



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2034

Introduced 2/14/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie - Kevin Joyce

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-104

from Ch. 111 1/2, par. 4152-104

Amends the Nursing Home Care Act. Makes a technical change in a Section concerning medical treatment.

LRB094 02647 DRJ 32648 b

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 as follows:

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

7 Sec. 2-104. (a) A resident shall be permitted to retain the
8 ~~the~~ services of his own personal physician at his own expense
9 or under an individual or group plan of health insurance, or
10 under any public or private assistance program providing such
11 coverage. However, the facility is not liable for the
12 negligence of any such personal physician. Every resident shall
13 be permitted to obtain from his own physician or the physician
14 attached to the facility complete and current information
15 concerning his medical diagnosis, treatment and prognosis in
16 terms and language the resident can reasonably be expected to
17 understand. Every resident shall be permitted to participate in
18 the planning of his total care and medical treatment to the
19 extent that his condition permits. No resident shall be
20 subjected to experimental research or treatment without first
21 obtaining his informed, written consent. The conduct of any
22 experimental research or treatment shall be authorized and
23 monitored by an institutional review committee appointed by the
24 administrator of the facility where such research and treatment
25 is conducted. The membership, operating procedures and review
26 criteria for institutional review committees shall be
27 prescribed under rules and regulations of the Department.

28 (b) All medical treatment and procedures shall be
29 administered as ordered by a physician. All new physician
30 orders shall be reviewed by the facility's director of nursing
31 or charge nurse designee within 24 hours after such orders have
32 been issued to assure facility compliance with such orders.

1 According to rules adopted by the Department, every woman
2 resident of child-bearing age shall receive routine
3 obstetrical and gynecological evaluations as well as necessary
4 prenatal care.

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

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

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