

AN ACT concerning health.

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

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-600 as follows:

(20 ILCS 2310/2310-600)

Sec. 2310-600. Advance directive information.

(a) The Department of Public Health shall prepare and publish the summary of advance directives law in Illinois that is required by the federal Patient Self-Determination Act. Publication may be limited to the World Wide Web.

(b) The Department of Public Health shall adopt, by rule, and publish Spanish language versions of the following:

(1) The statutory Living Will Declaration form.

(2) The Illinois Statutory Short Form Power of Attorney for Health Care.

(3) The statutory Declaration of Mental Health Treatment Form.

(4) The summary of advance directives law in Illinois.

(5) Any statewide uniform Do Not Resuscitate forms.

Publication may be limited to the World Wide Web.

(b-5) In consultation with a statewide professional organization representing physicians licensed to practice medicine in all its branches, statewide organizations representing nursing homes, and a statewide organization representing hospitals, the Department of Public Health shall develop and publish a uniform form for physician do-not-resuscitate orders that may be utilized in all settings. The form may be referred to as the Department of Public Health Uniform DNR Advance Directive Order ~~form~~. This advance directive does not replace a physician's do-not-resuscitate

(DNR) order.

(c) The Department of Public Health may contract with statewide professional organizations representing physicians licensed to practice medicine in all its branches to prepare and publish materials required by this Section. The Department of Public Health may consult with a statewide organization representing registered professional nurses on preparing materials required by this Section.

(Source: P.A. 91-789, eff. 1-1-01; 92-356, eff. 10-1-01.)

Section 10. The Nursing Home Care Act is amended by changing Section 2-104.2 as follows:

(210 ILCS 45/2-104.2) (from Ch. 111 1/2, par. 4152-104.2)

Sec. 2-104.2. Do-Not-Resuscitate Orders. Every facility licensed under this Act shall establish a policy for the implementation of physician orders limiting resuscitation such as those commonly referred to as "Do-Not-Resuscitate" orders. This policy may only prescribe the format, method of documentation and duration of any physician orders limiting resuscitation. Any orders under this policy shall be honored by the facility. The Department of Public Health Uniform DNR Advance Directive Order form or a copy of that Advance Directive form shall be honored by the facility.

(Source: P.A. 92-356, eff. 10-1-01.)

Section 15. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.57 as follows:

(210 ILCS 50/3.57)

Sec. 3.57. Physician do-not-resuscitate orders. The Department of Public Health Uniform DNR Advance Directive Order form or a copy of that Advance Directive form shall be honored under this Act.

(Source: P.A. 92-356, eff. 10-1-01.)

Section 20. The Hospital Licensing Act is amended by changing Section 6.19 as follows:

(210 ILCS 85/6.19)

Sec. 6.19. Do-not-resuscitate orders. Every facility licensed under this Act shall establish a policy for the implementation of physician orders limiting resuscitation, such as those orders commonly referred to as "do-not-resuscitate" orders. This policy may prescribe only the format, method of documentation, and duration of any physician orders limiting resuscitation. The policy may include forms to be used. Any orders issued under the policy shall be honored by the facility. The Department of Public Health Uniform DNR Advance Directive ~~Order form~~ or a copy of that Advance Directive ~~form~~ shall be honored under any policy established under this Section.

(Source: P.A. 92-356, eff. 10-1-01.)

Section 25. The Health Care Surrogate Act is amended by changing Section 65 as follows:

(755 ILCS 40/65)

Sec. 65. Do-not-resuscitate advance directive forms ~~orders~~.

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

(b) Consent to a DNR Advance Directive ~~order~~ may be obtained from the individual, or from another person at the individual's direction, or from the individual's legal guardian, agent under a power of attorney for health care, or surrogate decision maker, and witnessed by 2 individuals 18 years of age or older.

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

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

(e) Nothing in this Section or this Amendatory Act of the 94th General Assembly shall be construed to affect the ability of a physician to make a DNR order.

(Source: P.A. 92-356, eff. 10-1-01; 93-794, eff. 7-22-04; revised 11-5-04.)

Section 99. Effective date. This Act takes effect upon becoming law.