



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5330

Introduced 01/26/06, by Rep. Joe Dunn

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-600

210 ILCS 45/2-104.2

210 ILCS 50/3.57

210 ILCS 85/6.19

755 ILCS 40/65

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

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, the Nursing Home Care Act, the Emergency Medical Services (EMS) Systems Act, the Hospital Licensing Act, and the Health Care Surrogate Act. Changes references from "Department of Public Health Uniform DNR Order form" to "Department of Public Health Uniform DNR Advance Directive", and provides that this advance directive does not replace a physician's do-not-resuscitate (DNR) order. Provides that nothing in the Health Care Surrogate Act provisions concerning DNR forms shall be construed to affect the ability of a physician to make a DNR order. Effective immediately.

LRB094 16813 DRJ 52089 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 Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-600 as follows:

7 (20 ILCS 2310/2310-600)

8 Sec. 2310-600. Advance directive information.

9 (a) The Department of Public Health shall prepare and
10 publish the summary of advance directives law in Illinois that
11 is required by the federal Patient Self-Determination Act.
12 Publication may be limited to the World Wide Web.

13 (b) The Department of Public Health shall adopt, by rule,
14 and publish Spanish language versions of the following:

15 (1) The statutory Living Will Declaration form.

16 (2) The Illinois Statutory Short Form Power of Attorney
17 for Health Care.

18 (3) The statutory Declaration of Mental Health
19 Treatment Form.

20 (4) The summary of advance directives law in Illinois.

21 (5) Any statewide uniform Do Not Resuscitate forms.

22 Publication may be limited to the World Wide Web.

23 (b-5) In consultation with a statewide professional
24 organization representing physicians licensed to practice
25 medicine in all its branches, statewide organizations
26 representing nursing homes, and a statewide organization
27 representing hospitals, the Department of Public Health shall
28 develop and publish a uniform form for physician
29 do-not-resuscitate orders that may be utilized in all settings.
30 The form may be referred to as the Department of Public Health
31 Uniform DNR Advance Directive Order ~~form~~. This advance
32 directive does not replace a physician's do-not-resuscitate

1 (DNR) order.

2 (c) The Department of Public Health may contract with
3 statewide professional organizations representing physicians
4 licensed to practice medicine in all its branches to prepare
5 and publish materials required by this Section. The Department
6 of Public Health may consult with a statewide organization
7 representing registered professional nurses on preparing
8 materials required by this Section.

9 (Source: P.A. 91-789, eff. 1-1-01; 92-356, eff. 10-1-01.)

10 Section 10. The Nursing Home Care Act is amended by
11 changing Section 2-104.2 as follows:

12 (210 ILCS 45/2-104.2) (from Ch. 111 1/2, par. 4152-104.2)

13 Sec. 2-104.2. Do-Not-Resuscitate Orders. Every facility
14 licensed under this Act shall establish a policy for the
15 implementation of physician orders limiting resuscitation such
16 as those commonly referred to as "Do-Not-Resuscitate" orders.
17 This policy may only prescribe the format, method of
18 documentation and duration of any physician orders limiting
19 resuscitation. Any orders under this policy shall be honored by
20 the facility. The Department of Public Health Uniform DNR
21 Advance Directive Order form or a copy of that Advance
22 Directive form shall be honored by the facility.

23 (Source: P.A. 92-356, eff. 10-1-01.)

24 Section 15. The Emergency Medical Services (EMS) Systems
25 Act is amended by changing Section 3.57 as follows:

26 (210 ILCS 50/3.57)

27 Sec. 3.57. Physician do-not-resuscitate orders. The
28 Department of Public Health Uniform DNR Advance Directive Order
29 form or a copy of that Advance Directive form shall be honored
30 under this Act.

31 (Source: P.A. 92-356, eff. 10-1-01.)

1 Section 20. The Hospital Licensing Act is amended by
2 changing Section 6.19 as follows:

3 (210 ILCS 85/6.19)

4 Sec. 6.19. Do-not-resuscitate orders. Every facility
5 licensed under this Act shall establish a policy for the
6 implementation of physician orders limiting resuscitation,
7 such as those orders commonly referred to as
8 "do-not-resuscitate" orders. This policy may prescribe only
9 the format, method of documentation, and duration of any
10 physician orders limiting resuscitation. The policy may
11 include forms to be used. Any orders issued under the policy
12 shall be honored by the facility. The Department of Public
13 Health Uniform DNR Advance Directive ~~Order form~~ or a copy of
14 that Advance Directive ~~form~~ shall be honored under any policy
15 established under this Section.

16 (Source: P.A. 92-356, eff. 10-1-01.)

17 Section 25. The Health Care Surrogate Act is amended by
18 changing Section 65 as follows:

19 (755 ILCS 40/65)

20 Sec. 65. Do-not-resuscitate advance directive forms
21 ~~orders~~.

22 (a) An individual of sound mind and having reached the age
23 of majority or having obtained the status of an emancipated
24 person pursuant to the Emancipation of ~~Mature~~ Minors Act may
25 execute a document (consistent with the Department of Public
26 Health Uniform DNR Advance Directive ~~Order Form~~) directing that
27 resuscitating efforts shall not be implemented. Such a document
28 ~~an order~~ may also be executed by an attending physician.
29 Notwithstanding the existence of a DNR order, appropriate organ
30 donation treatment may be applied or continued temporarily in
31 the event of the patient's death, in accordance with subsection
32 (g) of Section 20 of this Act, if the patient is an organ
33 donor.

1 (b) Consent to a DNR Advance Directive ~~order~~ may be
2 obtained from the individual, or from another person at the
3 individual's direction, or from the individual's legal
4 guardian, agent under a power of attorney for health care, or
5 surrogate decision maker, and witnessed by 2 individuals 18
6 years of age or older.

7 (c) The DNR Advance Directive ~~order~~ may, but need not, be
8 in the form adopted by the Department of Public Health pursuant
9 to Section 2310-600 of the Department of Public Health Powers
10 and Duties Law (20 ILCS 2310/2310-600).

11 (d) A health care professional or health care provider may
12 presume, in the absence of knowledge to the contrary, that a
13 completed Department of Public Health Uniform DNR Advance
14 Directive ~~Order form~~ or a copy of that Advance Directive ~~form~~
15 is a valid DNR Advance Directive ~~order~~. A health care
16 professional or health care provider, or an employee of a
17 health care professional or health care provider, who in good
18 faith complies with a do-not-resuscitate order made in
19 accordance with this Act is not, as a result of that
20 compliance, subject to any criminal or civil liability, except
21 for willful and wanton misconduct, and may not be found to have
22 committed an act of unprofessional conduct.

23 (e) Nothing in this Section or this Amendatory Act of the
24 94th General Assembly shall be construed to affect the ability
25 of a physician to make a DNR order.

26 (Source: P.A. 92-356, eff. 10-1-01; 93-794, eff. 7-22-04;
27 revised 11-5-04.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.