



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Michael J. Madigan

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-104

from Ch. 111 1/2, par. 4152-104

Amends the Nursing Home Care Act. Makes technical changes to a Section concerning medical treatment.

LRB093 16927 DRJ 42584 b

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 Nursing Home Care Act is amended by changing
5 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 of
10 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 to
15 obtain from his own physician or the physician attached to the
16 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 understand.
19 Every resident shall be permitted to participate in the
20 planning of his total care and medical treatment to the extent
21 that his condition permits. No resident shall be subjected to
22 experimental research or treatment without first obtaining his
23 informed, written consent. The conduct of any experimental
24 research or treatment shall be authorized and monitored by an
25 institutional review committee appointed by the administrator
26 of the facility where such research and treatment is conducted.
27 The membership, operating procedures and review criteria for
28 institutional review committees shall be prescribed under
29 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
32 orders shall be reviewed by the facility's director of nursing

1 or charge nurse designee within 24 hours after such orders have
2 been issued to assure facility compliance with such orders.

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

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

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

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