



Rep. Debbie Meyers-Martin

**Filed: 4/2/2025**

10400HB1332ham003

LRB104 07383 BAB 24325 a

1 AMENDMENT TO HOUSE BILL 1332

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1332, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

8 (210 ILCS 91/1)

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

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

12 (210 ILCS 91/5)

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

14 "After care" means clinical assistance to a patient  
15 provided by a caregiver in the patient's residence following

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

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

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

13 "Emergency Contact" means the name, telephone number, or  
14 address of an individual designated by a patient to be  
15 contacted by a hospital. An emergency contact may include, but  
16 is not limited to, a relative, spouse, partner, friend, or  
17 neighbor of the patient or the patient's legal representative.

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

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

24 "Patient" means an individual admitted to a hospital as an  
25 inpatient. "Patient" does not include a pediatric patient or a  
26 patient who is not capable of designating a caregiver due to a

1 health care condition or other circumstances, as determined by  
2 the health care provider.

3 "Protected health information" has the meaning given to  
4 that term in 45 CFR 160.103 of the Privacy Rule to the Health  
5 Insurance Portability and Accountability Act of 1996 (42  
6 U.S.C. 1320d et al.), as may be amended.

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

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

14 (210 ILCS 91/10)

15 Sec. 10. Opportunity to designate an emergency contact and  
16 a caregiver.

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

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

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

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

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

25 (f) A designation of an emergency contact or a caregiver  
26 by a patient or the patient's legal representative does not

1 obligate any individual to provide any after care for the  
2 patient.

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

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

8 (210 ILCS 91/14 new)

9 Sec. 14. Notice to designated emergency contact. If a  
10 patient has authorized the hospital to share protected health  
11 information with an emergency contact that is not the  
12 patient's legal representative and the patient's legal  
13 representative does not object, a hospital shall, as soon as  
14 practicable, notify that emergency contact of the patient's  
15 death. The hospital's attempt to notify the emergency contact  
16 shall be noted in the patient's record. Failure of the  
17 patient's emergency contact to respond to a hospital's  
18 attempted contact shall not be considered a violation of this  
19 Section. If a patient fails to authorize the hospital to share  
20 the patient's protected health information or revokes such  
21 authorization, the hospital may contact the emergency contact  
22 only as otherwise allowed by law.

23 (210 ILCS 91/30)

24 Sec. 30. No private right of action. Nothing in this Act

1 shall be construed to create a private right of action against  
2 a hospital, a hospital affiliate, a hospital employee, or a  
3 consultant or contractor with whom a hospital has a  
4 contractual relationship solely for attempting to contact an  
5 emergency contact, as described in Section 14 of this Act, or  
6 providing instruction to a designated caregiver, as described  
7 in Section 20 of this Act.

8 A hospital, a hospital affiliate, a hospital employee, or  
9 a consultant or contractor with whom a hospital has a  
10 contractual relationship shall not be held liable, except for  
11 willful or wanton misconduct, for services rendered or not  
12 rendered by the caregiver to the patient or for the hospital's  
13 inability to contact, or timeliness in contacting, an  
14 emergency contact.

15 Nothing in this Act shall delay the provision of care to a  
16 patient, the discharge of a patient, or the transfer of a  
17 patient from a hospital to another facility.

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