

1 AN ACT concerning nursing home care.

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 as follows:

6 (210 ILCS 45/2-104) (from Ch. 111 1/2, par. 4152-104)

7 Sec. 2-104. Medical treatment; experimental research or
8 treatment; records.

9 (a) A resident shall be permitted to retain the services
10 of his own personal physician at his own expense or under an
11 individual or group plan of health insurance, or under any
12 public or private assistance program providing such coverage.
13 However, the facility is not liable for the negligence of any
14 such personal physician. Every resident shall be permitted
15 to obtain from his own physician or the physician attached to
16 the facility complete and current information concerning his
17 medical diagnosis, treatment and prognosis in terms and
18 language the resident can reasonably be expected to
19 understand. Every resident shall be permitted to participate
20 in the planning of his total care and medical treatment to
21 the extent that his condition permits. No resident shall be
22 subjected to experimental research or treatment without first
23 obtaining his informed, written consent. The conduct of any
24 experimental research or treatment shall be authorized and
25 monitored by an institutional review committee appointed by
26 the administrator of the facility where such research and
27 treatment is conducted. The membership, operating procedures
28 and review criteria for institutional review committees shall
29 be prescribed under rules and regulations of the Department.

30 (b) All medical treatment and procedures shall be
31 administered as ordered by a physician. All new physician

1 orders shall be reviewed by the facility's director of
2 nursing or charge nurse designee within 24 hours after such
3 orders have been issued to assure facility compliance with
4 such orders.

5 According to rules adopted by the Department, every woman
6 resident of child-bearing age shall receive routine
7 obstetrical and gynecological evaluations as well as
8 necessary prenatal care.

9 (c) Every resident shall be permitted to refuse medical
10 treatment and to know the consequences of such action, unless
11 such refusal would be harmful to the health and safety of
12 others and such harm is documented by a physician in the
13 resident's clinical record. The resident's refusal shall
14 free the facility from the obligation to provide the
15 treatment.

16 (d) Every resident, resident's guardian, or parent if
17 the resident is a minor shall be permitted to inspect and
18 copy all his clinical and other records concerning his care
19 and maintenance kept by the facility or by his physician. The
20 facility may charge a reasonable fee for duplication of a
21 record.

22 (Source: P.A. 86-1013.)