



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5026

Introduced 2/10/2026, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

755 ILCS 45/4-13 new

Amends the Illinois Power of Attorney Act. Creates rights for patients with a health power of attorney. Provides that all individuals undergoing surgery, hospitalization, or any medical procedure shall have the right to designate a designated representative in a health care power of attorney on their behalf in the event of incapacitation. Provides that patients and their designated representatives are guaranteed the following rights: (1) the right to receive clear, comprehensive information about proposed treatments, including risks, benefits, and alternatives, in a language and format they understand, before agreeing to any procedure; (2) the right to view, request, and receive copies of all medical records, and the assurance of confidentiality in accordance with Health Insurance Portability and Accountability Act and related privacy laws; (3) the right to appeal medical decisions, including denial of treatment, discharge, or transfer; (4) the right to request and receive a second opinion from another qualified medical professional or specialist, including those outside the treating facility, without fear of delay, retaliation, or obstruction; and (5) the right to medical interpretation services for patients or their designated representative who do not speak or understand English fluently, including access to certified medical translators and translated documents, at no cost to the patient. Creates a State Patient Rights and Advocacy Commission to oversee implementation of the Act, monitor compliance by health care providers, and respond to violations. Provides that any health care provider or institution found to be in violation of the Act is subject to disciplinary sanctions, which may include: civil fines; suspension or revocation of professional licenses; facility accreditation review or suspension; and mandatory corrective action plans and staff retraining.

LRB104 18014 JRC 31451 b

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Power of Attorney Act is amended
5 by adding Section 4-13 as follows:

6 (755 ILCS 45/4-13 new)

7 Sec. 4-13. Rights of patients.

8 (a) This Section guarantees the right of individuals to
9 designate a health care agent ensuring that their medical
10 decisions are respected and upheld, while protecting the
11 autonomy, dignity, and rights of all patients, regardless of
12 legal status, identity, or relationship structure, in all
13 medical settings. Inspired by the lived experiences of
14 patients and families who have been denied the right to
15 advocate for their loved ones in times of crisis, this Section
16 affirms that every person deserves equal protection and
17 recognition in health care.

18 (b) As used in this Section:

19 "Designated representative" means a person chosen by the
20 patient to make medical decisions on the patient's behalf.
21 This may be a legally appointed health care agent as defined in
22 Section 4-4 of the Illinois Power of Attorney Act, or, if
23 applicable, a temporary surrogate authorized for specific

1 health care situations. The representative may be a spouse,
2 domestic partner, chosen family member, friend, or any trusted
3 individual designated by the patient.

4 "Health care provider" has the same meaning as used in
5 Section 4-4 of the Illinois Power of Attorney Act.

6 "Patient" means any individual receiving health care
7 services, regardless of age, marital status, gender identity,
8 or sexual orientation.

9 (c) Notwithstanding any other provision in the Illinois
10 Power of Attorney Act, all individuals undergoing surgery,
11 hospitalization, or any medical procedure have the right to
12 execute a health care power of attorney in the event of
13 incapacitation.

14 (1) Upon admission, all health care facilities must
15 provide patients with a written opportunity to designate a
16 representative or update their health care power of
17 attorney. This designation must be clearly documented,
18 signed, and acknowledged by the provider.

19 (2) The designated representative must be recorded in
20 the patient's electronic health record and verified by
21 attending medical personnel before performing any major
22 procedure or making critical care decisions.

23 (3) No patient may be denied the right to designate a
24 representative based on marital status. Protections must
25 be extended equally to unmarried partners, long-term
26 companions, and other individuals chosen by the patient,

1 in recognition of diverse family structures.

2 (4) Regardless of insurance coverage, financial
3 status, or pre-existing conditions, every patient has the
4 right to designate a health care agent under a power of
5 attorney at the time of admission.

6 (d) Patients and their designated representatives have the
7 following rights:

8 (1) The right to receive clear, comprehensive
9 information about proposed treatments, including risks,
10 benefits, and alternatives, in a language and format they
11 understand, before agreeing to any procedure.

12 (2) The right to view, request, and receive copies of
13 all medical records, and the assurance of confidentiality
14 in accordance with Health Insurance Portability and
15 Accountability Act and related privacy laws.

