

1 AN ACT concerning health.

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

4 Section 5. The Medical Patient Rights Act is amended by  
5 changing Section 3.2 as follows:

6 (410 ILCS 50/3.2) (from Ch. 111 1/2, par. 5403.2)

7 Sec. 3.2. Visitation rights, policies, and procedures.

8 (a) Every health care facility in this State shall permit  
9 visitation by any person or persons designated by a patient  
10 who is 18 years of age or older and who is allowed rights of  
11 visitation unless (1) the facility does not allow any  
12 visitation for a patient or patients, or (2) the facility or  
13 the patient's physician determines that visitation would  
14 endanger the physical health or safety of a patient or  
15 visitor, or would interfere with the operations of the  
16 facility. ~~Nothing in this Act shall restrict the ability of a  
17 health care facility to regulate the hours of visitation, the  
18 number of visitors per patient or the movement of visitors  
19 within the facility.~~

20 (a-5) Notwithstanding subsection (a), during a period for  
21 which the Governor has issued a proclamation under Section 7  
22 of the Illinois Emergency Management Agency Act declaring that  
23 a disaster exists or in the event of an outbreak or epidemic of

1 a communicable disease in the community in which the health  
2 care facility is located, a health care facility shall ensure  
3 an opportunity for at least one visitor to visit a resident or  
4 patient of the health care facility. A health care facility  
5 shall not count a clergy member toward any limit on the number  
6 of visitors permitted to visit a resident or patient at one  
7 time and shall permit a clergy member to visit with a resident  
8 or patient in addition to the permitted number of visitors.  
9 Visitation shall be subject to the guidelines, conditions, and  
10 limitations of the health care facility's visitation policy  
11 and any rules or guidelines established by the U.S. Centers  
12 for Medicare and Medicaid Services and the Centers for Disease  
13 Control and Prevention.

14 Visitors under this subsection may be required by the  
15 health care facility to submit to health screenings necessary  
16 to prevent the spread of infectious disease. A health care  
17 facility may restrict facility access to a visitor who does  
18 not pass its health screening requirement. A health care  
19 facility may require a visitor to adhere to infection control  
20 procedures, including wearing personal protective equipment. A  
21 health care facility may deny visitation under this Act if  
22 visitation would endanger the physical health or safety of a  
23 patient, the visitor, or health care workers or would  
24 otherwise create a public health or safety problem.

25 (a-10) Notwithstanding subsection (a), a skilled nursing  
26 home, extended care facility, or intermediate care facility

1 may prohibit an individual from visiting a resident or patient  
2 of the nursing home or facility if specific facts demonstrate  
3 that the individual would endanger his or her physical health  
4 or safety or the health or safety of a resident, patient, or  
5 health care worker of the nursing home or facility. Any denial  
6 of visitation under this subsection (a-10) shall be in writing  
7 and shall be provided to the individual and the resident or  
8 patient with whom the individual was denied visitation.

9 (a-15) Each skilled nursing home, extended care facility,  
10 and intermediate care facility shall:

11 (1) inform each resident of the nursing home or  
12 facility (or that individual's representative) of the  
13 resident's visitation rights and the nursing home or  
14 facility's visitation-related policies and procedures,  
15 including any clinical or safety-related restriction or  
16 limitation on visitation rights, the reasons for the  
17 restriction or limitation, and the persons to whom the  
18 restriction or limitation may apply;

19 (2) inform each resident of the resident's right:

20 (A) to consent to receive designated visitors,  
21 such as a spouse, including, without limitation, a  
22 same-sex spouse; a domestic partner, including,  
23 without limitation, a same-sex domestic partner;  
24 another family member; or a friend; and

25 (B) to withdraw or deny that consent at any time;

26 (3) not restrict, limit, or otherwise deny visitation

1 privileges on the basis of race, color, national origin,  
2 religion, sex, gender identity, sexual orientation, or  
3 disability; and

4 (4) ensure that all of the resident's visitors enjoy  
5 full and equal visitation privileges, consistent with the  
6 resident's preferences.

7 (b) Except as provided in subsection (a-5), nothing  
8 ~~Nothing~~ in this Section shall be construed to further limit or  
9 restrict the right of visitation provided by other provisions  
10 of law or to restrict the ability of a health care facility to  
11 regulate hours of visitation, the number of visitors per  
12 patient, or the movement of visitors within the health care  
13 facility.

14 (c) For the purposes of this Section a "health care  
15 facility" does not include a developmental disability  
16 facility, a mental health facility or a mental health center.

17 (Source: P.A. 87-651.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.