

AN ACT concerning health.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Medical Patient Rights Act is amended by changing Section 3.2 as follows:

(410 ILCS 50/3.2) (from Ch. 111 1/2, par. 5403.2)

Sec. 3.2. Visitation rights, policies, and procedures.

(a) Every health care facility in this State shall permit visitation by any person or persons designated by a patient who is 18 years of age or older and who is allowed rights of visitation unless (1) the facility does not allow any visitation for a patient or patients, or (2) the facility or the patient's physician determines that visitation would endanger the physical health or safety of a patient or visitor, or would interfere with the operations of the facility. ~~Nothing in this Act shall restrict the ability of a health care facility to regulate the hours of visitation, the number of visitors per patient or the movement of visitors within the facility.~~

(a-5) Notwithstanding subsection (a), during a period for which the Governor has issued a proclamation under Section 7 of the Illinois Emergency Management Agency Act declaring that a disaster exists or in the event of an outbreak or epidemic of

a communicable disease in the community in which the health care facility is located, a health care facility shall ensure an opportunity for at least one visitor to visit a resident or patient of the health care facility. A health care facility shall not count a clergy member toward any limit on the number of visitors permitted to visit a resident or patient at one time and shall permit a clergy member to visit with a resident or patient in addition to the permitted number of visitors. Visitation shall be subject to the guidelines, conditions, and limitations of the health care facility's visitation policy and any rules or guidelines established by the U.S. Centers for Medicare and Medicaid Services and the Centers for Disease Control and Prevention.

Visitors under this subsection may be required by the health care facility to submit to health screenings necessary to prevent the spread of infectious disease. A health care facility may restrict facility access to a visitor who does not pass its health screening requirement. A health care facility may require a visitor to adhere to infection control procedures, including wearing personal protective equipment. A health care facility may deny visitation under this Act if visitation would endanger the physical health or safety of a patient, the visitor, or health care workers or would otherwise create a public health or safety problem.

(a-10) Notwithstanding subsection (a), a skilled nursing home, extended care facility, or intermediate care facility

may prohibit an individual from visiting a resident or patient of the nursing home or facility if specific facts demonstrate that the individual would endanger his or her physical health or safety or the health or safety of a resident, patient, or health care worker of the nursing home or facility. Any denial of visitation under this subsection (a-10) shall be in writing and shall be provided to the individual and the resident or patient with whom the individual was denied visitation.

(a-15) Each skilled nursing home, extended care facility, and intermediate care facility shall:

(1) inform each resident of the nursing home or facility (or that individual's representative) of the resident's visitation rights and the nursing home or facility's visitation-related policies and procedures, including any clinical or safety-related restriction or limitation on visitation rights, the reasons for the restriction or limitation, and the persons to whom the restriction or limitation may apply;

(2) inform each resident of the resident's right:

(A) to consent to receive designated visitors, such as a spouse, including, without limitation, a same-sex spouse; a domestic partner, including, without limitation, a same-sex domestic partner; another family member; or a friend; and

(B) to withdraw or deny that consent at any time;

(3) not restrict, limit, or otherwise deny visitation

privileges on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, or disability; and

(4) ensure that all of the resident's visitors enjoy full and equal visitation privileges, consistent with the resident's preferences.

(b) Except as provided in subsection (a-5), nothing ~~Nothing~~ in this Section shall be construed to further limit or restrict the right of visitation provided by other provisions of law or to restrict the ability of a health care facility to regulate hours of visitation, the number of visitors per patient, or the movement of visitors within the health care facility.

(c) For the purposes of this Section a "health care facility" does not include a developmental disability facility, a mental health facility or a mental health center.

(Source: P.A. 87-651.)

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