



Rep. Debbie Meyers-Martin

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10400HB1332ham001

LRB104 07383 BAB 23050 a

1 AMENDMENT TO HOUSE BILL 1332

2 AMENDMENT NO. _____. Amend House Bill 1332 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Caregiver Advise, Record, and Enable Act
5 is amended by changing Sections 1, 5, 10, and 30 and by adding
6 Section 14 as follows:

7 (210 ILCS 91/1)

8 Sec. 1. Short title. This Act may be cited as the Emergency
9 Contact and Caregiver ~~Advise, Record, and Enable~~ Act.

10 (Source: P.A. 99-222, eff. 1-27-16.)

11 (210 ILCS 91/5)

12 Sec. 5. Definitions. As used in this Act:

13 "After care" means clinical assistance to a patient
14 provided by a caregiver in the patient's residence following
15 the patient's discharge from an inpatient hospital stay that

1 is related to the patient's condition at the time of
2 discharge, as determined appropriate by the discharging
3 physician or other health care professional. Clinical
4 assistance may include activities of daily living or
5 medication management.

6 "Caregiver" means any individual designated by a patient
7 to provide after care to a patient. A designated caregiver may
8 include, but is not limited to, a relative, spouse, partner,
9 friend, or neighbor.

10 "Discharge" means a patient's release from a hospital to
11 the patient's residence following an inpatient admission.

12 "Emergency Contact" means the name, telephone number, or
13 address of an individual designated by a patient to be
14 contacted by a hospital. An emergency contact may include, but
15 is not limited to, a relative, spouse, partner, friend, or
16 neighbor of the patient or the patient's legal representative,
17 health care surrogate, or other person with the legal
18 authority to make health care decisions on the patient's
19 behalf.

20 "Hospital" means a hospital that provides general acute
21 care that is either licensed under the Hospital Licensing Act
22 or operated under the University of Illinois Hospital Act.

23 "Legal representative" means a personal representative
24 having designated legal status, including an agent designated
25 through a power of attorney.

26 "Patient" means an individual admitted to a hospital as an

1 inpatient. "Patient" does not include a pediatric patient or a
2 patient who is not capable of designating a caregiver due to a
3 health care condition or other circumstances, as determined by
4 the health care provider.

5 "Protected health information" has the meaning given to
6 that term in 45 CFR 160.103 of the Privacy Rule to the Health
7 Insurance Portability and Accountability Act of 1994 (42
8 U.S.C. 1320d et al.), as may be amended.

9 "Residence" means a dwelling that the patient considers to
10 be the patient's home. "Residence" does not include a
11 rehabilitation facility, hospital, nursing home, assisted
12 living establishment, group home licensed by the Department of
13 Public Health or the Department of Human Services, or a
14 State-operated facility.

15 (Source: P.A. 99-222, eff. 1-27-16.)

16 (210 ILCS 91/10)

17 Sec. 10. Opportunity to designate an emergency contact and
18 a caregiver.

19 (a) Following the patient's admission into the hospital as
20 an inpatient, a ~~A~~ hospital shall provide each patient or, if
21 applicable, the patient's legal representative with an
22 opportunity to designate: (1) an emergency contact, including
23 the opportunity to authorize the hospital to share protected
24 health information with the patient's emergency contact; and
25 (2) a caregiver ~~following the patient's admission into the~~

1 ~~hospital as an inpatient and~~ prior to the patient's discharge
2 to the patient's residence or transfer to another facility.

3 (b) In the event that a patient is unconscious or
4 otherwise incapacitated, the hospital shall provide the
5 patient or the patient's legal representative with an
6 opportunity to designate an emergency contact and a caregiver
7 within a timeframe deemed appropriate by the attending
8 physician or other licensed health care provider.

9 (c) If a patient or legal representative declines to
10 designate an emergency contact or a caregiver pursuant to this
11 Act, the hospital shall document this declination in the
12 patient's medical record and has no further responsibilities
13 under this Act.

14 (d) If a patient or the patient's legal representative
15 designates an individual as an emergency contact or a
16 caregiver under this Act, the hospital shall record the
17 patient's designation of emergency contact and caregiver, the
18 relationship of the emergency contact and designated caregiver
19 to the patient, and the name, telephone number, and address of
20 the patient's emergency contact and designated caregiver in
21 the patient's medical record.

22 (e) A patient may elect to change his or her emergency
23 contact or designated caregiver at any time, and the hospital
24 must record this change in the patient's medical record and
25 thereafter treat the newly named person as the designated
26 emergency contact or caregiver.

1 (f) A designation of an emergency contact or a caregiver
2 by a patient or the patient's legal representative does not
3 obligate any individual to provide any after care for the
4 patient.

5 (g) This Section shall not be construed to require a
6 patient or a patient's legal representative to designate an
7 individual as an emergency contact or a caregiver under this
8 Act.

9 (Source: P.A. 99-222, eff. 1-27-16.)

10 (210 ILCS 91/14 new)

11 Sec. 14. Notice to designated emergency contact. If a
12 patient, in the patient's designation of an emergency contact,
13 authorized the hospital to share the patient's protected
14 health information, a hospital shall notify a patient's
15 emergency contact of the patient's death or if the patient's
16 condition has become life threatening. The hospital's attempt
17 to notify the emergency contact shall be noted in the
18 patient's record. If the hospital is unable to contact the
19 emergency contact, the lack of contact shall not interfere
20 with, delay, or otherwise affect the medical care provided to
21 the patient. Failure of the patient's emergency contact to
22 respond to a hospital's attempted contact shall not be
23 considered a violation of this Section. If a patient fails to
24 authorize the hospital to share the patient's protected health
25 information or revokes authorization, the hospital may contact

1 the emergency contact only if, and to the extent, it can do so
2 without sharing any protected health information that the
3 patient has not authorized the hospital to share.

4 (210 ILCS 91/30)

5 Sec. 30. No private right of action. Nothing in this Act
6 shall be construed to create a private right of action against
7 a hospital, a hospital affiliate, a hospital employee, or a
8 consultant or contractor with whom a hospital has a
9 contractual relationship solely for attempting to contact an
10 emergency contact, as described in Section 14 of this Act, or
11 providing instruction to a designated caregiver, as described
12 in Section 20 of this Act.

13 A hospital, a hospital affiliate, a hospital employee, or
14 a consultant or contractor with whom a hospital has a
15 contractual relationship shall not be held liable, except for
16 willful or wanton misconduct, for services rendered or not
17 rendered by the caregiver to the patient or for the hospital's
18 inability to contact an emergency contact.

19 Nothing in this Act shall delay the provision of care to a
20 patient, the discharge of a patient, or the transfer of a
21 patient from a hospital to another facility.

22 (Source: P.A. 99-222, eff. 1-27-16.)"