

1 AN ACT concerning health care.

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

4 Section 5. The Health Care Surrogate Act is amended by  
5 changing Section 15 as follows:

6 (755 ILCS 40/15) (from Ch. 110 1/2, par. 851-15)

7 Sec. 15. Applicability. This Act applies to patients  
8 who lack decisional capacity or who have a qualifying  
9 condition. This Act does not apply to instances in which the  
10 patient has an operative and unrevoked living will under the  
11 Illinois Living Will Act, an operative and unrevoked  
12 declaration for mental health treatment under the Mental  
13 Health Treatment Preferences Declaration Act, or an  
14 authorized agent under a power of attorney for health care  
15 under the Illinois Power of Attorney Act and the patient's  
16 condition falls within the coverage of the living will, the  
17 declaration for mental health treatment, or the power of  
18 attorney for health care. In those instances, the living  
19 will, declaration for mental health treatment, or power of  
20 attorney for health care, as the case may be, shall be given  
21 effect according to its terms. This Act does apply in  
22 circumstances in which a patient has a qualifying condition  
23 but the patient's condition does not fall within the coverage  
24 of the living will, the declaration for mental health  
25 treatment, or the power of attorney for health care.

26 Each health care facility must ~~shall~~ maintain any advance  
27 directives proffered by the patient or other authorized  
28 person, including a do not resuscitate order, a living will,  
29 a declaration for mental health treatment, or a power of  
30 attorney for health care, in the patient's medical records  
31 for the duration of the patient's stay. This Act does apply

1 to patients without a qualifying condition. If a patient is  
2 an adult with decisional capacity, then the right to refuse  
3 medical treatment or life-sustaining treatment does not  
4 require the presence of a qualifying condition.

5 (Source: P.A. 90-246, eff. 1-1-98.)