

AN ACT concerning regulation.

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

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

(20 ILCS 2310/2310-600)

Sec. 2310-600. Advance directive information.

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

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

(1) The statutory Living Will Declaration form.

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

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

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

(5) The Department of Public Health Uniform POLST

~~DNR/POLST~~ form.

Publication may be limited to the World Wide Web.

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

(c) (Blank).

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

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

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

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

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

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

(b) Within 30 days after admission, new residents who do not have a guardian of the person or an executed power of attorney for health care shall be provided with written notice, in a form and manner provided by rule of the Department, of their right to provide the name of one or more potential health care surrogates that a treating physician should consider in selecting a surrogate to act on the resident's behalf should the resident lose decision-making capacity. The notice shall include a form of declaration that may be utilized by the

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

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

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

(210 ILCS 47/2-104.2)

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

resuscitation. Any orders under this policy shall be honored by the facility. The Department of Public Health Uniform POLST ~~DNR/POLST~~ form or a copy of that form or a previous version of the uniform form shall be honored by the facility.

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

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

(210 ILCS 50/3.57)

Sec. 3.57. Physician do-not-resuscitate orders and Department of Public Health Uniform POLST ~~DNR/POLST~~ form. The Department of Public Health Uniform POLST ~~DNR/POLST~~ form described in Section 2310-600 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, or a copy of that form or a previous version of the uniform form, shall be honored under this Act.

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

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

(210 ILCS 85/6.19)

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

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

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

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

(755 ILCS 40/65)

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

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

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

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

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

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

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

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

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

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

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