



Rep. Chris Bos

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10200SB1405ham002

LRB102 11182 CPF 38340 a

1 AMENDMENT TO SENATE BILL 1405

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1405 by replacing  
3 everything after the enacting clause with the following:

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~~

1 ~~health care facility to regulate the hours of visitation, the~~  
2 ~~number of visitors per patient or the movement of visitors~~  
3 ~~within the facility.~~

4 (a-5) Notwithstanding subsection (a), during a period for  
5 which the Governor has issued a proclamation under Section 7  
6 of the Illinois Emergency Management Agency Act declaring that  
7 a disaster exists or in the event of an outbreak or epidemic of  
8 a communicable disease in the community in which the health  
9 care facility is located, a health care facility shall ensure  
10 an opportunity for at least one visitor to visit a resident or  
11 patient of the health care facility. A health care facility  
12 shall not count a clergy member toward any limit on the number  
13 of visitors permitted to visit a resident or patient at one  
14 time and shall permit a clergy member to visit with a resident  
15 or patient in addition to the permitted number of visitors.  
16 Visitation shall be subject to the guidelines, conditions, and  
17 limitations of the health care facility's visitation policy  
18 and any rules or guidelines established by the U.S. Centers  
19 for Medicare and Medicaid Services and the Centers for Disease  
20 Control and Prevention.

21 Visitors under this subsection may be required by the  
22 health care facility to submit to health screenings necessary  
23 to prevent the spread of infectious disease. A health care  
24 facility may restrict facility access to a visitor who does  
25 not pass its health screening requirement. A health care  
26 facility may require a visitor to adhere to infection control

1 procedures, including wearing personal protective equipment. A  
2 health care facility may deny visitation under this Act if  
3 visitation would endanger the physical health or safety of a  
4 patient, the visitor, or health care workers or would  
5 otherwise create a public health or safety problem.

6 (a-10) Notwithstanding subsection (a), a skilled nursing  
7 home, extended care facility, or intermediate care facility  
8 may prohibit an individual from visiting a resident or patient  
9 of the nursing home or facility if specific facts demonstrate  
10 that the individual would endanger his or her physical health  
11 or safety or the health or safety of a resident, patient, or  
12 health care worker of the nursing home or facility. Any denial  
13 of visitation under this subsection (a-10) shall be in writing  
14 and shall be provided to the individual and the resident or  
15 patient with whom the individual was denied visitation.

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

18 (1) inform each resident of the nursing home or  
19 facility (or that individual's representative) of the  
20 resident's visitation rights and the nursing home or  
21 facility's visitation-related policies and procedures,  
22 including any clinical or safety-related restriction or  
23 limitation on visitation rights, the reasons for the  
24 restriction or limitation, and the persons to whom the  
25 restriction or limitation may apply;

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

1           (A) to consent to receive designated visitors,  
2           such as a spouse, including, without limitation, a  
3           same-sex spouse; a domestic partner, including,  
4           without limitation, a same-sex domestic partner;  
5           another family member; or a friend; and

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

7           (3) not restrict, limit, or otherwise deny visitation  
8           privileges on the basis of race, color, national origin,  
9           religion, sex, gender identity, sexual orientation, or  
10           disability; and

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

14           (b) Except as provided in subsection (a-5), nothing  
15 ~~Nothing~~ in this Section shall be construed to further limit or  
16 restrict the right of visitation provided by other provisions  
17 of law or to restrict the ability of a health care facility to  
18 regulate hours of visitation, the number of visitors per  
19 patient, or the movement of visitors within the health care  
20 facility.

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

24           (Source: P.A. 87-651.)

25           Section 99. Effective date. This Act takes effect upon

1 becoming law.".