



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3503

Introduced 2/17/2023, by Rep. William E Hauter

SYNOPSIS AS INTRODUCED:

410 ILCS 50/3.2

from Ch. 111 1/2, par. 5403.2

Amends the Medical Patient Rights Act. Provides that, during a period for which the Governor has issued a proclamation under the Illinois Emergency Management Agency Act declaring that a disaster exists or in the event of an outbreak or epidemic of a communicable disease in the community in which the emergency department is located, an emergency department shall ensure an opportunity for at least one medical advocate to be present with a patient for the purposes of communication, care, consent, and advocacy on the patient's behalf. Requires the medical advocate's presence to be subject to the guidelines, conditions, and limitations of the emergency department's policies and any rules or guidelines established by the U.S. Centers for Medicare and Medicaid Services and the Centers for Disease Control and Prevention. Provides that medical advocates may be required by the emergency department to submit to health screenings necessary to prevent the spread of infectious disease. Allows emergency departments to (i) restrict facility access to a medical advocate who does not pass the emergency department's health screening requirement, (ii) require a medical advocate to adhere to infection control procedures, and (iii) deny a medical advocate's request to be present with a patient under the Act if it would endanger the physical health or safety of the patient, the medical advocate, or health care workers or would otherwise create a risk to public health or safety. Defines "medical advocate".

LRB103 25522 CPF 51871 b

1 AN ACT concerning health.

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

4 Section 5. The Medical Patient Rights Act is amended by
5 changing Section 3.2 as follows:

6 (410 ILCS 50/3.2) (from Ch. 111 1/2, par. 5403.2)

7 Sec. 3.2. Visitation rights, policies, and procedures.

8 (a) Every health care facility in this State shall permit
9 visitation by any person or persons designated by a patient
10 who is 18 years of age or older and who is allowed rights of
11 visitation unless (1) the facility does not allow any
12 visitation for a patient or patients, or (2) the facility or
13 the patient's physician determines that visitation would
14 endanger the physical health or safety of a patient or
15 visitor, or would interfere with the operations of the
16 facility.

17 (a-5) Notwithstanding subsection (a), during a period for
18 which the Governor has issued a proclamation under Section 7
19 of the Illinois Emergency Management Agency Act declaring that
20 a disaster exists or in the event of an outbreak or epidemic of
21 a communicable disease in the community in which the health
22 care facility is located, a health care facility shall ensure
23 an opportunity for at least one visitor to visit a resident or

1 patient of the health care facility. A health care facility
2 shall not count a clergy member toward any limit on the number
3 of visitors permitted to visit a resident or patient at one
4 time and shall permit a clergy member to visit with a resident
5 or patient in addition to the permitted number of visitors.
6 Visitation shall be subject to the guidelines, conditions, and
7 limitations of the health care facility's visitation policy
8 and any rules or guidelines established by the U.S. Centers
9 for Medicare and Medicaid Services and the Centers for Disease
10 Control and Prevention.

11 Visitors under this subsection may be required by the
12 health care facility to submit to health screenings necessary
13 to prevent the spread of infectious disease. A health care
14 facility may restrict facility access to a visitor who does
15 not pass its health screening requirement. A health care
16 facility may require a visitor to adhere to infection control
17 procedures, including wearing personal protective equipment. A
18 health care facility may deny visitation under this Act if
19 visitation would endanger the physical health or safety of a
20 patient, the visitor, or health care workers or would
21 otherwise create a public health or safety problem.

22 (a-10) Notwithstanding subsection (a), a skilled nursing
23 home, extended care facility, or intermediate care facility
24 may prohibit an individual from visiting a resident or patient
25 of the nursing home or facility if specific facts demonstrate
26 that the individual would endanger his or her physical health

1 or safety or the health or safety of a resident, patient, or
2 health care worker of the nursing home or facility. Any denial
3 of visitation under this subsection (a-10) shall be in writing
4 and shall be provided to the individual and the resident or
5 patient with whom the individual was denied visitation.

6 (a-15) Each skilled nursing home, extended care facility,
7 and intermediate care facility shall:

8 (1) inform each resident of the nursing home or
9 facility (or that individual's representative) of the
10 resident's visitation rights and the nursing home or
11 facility's visitation-related policies and procedures,
12 including any clinical or safety-related restriction or
13 limitation on visitation rights, the reasons for the
14 restriction or limitation, and the persons to whom the
15 restriction or limitation may apply;

16 (2) inform each resident of the resident's right:

17 (A) to consent to receive designated visitors,
18 such as a spouse, including, without limitation, a
19 same-sex spouse; a domestic partner, including,
20 without limitation, a same-sex domestic partner;
21 another family member; or a friend; and

22 (B) to withdraw or deny that consent at any time;

23 (3) not restrict, limit, or otherwise deny visitation
24 privileges on the basis of race, color, national origin,
25 religion, sex, gender identity, sexual orientation, or
26 disability; and

1 (4) ensure that all of the resident's visitors enjoy
2 full and equal visitation privileges, consistent with the
3 resident's preferences.

4 (a-20) Notwithstanding subsection (a), during a period for
5 which the Governor has issued a proclamation under Section 7
6 of the Illinois Emergency Management Agency Act declaring that
7 a disaster exists or in the event of an outbreak or epidemic of
8 a communicable disease in the community in which the emergency
9 department is located, an emergency department shall ensure an
10 opportunity for at least one medical advocate to be present
11 with a patient for the purposes of communication, care,
12 consent, and advocacy on the patient's behalf. The medical
13 advocate's presence shall be subject to the guidelines,
14 conditions, and limitations of the emergency department's
15 policies and any rules or guidelines established by the U.S.
16 Centers for Medicare and Medicaid Services and the Centers for
17 Disease Control and Prevention. Medical advocates under this
18 subsection may be required by the emergency department to
19 submit to health screenings necessary to prevent the spread of
20 infectious disease. An emergency department may restrict
21 facility access to a medical advocate who does not pass the
22 emergency department's health screening requirement. An
23 emergency department may require a medical advocate to adhere
24 to infection control procedures, including, but not limited
25 to, wearing personal protective equipment. An emergency
26 department may deny a medical advocate's request to be present

1 with a patient under this Act if it would endanger the physical
2 health or safety of the patient, the medical advocate, or
3 health care workers or would otherwise create a risk to public
4 health or safety. In this subsection, "medical advocate" means
5 a patient's health care power of attorney, a person who
6 arrived at the emergency department with the patient, or any
7 other person who can demonstrate that he or she has knowledge
8 of the patient's medical condition or is otherwise authorized
9 to make health care decisions for the patient.

10 (b) Except as provided in subsection (a-5), nothing in
11 this Section shall be construed to further limit or restrict
12 the right of visitation provided by other provisions of law or
13 to restrict the ability of a health care facility to regulate
14 hours of visitation, the number of visitors per patient, or
15 the movement of visitors within the health care facility.

16 (c) For the purposes of this Section a "health care
17 facility" does not include a developmental disability
18 facility, a mental health facility or a mental health center.

19 (Source: P.A. 102-989, eff. 5-27-22.)