

HB4216



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4216

Introduced 1/5/2022, by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-104.2 from Ch. 111 1/2, par. 4152-104.2
210 ILCS 46/2-104.2
210 ILCS 47/2-104.2

Amends the Nursing Home Care Act, the MC/DD Act, and the ID/DD Community Care Act. Provides that facilities licensed under the Acts must offer to provide residents with the Department of Public Health Uniform POLST form to existing and new residents.

LRB102 20293 CPF 29145 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
5 changing Section 2-104.2 as follows:

6 (210 ILCS 45/2-104.2) (from Ch. 111 1/2, par. 4152-104.2)
7 Sec. 2-104.2. Do-Not-Resuscitate Orders and Department of
8 Public Health Uniform POLST form.

9 (a) Every facility licensed under this Act shall establish
10 a policy for the implementation of practitioner orders
11 concerning cardiopulmonary resuscitation (CPR) or
12 life-sustaining treatment including, but not limited to,
13 "Do-Not-Resuscitate" orders. This policy may only prescribe
14 the format, method of documentation and duration of any
15 practitioner orders. Any orders under this policy shall be
16 honored by the facility. The Department of Public Health
17 Uniform POLST form under Section 2310-600 of the Department of
18 Public Health Powers and Duties Law of the Civil
19 Administrative Code of Illinois, or a copy of that form or a
20 previous version of the uniform form, shall be honored by the
21 facility.

22 (b) Within 30 days after admission, new residents who do
23 not have a guardian of the person or an executed power of

1 attorney for health care shall be provided with written
2 notice, in a form and manner provided by rule of the
3 Department, of their right to provide the name of one or more
4 potential health care surrogates that a treating physician
5 should consider in selecting a surrogate to act on the
6 resident's behalf should the resident lose decision-making
7 capacity. The notice shall include a form of declaration that
8 may be utilized by the resident to identify potential health
9 care surrogates or by the facility to document any inability
10 or refusal to make such a declaration. A signed copy of the
11 resident's declaration of a potential health care surrogate or
12 decision to decline to make such a declaration, or
13 documentation by the facility of the resident's inability to
14 make such a declaration, shall be placed in the resident's
15 clinical record and shall satisfy the facility's obligation
16 under this Section. Such a declaration shall be used only for
17 informational purposes in the selection of a surrogate
18 pursuant to the Health Care Surrogate Act. A facility that
19 complies with this Section is not liable to any healthcare
20 provider, resident, or resident's representative or any other
21 person relating to the identification or selection of a
22 surrogate or potential health care surrogate.

23 (c) A facility licensed under this Act must offer to
24 provide residents with the Department of Public Health Uniform
25 POLST form. For residents who reside at the facility on the
26 effective date of this amendatory Act of the 102nd General

1 Assembly, the facility must offer residents the Department of
2 Public Health Uniform POLST form within one year after the
3 effective date of this amendatory Act of the 102nd General
4 Assembly. On and after the effective date of this amendatory
5 Act of the 102nd General Assembly, the facility must offer the
6 Department of Public Health Uniform POLST form to new
7 residents upon admission to the facility.

8 (Source: P.A. 98-1110, eff. 8-26-14; 99-319, eff. 1-1-16.)

9 Section 10. The MC/DD Act is amended by changing Section
10 2-104.2 as follows:

11 (210 ILCS 46/2-104.2)

12 Sec. 2-104.2. Do Not Resuscitate Orders and Department of
13 Public Health Uniform POLST form.

14 (a) Every facility licensed under this Act shall establish
15 a policy for the implementation of physician orders limiting
16 resuscitation such as those commonly referred to as "Do Not
17 Resuscitate" orders. This policy may only prescribe the
18 format, method of documentation and duration of any physician
19 orders limiting resuscitation. Any orders under this policy
20 shall be honored by the facility. The Department of Public
21 Health Uniform POLST form or a copy of that form or a previous
22 version of the uniform form shall be honored by the facility.

23 (b) A facility licensed under this Act must offer to
24 provide residents with the Department of Public Health Uniform

1 POLST form. For residents who reside at the facility on the
2 effective date of this amendatory Act of the 102nd General
3 Assembly, the facility must offer residents the Department of
4 Public Health Uniform POLST form within one year after the
5 effective date of this amendatory Act of the 102nd General
6 Assembly. On and after the effective date of this amendatory
7 Act of the 102nd General Assembly, the facility must offer the
8 Department of Public Health Uniform POLST form to new
9 residents upon admission to the facility.

10 (Source: P.A. 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

11 Section 15. The ID/DD Community Care Act is amended by
12 changing Section 2-104.2 as follows:

13 (210 ILCS 47/2-104.2)

14 Sec. 2-104.2. Do Not Resuscitate Orders and Department of
15 Public Health Uniform POLST form.

16 (a) Every facility licensed under this Act shall establish
17 a policy for the implementation of physician orders limiting
18 resuscitation such as those commonly referred to as "Do Not
19 Resuscitate" orders. This policy may only prescribe the
20 format, method of documentation and duration of any physician
21 orders limiting resuscitation. Any orders under this policy
22 shall be honored by the facility. The Department of Public
23 Health Uniform POLST form or a copy of that form or a previous
24 version of the uniform form shall be honored by the facility.

1 (b) A facility licensed under this Act must offer to
2 provide residents with the Department of Public Health Uniform
3 POLST form. For residents who reside at the facility on the
4 effective date of this amendatory Act of the 102nd General
5 Assembly, the facility must offer residents the Department of
6 Public Health Uniform POLST form within one year after the
7 effective date of this amendatory Act of the 102nd General
8 Assembly. On and after the effective date of this amendatory
9 Act of the 102nd General Assembly, the facility must offer the
10 Department of Public Health Uniform POLST form to new
11 residents upon admission to the facility.

12 (Source: P.A. 98-1110, eff. 8-26-14; 99-319, eff. 1-1-16.)