Health Uniform DNR/POLST form,
9 ~~DNR Advance Directive~~ or a copy of that form or a previous
10 version of the uniform form, ~~Advance Directive~~ is a valid ~~DNR~~
11 ~~Advance Directive~~. A health care professional or health care
12 provider, or an employee of a health care professional or
13 health care provider, who in good faith complies with a
14 cardiopulmonary resuscitation (CPR) or life-sustaining
15 treatment ~~do not resuscitate~~ order, Department of Public
16 Health Uniform DNR/POLST form, or a previous version of the
17 uniform form made in accordance with this Act is not, as a
18 result of that compliance, subject to any criminal or civil
19 liability, except for willful and wanton misconduct, and may
20 not be found to have committed an act of unprofessional
21 conduct.

22 (e) Nothing in this Section or this amendatory ~~Amendatory~~
23 Act of the 94th General Assembly or this amendatory Act of the
24 98th General Assembly shall be construed to affect the ability
25 of a physician or other practitioner to make a
26 do-not-resuscitate order.

1 (Source: P.A. 96-765, eff. 1-1-10.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".