16 (3) The right to appeal medical decisions, including
17 denial of treatment, discharge, or transfer. Appeals may
18 be filed through the health care provider's internal
19 review board, a third-party medical ethics committee, or
20 pursued through legal action, depending on the nature and
21 urgency of the case.

22 (4) The right to request and receive a second opinion
23 from another qualified medical professional or specialist,
24 including those outside the treating facility, without
25 fear of delay, retaliation, or obstruction.

26 (5) The right to medical interpretation services for

1 patients or their agent who do not speak or understand
2 English fluently, including access to certified medical
3 translators and translated documents, at no cost to the
4 patient.

5 (e) A Patient Rights and Advocacy Commission shall be
6 established by the Illinois Department of Public Health to
7 oversee implementation of this Section, monitor compliance by
8 health care providers, and respond to violations. The
9 Commission operates independently and must report annually to
10 the General Assembly.

11 (f) Any health care provider found to be in violation of
12 this Section is subject to disciplinary sanctions, which may
13 include civil fines, suspension or revocation of professional
14 licenses, facility accreditation review or suspension, and
15 mandatory corrective action plans and staff retraining.

16 (g) Patients and their designated representatives have the
17 right to seek legal remedies, including filing complaints with
18 the Commission, initiating civil litigation for damages
19 resulting from a violation, or requesting injunctive relief to
20 prevent ongoing or future harm.

21 (h) Health care workers or administrative staff who report
22 violations of patient rights under this Section are protected
23 from retaliation, including termination, demotion, or
24 professional blacklisting. Violations of this subsection may
25 result in additional penalties for the institution or
26 provider.

1 (i) A health care provider, facility, or affiliated staff
2 may not deny care, delay treatment, or otherwise discriminate
3 against a patient based on the identity, relationship, or
4 legal status of their designated health care agent. The
5 protections in this Section apply equally to spouses,
6 unmarried partners, chosen family, friends, individuals and
7 families, and any other persons lawfully designated by the
8 patient, regardless of marital status, gender identity, sexual
9 orientation, race, ethnicity, immigration status, or
10 disability.

11 (j) Health care providers and institutions are strictly
12 prohibited from retaliating against a patient, the patient's
13 agent, or any representative for exercising rights under this
14 Section. Retaliatory actions include, but are not limited to,
15 denial or delay of care; dismissal from a medical practice;
16 alteration of medical services or standards; or threats,
17 intimidation, or harassment.

18 (k) Any act of discrimination or retaliation under this
19 Section is grounds for disciplinary action, civil penalties,
20 and potential revocation of licenses or certifications, as
21 determined by the Commission.

22 (l) All licensed health care providers are required to
23 conduct annual training for all medical, administrative, and
24 support staff on patient rights under this Section, with a
25 specific focus on recognition and respect of power of attorney
26 designations, anti-discrimination and anti-retaliation

1 policies, cultural competency and unconscious bias awareness,
2 and how to properly document and honor power of attorney
3 instructions in patient care protocols. Health care providers
4 must certify completion of training to the Commission annually
5 to remain in compliance.

6 (m) Patients and their designated representatives have the
7 right to pursue legal action. Remedies may include civil
8 litigation to recover damages, including emotional distress
9 and wrongful death if applicable; injunctive relief to stop
10 ongoing violations; reinstatement or correction of access to
11 care or enforcement of a power of attorney.

12 (n) The Commission must monitor implementation of this
13 Section, investigate formal complaints, and issue
14 recommendations or corrective directives. The Commission shall
15 be composed of legal, medical, and community representatives;
16 maintain a confidential, publicly accessible complaint system;
17 report annually to the General Assembly; refer egregious or
18 unresolved cases to appropriate enforcement bodies for legal
19 action.

20 (o) Health care institutions must cooperate fully with the
21 Board's investigations and submit to audits or compliance
22 reviews upon request. Noncompliance with a Commission
23 investigation is a violation of this Section.

24 (p) The Department of Public Health is authorized to adopt
25 rules necessary to implement this Act.

1 Section 97. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.