

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 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, as in Illinois
11 ~~that is~~ required by the federal Patient Self-Determination Act,
12 and related forms. Publication may be limited to the World Wide
13 Web. The summary required under this subsection (a) must
14 include the Department of Public Health Uniform DNR/POLST form.

15 (b) The Department of Public Health shall publish Spanish
16 language versions of the following:

17 (1) The statutory Living Will Declaration form.

18 (2) The Illinois Statutory Short Form Power of Attorney
19 for Health Care.

20 (3) The statutory Declaration of Mental Health
21 Treatment Form.

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

23 (5) The Department of Public Health Uniform DNR/POLST

1 form ~~DNR Advance Directive forms.~~

2 Publication may be limited to the World Wide Web.

3 (b-5) In consultation with a statewide professional
4 organization representing physicians licensed to practice
5 medicine in all its branches, statewide organizations
6 representing nursing homes, registered professional nurses,
7 and emergency medical systems, and a statewide organization
8 representing hospitals, the Department of Public Health shall
9 develop and publish a uniform form for practitioner
10 cardiopulmonary resuscitation (CPR) or life-sustaining
11 treatment ~~physician do not resuscitate~~ orders that may be
12 utilized in all settings. The form shall meet the published
13 minimum requirements to nationally be considered a
14 practitioner ~~physician~~ orders for life-sustaining treatment
15 form, or POLST, and may be referred to as the Department of
16 Public Health Uniform DNR/POLST form ~~DNR Advance Directive~~.
17 This form ~~advance directive~~ does not replace a physician's or
18 other practitioner's authority to make a do-not-resuscitate
19 (DNR) order.

20 (c) (Blank).

21 (d) The Department of Public Health shall publish the
22 Department of Public Health Uniform DNR/POLST form reflecting
23 the changes made by this amendatory Act of the 98th General
24 Assembly no later than January 1, 2015.

25 (Source: P.A. 97-382, eff. 1-1-12.)

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

3 (210 ILCS 45/2-104.2) (from Ch. 111 1/2, par. 4152-104.2)

4 Sec. 2-104.2. Do-Not-Resuscitate Orders and Department of
5 Public Health Uniform DNR/POLST form.

6 (a) Every facility licensed under this Act shall establish
7 a policy for the implementation of practitioner ~~physician~~
8 orders concerning cardiopulmonary resuscitation (CPR) or
9 life-sustaining treatment including, but not limited to,
10 ~~limiting resuscitation such as those commonly referred to as~~
11 "Do-Not-Resuscitate" orders. This policy may only prescribe
12 the format, method of documentation and duration of any
13 practitioner ~~physician~~ orders ~~limiting resuscitation~~. Any
14 orders under this policy shall be honored by the facility. The
15 Department of Public Health Uniform DNR/POLST form under
16 Section 2310-600 of the Department of Public Health Powers and
17 Duties Law of the Civil Administrative Code of Illinois, ~~DNR~~
18 ~~Advance Directive~~ or a copy of that form or a previous version
19 of the uniform form, ~~Advance Directive~~ shall be honored by the
20 facility.

21 (b) Within 30 days after admission, new residents who do
22 not have a guardian of the person or an executed power of
23 attorney for health care shall be provided with written notice,
24 in a form and manner provided by rule of the Department, of
25 their right to provide the name of one or more potential health

1 care surrogates that a treating physician should consider in
2 selecting a surrogate to act on the resident's behalf should
3 the resident lose decision-making capacity. The notice shall
4 include a form of declaration that may be utilized by the
5 resident to identify potential health care surrogates or by the
6 facility to document any inability or refusal to make such a
7 declaration. A signed copy of the resident's declaration of a
8 potential health care surrogate or decision to decline to make
9 such a declaration, or documentation by the facility of the
10 resident's inability to make such a declaration, shall be
11 placed in the resident's clinical record and shall satisfy the
12 facility's obligation under this Section. Such a declaration
13 shall be used only for informational purposes in the selection
14 of a surrogate pursuant to the Health Care Surrogate Act. A
15 facility that complies with this Section is not liable to any
16 healthcare provider, resident, or resident's representative or
17 any other person relating to the identification or selection of
18 a surrogate or potential health care surrogate.

19 (Source: P.A. 96-448, eff. 1-1-10.)

20 Section 12. The ID/DD Community Care Act is amended by
21 changing Section 2-104.2 as follows:

22 (210 ILCS 47/2-104.2)

23 Sec. 2-104.2. Do Not Resuscitate Orders. Every facility
24 licensed under this Act shall establish a policy for the

1 implementation of physician orders limiting resuscitation such
2 as those commonly referred to as "Do Not Resuscitate" orders.
3 This policy may only prescribe the format, method of
4 documentation and duration of any physician orders limiting
5 resuscitation. Any orders under this policy shall be honored by
6 the facility. The Department of Public Health Uniform DNR/POLST
7 ~~DNR Order~~ form or a copy of that form or a previous version of
8 the uniform form shall be honored by the facility.

9 (Source: P.A. 96-339, eff. 7-1-10.)

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

12 (210 ILCS 50/3.57)

13 Sec. 3.57. Physician do-not-resuscitate orders and
14 Department of Public Health Uniform DNR/POLST form. The
15 Department of Public Health Uniform DNR/POLST form described in
16 Section 2310-600 of the Department of Public Health Powers and
17 Duties Law of the Civil Administrative Code of Illinois, ~~DNR~~
18 Advance Directive or a copy of that form or a previous version
19 of the uniform form, ~~Advance Directive~~ shall be honored under
20 this Act.

