

1 AN ACT concerning health care.

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

4 Section 5. The Health Care Surrogate Act is amended by
5 changing Section 15 as follows:

6 (755 ILCS 40/15) (from Ch. 110 1/2, par. 851-15)

7 Sec. 15. Applicability. This Act applies to patients
8 who lack decisional capacity or who have a qualifying
9 condition. This Act does not apply to instances in which the
10 patient has an operative and unrevoked living will under the
11 Illinois Living Will Act, an operative and unrevoked
12 declaration for mental health treatment under the Mental
13 Health Treatment Preferences Declaration Act, or an
14 authorized agent under a power of attorney for health care
15 under the Illinois Power of Attorney Act and the patient's
16 condition falls within the coverage of the living will, the
17 declaration for mental health treatment, or the power of
18 attorney for health care. In those instances, the living
19 will, declaration for mental health treatment, or power of
20 attorney for health care, as the case may be, shall be given
21 effect according to its terms. This Act does apply in
22 circumstances in which a patient has a qualifying condition
23 but the patient's condition does not fall within the coverage
24 of the living will, the declaration for mental health
25 treatment, or the power of attorney for health care.

26 Each health care facility must ~~shall~~ maintain any advance
27 directives proffered by the patient or other authorized
28 person, including a do not resuscitate order, a living will,
29 a declaration for mental health treatment, or a power of
30 attorney for health care, in the patient's medical records
31 for the duration of the patient's stay. This Act does apply

1 to patients without a qualifying condition. If a patient is
2 an adult with decisional capacity, then the right to refuse
3 medical treatment or life-sustaining treatment does not
4 require the presence of a qualifying condition.

5 (Source: P.A. 90-246, eff. 1-1-98.)