

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.

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.)

(210 ILCS 91/14 new)

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

(210 ILCS 91/30)

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

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.)