

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

7 (20 ILCS 2310/2310-600)

8 Sec. 2310-600. Advance directive information.

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

15 (b) The Department of Public Health shall publish Spanish
16 language versions of the following:

17 (1) The statutory Living Will Declaration form.

18 (2) The Illinois Statutory Short Form Power of Attorney
19 for Health Care.

20 (3) The statutory Declaration of Mental Health
21 Treatment Form.

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

23 (5) The Department of Public Health Uniform POLST

1 ~~DNR/POLST~~ form.

2 Publication may be limited to the World Wide Web.

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

18 (c) (Blank).

19 (d) The Department of Public Health shall publish the
20 Department of Public Health Uniform POLST ~~DNR/POLST~~ form
21 reflecting the changes made by this amendatory Act of the 98th
22 General Assembly no later than January 1, 2015.

23 (Source: P.A. 97-382, eff. 1-1-12; 98-1110, eff. 8-26-14.)

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

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

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

4 (a) Every facility licensed under this Act shall establish
5 a policy for the implementation of practitioner orders
6 concerning cardiopulmonary resuscitation (CPR) or
7 life-sustaining treatment including, but not limited to,
8 "Do-Not-Resuscitate" orders. This policy may only prescribe
9 the format, method of documentation and duration of any
10 practitioner orders. Any orders under this policy shall be
11 honored by the facility. The Department of Public Health
12 Uniform POLST ~~DNR/POLST~~ form under Section 2310-600 of the
13 Department of Public Health Powers and Duties Law of the Civil
14 Administrative Code of Illinois, or a copy of that form or a
15 previous version of the uniform form, shall be honored by the
16 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
24 the resident lose decision-making capacity. The notice shall
25 include a form of declaration that may be utilized by the

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

15 (Source: P.A. 98-1110, eff. 8-26-14.)

16 Section 15. The ID/DD Community Care Act is amended by
17 changing Section 2-104.2 as follows:

18 (210 ILCS 47/2-104.2)

19 Sec. 2-104.2. Do Not Resuscitate Orders. Every facility
20 licensed under this Act shall establish a policy for the
21 implementation of physician orders limiting resuscitation such
22 as those commonly referred to as "Do Not Resuscitate" orders.
23 This policy may only prescribe the format, method of
24 documentation and duration of any physician orders limiting

1 resuscitation. Any orders under this policy shall be honored by
2 the facility. The Department of Public Health Uniform POLST
3 ~~DNR/POLST~~ form or a copy of that form or a previous version of
4 the uniform form shall be honored by the facility.
5 (Source: P.A. 98-1110, eff. 8-26-14.)

6 Section 20. The Emergency Medical Services (EMS) Systems
7 Act is amended by changing Section 3.57 as follows:

8 (210 ILCS 50/3.57)

9 Sec. 3.57. Physician do-not-resuscitate orders and
10 Department of Public Health Uniform POLST ~~DNR/POLST~~ form. The
11 Department of Public Health Uniform POLST ~~DNR/POLST~~ form
12 described in Section 2310-600 of the Department of Public
13 Health Powers and Duties Law of the Civil Administrative Code
14 of Illinois, or a copy of that form or a previous version of
15 the uniform form, shall be honored under this Act.
16 (Source: P.A. 98-1110, eff. 8-26-14.)

17 Section 25. The Hospital Licensing Act is amended by
18 changing Section 6.19 as follows:

19 (210 ILCS 85/6.19)

20 Sec. 6.19. Do-not-resuscitate orders and Department of
21 Public Health Uniform POLST ~~DNR/POLST~~ form. Every facility
22 licensed under this Act shall establish a policy for the

1 implementation of practitioner orders concerning
2 cardiopulmonary resuscitation (CPR) or life-sustaining
3 treatment including, but not limited to, "do-not-resuscitate"
4 orders. This policy may prescribe only the format, method of
5 documentation, and duration of any practitioner orders. The
6 policy may include forms to be used. Any orders issued under
7 the policy shall be honored by the facility. The Department of
8 Public Health Uniform POLST ~~DNR/POLST~~ form described in Section
9 2310-600 of the Department of Public Health Powers and Duties
10 Law of the Civil Administrative Code of Illinois, or a copy of
11 that form or a previous version of the uniform form, shall be
12 honored under any policy established under this Section.

13 (Source: P.A. 98-1110, eff. 8-26-14.)

14 Section 30. The Health Care Surrogate Act is amended by
15 changing Section 65 as follows:

16 (755 ILCS 40/65)

17 Sec. 65. Department of Public Health Uniform POLST
18 ~~DNR/POLST~~ form.

19 (a) An individual of sound mind and having reached the age
20 of majority or having obtained the status of an emancipated
21 person pursuant to the Emancipation of Minors Act may execute a
22 document (consistent with the Department of Public Health
23 Uniform POLST ~~DNR/POLST~~ form described in Section 2310-600 of
24 the Department of Public Health Powers and Duties Law of the

1 Civil Administrative Code of Illinois) directing that
2 resuscitating efforts shall not be implemented. Such a document
3 may also be executed by an attending health care practitioner.
4 If more than one practitioner shares that responsibility, any
5 of the attending health care practitioners may act under this
6 Section. Notwithstanding the existence of a do-not-resuscitate
7 (DNR) order or Department of Public Health Uniform POLST
8 ~~DNR/POLST~~ form, appropriate organ donation treatment may be
9 applied or continued temporarily in the event of the patient's
10 death, in accordance with subsection (g) of Section 20 of this
11 Act, if the patient is an organ donor.

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

17 (b) Consent to a Department of Public Health Uniform POLST
18 ~~DNR/POLST~~ form may be obtained from the individual, or from
19 another person at the individual's direction, or from the
20 individual's legal guardian, agent under a power of attorney
21 for health care, or surrogate decision maker, and witnessed by
22 one individual 18 years of age or older, who attests that the
23 individual, other person, guardian, agent, or surrogate (1) has
24 had an opportunity to read the form; and (2) has signed the
25 form or acknowledged his or her signature or mark on the form
26 in the witness's presence.

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

9 (c) Nothing in this Section shall be construed to affect
10 the ability of an individual to include instructions in an
11 advance directive, such as a power of attorney for health care.
12 The uniform form may, but need not, be in the form adopted by
13 the Department of Public Health pursuant to Section 2310-600 of
14 the Department of Public Health Powers and Duties Law (20 ILCS
15 2310/2310-600).

16 (d) A health care professional or health care provider may
17 presume, in the absence of knowledge to the contrary, that a
18 completed Department of Public Health Uniform POLST ~~DNR/POLST~~
19 form, or a copy of that form or a previous version of the
20 uniform form, is valid. A health care professional or health
21 care provider, or an employee of a health care professional or
22 health care provider, who in good faith complies with a
23 cardiopulmonary resuscitation (CPR) or life-sustaining
24 treatment order, Department of Public Health Uniform POLST
25 ~~DNR/POLST~~ form, or a previous version of the uniform form made
26 in accordance with this Act is not, as a result of that

1 compliance, subject to any criminal or civil liability, except
2 for willful and wanton misconduct, and may not be found to have
3 committed an act of unprofessional conduct.

4 (e) Nothing in this Section or this amendatory Act of the
5 94th General Assembly or this amendatory Act of the 98th
6 General Assembly shall be construed to affect the ability of a
7 physician or other practitioner to make a do-not-resuscitate
8 order.

9 (Source: P.A. 98-1110, eff. 8-26-14.)