

1 AN ACT concerning nursing home care.

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  
5 changing Section 2-104 as follows:

6 (210 ILCS 45/2-104) (from Ch. 111 1/2, par. 4152-104)

7 Sec. 2-104. Medical treatment; experimental research or  
8 treatment; records.

9 (a) A resident shall be permitted to retain the services  
10 of his own personal physician at his own expense or under an  
11 individual or group plan of health insurance, or under any  
12 public or private assistance program providing such coverage.  
13 However, the facility is not liable for the negligence of any  
14 such personal physician. Every resident shall be permitted  
15 to obtain from his own physician or the physician attached to  
16 the facility complete and current information concerning his  
17 medical diagnosis, treatment and prognosis in terms and  
18 language the resident can reasonably be expected to  
19 understand. Every resident shall be permitted to participate  
20 in the planning of his total care and medical treatment to  
21 the extent that his condition permits. No resident shall be  
22 subjected to experimental research or treatment without first  
23 obtaining his informed, written consent. The conduct of any  
24 experimental research or treatment shall be authorized and  
25 monitored by an institutional review committee appointed by  
26 the administrator of the facility where such research and  
27 treatment is conducted. The membership, operating procedures  
28 and review criteria for institutional review committees shall  
29 be prescribed under rules and regulations of the Department.

30 (b) All medical treatment and procedures shall be  
31 administered as ordered by a physician. All new physician

1 orders shall be reviewed by the facility's director of  
2 nursing or charge nurse designee within 24 hours after such  
3 orders have been issued to assure facility compliance with  
4 such orders.

5 According to rules adopted by the Department, every woman  
6 resident of child-bearing age shall receive routine  
7 obstetrical and gynecological evaluations as well as  
8 necessary prenatal care.

9 (c) Every resident shall be permitted to refuse medical  
10 treatment and to know the consequences of such action, unless  
11 such refusal would be harmful to the health and safety of  
12 others and such harm is documented by a physician in the  
13 resident's clinical record. The resident's refusal shall  
14 free the facility from the obligation to provide the  
15 treatment.

16 (d) Every resident, resident's guardian, or parent if  
17 the resident is a minor shall be permitted to inspect and  
18 copy all his clinical and other records concerning his care  
19 and maintenance kept by the facility or by his physician. The  
20 facility may charge a reasonable fee for duplication of a  
21 record.

22 (Source: P.A. 86-1013.)