

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 Caregiver Advise, Record, and Enable Act is  
5 amended by changing Sections 1, 5, 10, and 30 and by adding  
6 Section 14 as follows:

7 (210 ILCS 91/1)

8 Sec. 1. Short title. This Act may be cited as the Emergency  
9 Contact and Caregiver Advise, Record, and Enable Act.

10 (Source: P.A. 99-222, eff. 1-27-16.)

11 (210 ILCS 91/5)

12 Sec. 5. Definitions. As used in this Act:

13 "After care" means clinical assistance to a patient  
14 provided by a caregiver in the patient's residence following  
15 the patient's discharge from an inpatient hospital stay that  
16 is related to the patient's condition at the time of  
17 discharge, as determined appropriate by the discharging  
18 physician or other health care professional. Clinical  
19 assistance may include activities of daily living or  
20 medication management.

21 "Caregiver" means any individual designated by a patient  
22 to provide after care to a patient. A designated caregiver may

1 include, but is not limited to, a relative, spouse, partner,  
2 friend, or neighbor.

3 "Discharge" means a patient's release from a hospital to  
4 the patient's residence following an inpatient admission.

5 "Emergency Contact" means the name, telephone number, or  
6 address of an individual designated by a patient to be  
7 contacted by a hospital. An emergency contact may include, but  
8 is not limited to, a relative, spouse, partner, friend, or  
9 neighbor of the patient or the patient's legal representative.

10 "Hospital" means a hospital that provides general acute  
11 care that is either licensed under the Hospital Licensing Act  
12 or operated under the University of Illinois Hospital Act.

13 "Legal representative" means a personal representative  
14 having designated legal status, including an agent designated  
15 through a power of attorney.

16 "Patient" means an individual admitted to a hospital as an  
17 inpatient. "Patient" does not include a pediatric patient or a  
18 patient who is not capable of designating a caregiver due to a  
19 health care condition or other circumstances, as determined by  
20 the health care provider.

21 "Protected health information" has the meaning given to  
22 that term in 45 CFR 160.103 of the Privacy Rule to the Health  
23 Insurance Portability and Accountability Act of 1996 (42  
24 U.S.C. 1320d et al.), as may be amended.

25 "Residence" means a dwelling that the patient considers to  
26 be the patient's home. "Residence" does not include a

1 rehabilitation facility, hospital, nursing home, assisted  
2 living establishment, group home licensed by the Department of  
3 Public Health or the Department of Human Services, or a  
4 State-operated facility.

5 (Source: P.A. 99-222, eff. 1-27-16.)

6 (210 ILCS 91/10)

7 Sec. 10. Opportunity to designate an emergency contact and  
8 a caregiver.

9 (a) Following the patient's admission into the hospital as  
10 an inpatient, a ~~A~~ hospital shall provide each patient or, if  
11 applicable, the patient's legal representative with an  
12 opportunity to designate: (1) an emergency contact, including  
13 the opportunity to authorize the hospital to share protected  
14 health information with the patient's emergency contact; and  
15 (2) a caregiver following the patient's admission into the  
16 hospital as an inpatient and prior to the patient's discharge  
17 to the patient's residence or transfer to another facility.

18 (b) In the event that a patient is unconscious or  
19 otherwise incapacitated, the hospital shall provide the  
20 patient or the patient's legal representative with an  
21 opportunity to designate an emergency contact and a caregiver  
22 within a timeframe deemed appropriate by the attending  
23 physician or other licensed health care provider.

24 (c) If a patient or legal representative declines to  
25 designate an emergency contact or a caregiver pursuant to this

1 Act, the hospital shall document this declination in the  
2 patient's medical record and has no further responsibilities  
3 under this Act.

4 (d) If a patient or the patient's legal representative  
5 designates an individual as an emergency contact or a  
6 caregiver under this Act, the hospital shall record the  
7 patient's designation of emergency contact and caregiver, the  
8 relationship of the emergency contact and designated caregiver  
9 to the patient, and the name, telephone number, and address of  
10 the patient's emergency contact and designated caregiver in  
11 the patient's medical record.

12 (e) A patient may elect to change his or her emergency  
13 contact or designated caregiver at any time, and the hospital  
14 must record this change in the patient's medical record and  
15 thereafter treat the newly named person as the designated  
16 emergency contact or caregiver.

17 (f) A designation of an emergency contact or a caregiver  
18 by a patient or the patient's legal representative does not  
19 obligate any individual to provide any after care for the  
20 patient.

21 (g) This Section shall not be construed to require a  
22 patient or a patient's legal representative to designate an  
23 individual as an emergency contact or a caregiver under this  
24 Act.

25 (Source: P.A. 99-222, eff. 1-27-16.)

1 (210 ILCS 91/14 new)

2 Sec. 14. Notice to designated emergency contact. If a  
3 patient has authorized the hospital to share protected health  
4 information with an emergency contact that is not the  
5 patient's legal representative and the patient's legal  
6 representative does not object, a hospital shall, as soon as  
7 practicable, notify that emergency contact of the patient's  
8 death. The hospital's attempt to notify the emergency contact  
9 shall be noted in the patient's record. Failure of the  
10 patient's emergency contact to respond to a hospital's  
11 attempted contact shall not be considered a violation of this  
12 Section. If a patient fails to authorize the hospital to share  
13 the patient's protected health information or revokes such  
14 authorization, the hospital may contact the emergency contact  
15 only as otherwise allowed by law.

16 (210 ILCS 91/30)

17 Sec. 30. No private right of action. Nothing in this Act  
18 shall be construed to create a private right of action against  
19 a hospital, a hospital affiliate, a hospital employee, or a  
20 consultant or contractor with whom a hospital has a  
21 contractual relationship solely for attempting to contact an  
22 emergency contact, as described in Section 14 of this Act, or  
23 providing instruction to a designated caregiver, as described  
24 in Section 20 of this Act.

25 A hospital, a hospital affiliate, a hospital employee, or

1 a consultant or contractor with whom a hospital has a  
2 contractual relationship shall not be held liable, except for  
3 willful or wanton misconduct, for services rendered or not  
4 rendered by the caregiver to the patient or for the hospital's  
5 inability to contact, or timeliness in contacting, an  
6 emergency contact.

7 Nothing in this Act shall delay the provision of care to a  
8 patient, the discharge of a patient, or the transfer of a  
9 patient from a hospital to another facility.

10 (Source: P.A. 99-222, eff. 1-27-16.)