

HB5275



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5275

Introduced 2/3/2010, by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-104

from Ch. 111 1/2, par. 4152-104

Amends the Nursing Home Care Act. Makes a technical change in a Section concerning medical treatment.

LRB096 19526 KTG 34918 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Nursing Home Care Act is amended by changing
5 Section 2-104 as follows:

6 (210 ILCS 45/2-104) (from Ch. 111 1/2, par. 4152-104)

7 Sec. 2-104. (a) A resident shall be permitted to retain the
8 ~~the~~ services of his own personal physician at his own expense
9 or under an individual or group plan of health insurance, or
10 under any public or private assistance program providing such
11 coverage. However, the facility is not liable for the
12 negligence of any such personal physician. Every resident shall
13 be permitted to obtain from his own physician or the physician
14 attached to the facility complete and current information
15 concerning his medical diagnosis, treatment and prognosis in
16 terms and language the resident can reasonably be expected to
17 understand. Every resident shall be permitted to participate in
18 the planning of his total care and medical treatment to the
19 extent that his condition permits. No resident shall be
20 subjected to experimental research or treatment without first
21 obtaining his informed, written consent. The conduct of any
22 experimental research or treatment shall be authorized and
23 monitored by an institutional review committee appointed by the

1 administrator of the facility where such research and treatment
2 is conducted. The membership, operating procedures and review
3 criteria for institutional review committees shall be
4 prescribed under rules and regulations of the Department.

5 (b) All medical treatment and procedures shall be
6 administered as ordered by a physician. All new physician
7 orders shall be reviewed by the facility's director of nursing
8 or charge nurse designee within 24 hours after such orders have
9 been issued to assure facility compliance with such orders.

10 According to rules adopted by the Department, every woman
11 resident of child-bearing age shall receive routine
12 obstetrical and gynecological evaluations as well as necessary
13 prenatal care.

14 (c) Every resident shall be permitted to refuse medical
15 treatment and to know the consequences of such action, unless
16 such refusal would be harmful to the health and safety of
17 others and such harm is documented by a physician in the
18 resident's clinical record. The resident's refusal shall free
19 the facility from the obligation to provide the treatment.

20 (d) Every resident, resident's guardian, or parent if the
21 resident is a minor shall be permitted to inspect and copy all
22 his clinical and other records concerning his care and
23 maintenance kept by the facility or by his physician. The
24 facility may charge a reasonable fee for duplication of a
25 record.

26 (Source: P.A. 86-1013.)