21 (Source: P.A. 94-865, eff. 6-16-06.)

22 Section 20. The Hospital Licensing Act is amended by
23 changing Section 6.19 as follows:

1 (210 ILCS 85/6.19)

2 Sec. 6.19. Do-not-resuscitate orders and Department of
3 Public Health Uniform DNR/POLST form. Every facility licensed
4 under this Act shall establish a policy for the implementation
5 of practitioner ~~physician~~ orders concerning cardiopulmonary
6 resuscitation (CPR) or life-sustaining treatment including,
7 but not limited to, limiting resuscitation, such as those
8 ~~orders commonly referred to as "do-not-resuscitate"~~ orders.
9 This policy may prescribe only the format, method of
10 documentation, and duration of any practitioner ~~physician~~
11 orders ~~limiting resuscitation~~. The policy may include forms to
12 be used. Any orders issued under the policy shall be honored by
13 the facility. The Department of Public Health Uniform DNR/POLST
14 form described in Section 2310-600 of the Department of Public
15 Health Powers and Duties Law of the Civil Administrative Code
16 of Illinois, ~~DNR Advance Directive~~ or a copy of that form or a
17 previous version of the uniform form, ~~Advance Directive~~ shall
18 be honored under any policy established under this Section.

19 (Source: P.A. 94-865, eff. 6-16-06.)

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

22 (755 ILCS 40/65)

23 Sec. 65. Department of Public Health Uniform DNR/POLST form

1 ~~Do not resuscitate advance directive forms.~~

2 (a) An individual of sound mind and having reached the age
3 of majority or having obtained the status of an emancipated
4 person pursuant to the Emancipation of Minors Act may execute a
5 document (consistent with the Department of Public Health
6 Uniform DNR/POLST form described in Section 2310-600 of the
7 Department of Public Health Powers and Duties Law of the Civil
8 Administrative Code of Illinois ~~DNR Advance Directive~~)
9 directing that resuscitating efforts shall not be implemented.
10 Such a document may also be executed by an attending health
11 care practitioner ~~physician~~. If more than one practitioner
12 shares that responsibility, any of the attending health care
13 practitioners may act under this Section. Notwithstanding the
14 existence of a do-not-resuscitate (DNR) order or Department of
15 Public Health Uniform DNR/POLST form, appropriate organ
16 donation treatment may be applied or continued temporarily in
17 the event of the patient's death, in accordance with subsection
18 (g) of Section 20 of this Act, if the patient is an organ
19 donor.

20 (a-5) Execution of a Department of Public Health Uniform
21 DNR/POLST form is voluntary; no person can be required to
22 execute either form. A person who has executed a Department of
23 Public Health Uniform DNR/POLST form should review the form
24 annually and when the person's condition changes.

25 (b) Consent to a Department of Public Health Uniform
26 DNR/POLST form ~~DNR Advance Directive~~ may be obtained from the

1 individual, or from another person at the individual's
2 direction, or from the individual's legal guardian, agent under
3 a power of attorney for health care, or surrogate decision
4 maker, and witnessed by one individual 18 years of age or
5 older, who attests that the individual, other person, guardian,
6 agent, or surrogate (1) has had an opportunity to read the
7 form; and (2) has signed the form or acknowledged his or her
8 signature or mark on the form in the witness's presence.

9 (b-5) As used in this Section, "attending health care
10 practitioner" means an individual who (1) is an Illinois
11 licensed physician, advanced practice nurse, physician
12 assistant, or licensed resident after completion of one year in
13 a program; (2) is selected by or assigned to the patient; and
14 (3) has primary responsibility for treatment and care of the
15 patient. "POLST" means practitioner orders for life-sustaining
16 treatments.

17 (c) Nothing in this Section shall be construed to affect
18 the ability of an individual to include instructions in an
19 advance directive, such as a power of attorney for health care.
20 The uniform form ~~DNR Advance Directive~~ may, but need not, be in
21 the form adopted by the Department of Public Health pursuant to
22 Section 2310-600 of the Department of Public Health Powers and
23 Duties Law (20 ILCS 2310/2310-600).

24 (d) A health care professional or health care provider may
25 presume, in the absence of knowledge to the contrary, that a
26 completed Department of Public Health Uniform DNR/POLST form,

1 ~~DNR Advance Directive~~ or a copy of that form or a previous
2 version of the uniform form, Advance Directive is a valid ~~DNR~~
3 ~~Advance Directive~~. A health care professional or health care
4 provider, or an employee of a health care professional or
5 health care provider, who in good faith complies with a
6 cardiopulmonary resuscitation (CPR) or life-sustaining
7 treatment do not resuscitate order, Department of Public
8 Health Uniform DNR/POLST form, or a previous version of the
9 uniform form made in accordance with this Act is not, as a
10 result of that compliance, subject to any criminal or civil
11 liability, except for willful and wanton misconduct, and may
12 not be found to have committed an act of unprofessional
13 conduct.

14 (e) Nothing in this Section or this amendatory ~~Amendatory~~
15 Act of the 94th General Assembly or this amendatory Act of the
16 98th General Assembly shall be construed to affect the ability
17 of a physician or other practitioner to make a
18 do-not-resuscitate order.

19 (Source: P.A. 96-765, eff. 1-1-10.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.