



Rep. Ann Williams

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1 AMENDMENT TO SENATE BILL 3228

2 AMENDMENT NO. _____. Amend Senate Bill 3228 on page 29, by
3 replacing lines 4 through 26 with the following:

4 "(c) The statutory short form power of attorney for health
5 care (the "statutory health care power") authorizes the agent
6 to make any and all health care decisions on behalf of the
7 principal which the principal could make if present and under
8 no disability, subject to any limitations on the granted powers
9 that appear on the face of the form, to be exercised in such
10 manner as the agent deems consistent with the intent and
11 desires of the principal. The agent will be under no duty to
12 exercise granted powers or to assume control of or
13 responsibility for the principal's health care; but when
14 granted powers are exercised, the agent will be required to use
15 due care to act for the benefit of the principal in accordance
16 with the terms of the statutory health care power and will be
17 liable for negligent exercise. The agent may act in person or

1 through others reasonably employed by the agent for that
2 purpose but may not delegate authority to make health care
3 decisions. The agent may sign and deliver all instruments,
4 negotiate and enter into all agreements and do all other acts
5 reasonably necessary to implement the exercise of the powers
6 granted to the agent. Without limiting the generality of the
7 foregoing, the statutory health care power shall include the
8 following powers, subject to any limitations appearing on the
9 face of the form:

10 (1) The agent is authorized to give consent to and
11 authorize or refuse, or to withhold or withdraw consent to,
12 any and all types of medical care, treatment or procedures
13 relating to the physical or mental health of the principal,
14 including any medication program, surgical procedures,
15 life-sustaining treatment or provision of food and fluids
16 for the principal.

17 (2) The agent is authorized to admit the principal to
18 or discharge the principal from any and all types of
19 hospitals, institutions, homes, residential or nursing
20 facilities, treatment centers and other health care
21 institutions providing personal care or treatment for any
22 type of physical or mental condition. The agent shall have
23 the same right to visit the principal in the hospital or
24 other institution as is granted to a spouse or adult child
25 of the principal, any rule of the institution to the
26 contrary notwithstanding.

1 (3) The agent is authorized to contract for any and all
2 types of health care services and facilities in the name of
3 and on behalf of the principal and to bind the principal to
4 pay for all such services and facilities, and to have and
5 exercise those powers over the principal's property as are
6 authorized under the statutory property power, to the
7 extent the agent deems necessary to pay health care costs;
8 and the agent shall not be personally liable for any
9 services or care contracted for on behalf of the principal.

10 (4) At the principal's expense and subject to
11 reasonable rules of the health care provider to prevent
12 disruption of the principal's health care, the agent shall
13 have the same right the principal has to examine and copy
14 and consent to disclosure of all the principal's medical
15 records that the agent deems relevant to the exercise of
16 the agent's powers, whether the records relate to mental
17 health or any other medical condition and whether they are
18 in the possession of or maintained by any physician,
19 psychiatrist, psychologist, therapist, hospital, nursing
20 home or other health care provider. The authority under
21 this paragraph (4) applies to any information governed by
22 the Health Insurance Portability and Accountability Act of
23 1996 ("HIPAA") and regulations thereunder. The agent
24 serves as the principal's personal representative, as that
25 term is defined under HIPAA and regulations thereunder.

26 (5) The agent is authorized: to direct that an autopsy

1 be made pursuant to Section 2 of "An Act in relation to
2 autopsy of dead bodies", approved August 13, 1965,
3 including all amendments; to make a disposition of any part
4 or all of the principal's body pursuant to the Illinois
5 Anatomical Gift Act, as now or hereafter amended; and to
6 direct the disposition of the principal's remains."; and

7 by deleting page 30; and

8 on page 31, by deleting lines 1 through 18.