



Rep. Anna Moeller

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1 AMENDMENT TO SENATE BILL 1466

2 AMENDMENT NO. _____. Amend Senate Bill 1466 by replacing
3 everything after the enacting clause with the following:

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

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

1 (1) The statutory Living Will Declaration form.

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

4 (3) The statutory Declaration of Mental Health
5 Treatment Form.

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

7 (5) The Department of Public Health Uniform POLST
8 ~~DNR/POLST~~ form.

9 Publication may be limited to the World Wide Web.

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

25 (c) (Blank).

26 (d) The Department of Public Health shall publish the

1 Department of Public Health Uniform POLST ~~DNR/POLST~~ form
2 reflecting the changes made by this amendatory Act of the 98th
3 General Assembly no later than January 1, 2015.

4 (Source: P.A. 97-382, eff. 1-1-12; 98-1110, eff. 8-26-14.)

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

7 (210 ILCS 45/2-104.2) (from Ch. 111 1/2, par. 4152-104.2)

8 Sec. 2-104.2. Do-Not-Resuscitate Orders and Department of
9 Public Health Uniform POLST ~~DNR/POLST~~ form.

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

23 (b) Within 30 days after admission, new residents who do
24 not have a guardian of the person or an executed power of

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

22 (Source: P.A. 98-1110, eff. 8-26-14.)

23 Section 15. The ID/DD Community Care Act is amended by
24 changing Section 2-104.2 as follows:

1 (210 ILCS 47/2-104.2)

2 Sec. 2-104.2. Do Not Resuscitate Orders. Every facility
3 licensed under this Act shall establish a policy for the
4 implementation of physician orders limiting resuscitation such
5 as those commonly referred to as "Do Not Resuscitate" orders.
6 This policy may only prescribe the format, method of
7 documentation and duration of any physician orders limiting
8 resuscitation. Any orders under this policy shall be honored by
9 the facility. The Department of Public Health Uniform POLST
10 ~~DNR/POLST~~ form or a copy of that form or a previous version of
11 the uniform form shall be honored by the facility.

12 (Source: P.A. 98-1110, eff. 8-26-14.)

13 Section 20. The Emergency Medical Services (EMS) Systems
14 Act is amended by changing Section 3.57 as follows:

15 (210 ILCS 50/3.57)

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

23 (Source: P.A. 98-1110, eff. 8-26-14.)

1 Section 25. 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 and Department of
5 Public Health Uniform POLST ~~DNR/POLST~~ form. Every facility
6 licensed under this Act shall establish a policy for the
7 implementation of practitioner orders concerning
8 cardiopulmonary resuscitation (CPR) or life-sustaining
9 treatment including, but not limited to, "do-not-resuscitate"
10 orders. This policy may prescribe only the format, method of
11 documentation, and duration of any practitioner orders. The
12 policy may include forms to be used. Any orders issued under
13 the policy shall be honored by the facility. The Department of
14 Public Health Uniform POLST ~~DNR/POLST~~ form described in Section
15 2310-600 of the Department of Public Health Powers and Duties
16 Law of the Civil Administrative Code of Illinois, or a copy of
17 that form or a previous version of the uniform form, shall be
18 honored under any policy established under this Section.

19 (Source: P.A. 98-1110, eff. 8-26-14.)

20 Section 30. 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 POLST

1 ~~DNR/POLST~~ form.

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 POLST ~~DNR/POLST~~ form described in Section 2310-600 of
7 the Department of Public Health Powers and Duties Law of the
8 Civil Administrative Code of Illinois) directing that
9 resuscitating efforts shall not be implemented. Such a document
10 may also be executed by an attending health care practitioner.
11 If more than one practitioner shares that responsibility, any
12 of the attending health care practitioners may act under this
13 Section. Notwithstanding the existence of a do-not-resuscitate
14 (DNR) order or Department of Public Health Uniform POLST
15 ~~DNR/POLST~~ form, appropriate organ donation treatment may be
16 applied or continued temporarily in the event of the patient's
17 death, in accordance with subsection (g) of Section 20 of this
18 Act, if the patient is an organ donor.

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

24 (b) Consent to a Department of Public Health Uniform POLST
25 ~~DNR/POLST~~ form may be obtained from the individual, or from
26 another person at the individual's direction, or from the

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

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

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

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

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

11 (e) Nothing in this Section or this amendatory Act of the
12 94th General Assembly or this amendatory Act of the 98th
13 General Assembly shall be construed to affect the ability of a
14 physician or other practitioner to make a do-not-resuscitate
15 order.

16 (Source: P.A. 98-1110, eff. 8-26-14.)".