

1 AN ACT concerning advance directives.

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 65 as follows:

6 (755 ILCS 40/65)

7 Sec. 65. Do-not-resuscitate advance directive forms.

8 (a) An individual of sound mind and having reached the age
9 of majority or having obtained the status of an emancipated
10 person pursuant to the Emancipation of Minors Act may execute a
11 document (consistent with the Department of Public Health
12 Uniform DNR Advance Directive) directing that resuscitating
13 efforts shall not be implemented. Such a document may also be
14 executed by an attending physician. Notwithstanding the
15 existence of a do-not-resuscitate (DNR) ~~DNR~~ order, appropriate
16 organ donation treatment may be applied or continued
17 temporarily in the event of the patient's death, in accordance
18 with subsection (g) of Section 20 of this Act, if the patient
19 is an organ donor.

20 (b) Consent to a DNR Advance Directive may be obtained from
21 the individual, or from another person at the individual's
22 direction, or from the individual's legal guardian, agent under
23 a power of attorney for health care, or surrogate decision

1 maker, and witnessed by one individual ~~2 individuals~~ 18 years
2 of age or older.

3 (c) The DNR Advance Directive may, but need not, be in the
4 form adopted by the Department of Public Health pursuant to
5 Section 2310-600 of the Department of Public Health Powers and
6 Duties Law (20 ILCS 2310/2310-600).

7 (d) A health care professional or health care provider may
8 presume, in the absence of knowledge to the contrary, that a
9 completed Department of Public Health Uniform DNR Advance
10 Directive or a copy of that Advance Directive is a valid DNR
11 Advance Directive. A health care professional or health care
12 provider, or an employee of a health care professional or
13 health care provider, who in good faith complies with a
14 do-not-resuscitate order made in accordance with this Act is
15 not, as a result of that compliance, subject to any criminal or
16 civil liability, except for willful and wanton misconduct, and
17 may not be found to have committed an act of unprofessional
18 conduct.

19 (e) Nothing in this Section or this Amendatory Act of the
20 94th General Assembly shall be construed to affect the ability
21 of a physician to make a do-not-resuscitate ~~DNR~~ order.

22 (Source: P.A. 93-794, eff. 7-22-04; 94-865, eff. 6-16-06.)