

# SB0320



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0320

Introduced 1/24/2017, by Sen. John J. Cullerton

### SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-104.2

from Ch. 111 1/2, par. 4152-104.2

Amends the Nursing Home Care Act. Makes a technical change in a Section concerning do-not-resuscitate orders.

LRB100 05105 MJP 15115 b

A BILL FOR

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 Nursing Home Care Act is amended by changing  
5 Section 2-104.2 as follows:

6 (210 ILCS 45/2-104.2) (from Ch. 111 1/2, par. 4152-104.2)

7 Sec. 2-104.2. Do-Not-Resuscitate Orders and Department of  
8 Public Health Uniform POLST form.

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

21 (b) Within 30 days after admission, new residents who do  
22 not have a guardian of the person or an executed power of  
23 attorney for health care shall be provided with written notice,

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

21 (Source: P.A. 98-1110, eff. 8-26-14; 99-319, eff. 1-1-16.)