

AN ACT concerning regulation.

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

Section 5. The Caregiver Advise, Record, and Enable Act is amended by changing Sections 1, 5, 10, and 30 and by adding Section 14 as follows:

(210 ILCS 91/1)

Sec. 1. Short title. This Act may be cited as the Emergency Contact and Caregiver Advise, Record, and Enable Act.

(Source: P.A. 99-222, eff. 1-27-16.)

(210 ILCS 91/5)

Sec. 5. Definitions. As used in this Act:

"After care" means clinical assistance to a patient provided by a caregiver in the patient's residence following the patient's discharge from an inpatient hospital stay that is related to the patient's condition at the time of discharge, as determined appropriate by the discharging physician or other health care professional. Clinical assistance may include activities of daily living or medication management.

"Caregiver" means any individual designated by a patient to provide after care to a patient. A designated caregiver may

include, but is not limited to, a relative, spouse, partner, friend, or neighbor.

"Discharge" means a patient's release from a hospital to the patient's residence following an inpatient admission.

"Emergency Contact" means the name, telephone number, or address of an individual designated by a patient to be contacted by a hospital. An emergency contact may include, but is not limited to, a relative, spouse, partner, friend, or neighbor of the patient or the patient's legal representative.

"Hospital" means a hospital that provides general acute care that is either licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act.

"Legal representative" means a personal representative having designated legal status, including an agent designated through a power of attorney.

"Patient" means an individual admitted to a hospital as an inpatient. "Patient" does not include a pediatric patient or a patient who is not capable of designating a caregiver due to a health care condition or other circumstances, as determined by the health care provider.

"Protected health information" has the meaning given to that term in 45 CFR 160.103 of the Privacy Rule to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d et al.), as may be amended.

"Residence" means a dwelling that the patient considers to be the patient's home. "Residence" does not include a

rehabilitation facility, hospital, nursing home, assisted living establishment, group home licensed by the Department of Public Health or the Department of Human Services, or a State-operated facility.

(Source: P.A. 99-222, eff. 1-27-16.)

(210 ILCS 91/10)

Sec. 10. Opportunity to designate an emergency contact and a caregiver.

(a) Following the patient's admission into the hospital as an inpatient, a ~~A~~ hospital shall provide each patient or, if applicable, the patient's legal representative with an opportunity to designate: (1) an emergency contact, including the opportunity to authorize the hospital to share protected health information with the patient's emergency contact; and (2) a caregiver following the patient's admission into the hospital as an inpatient and prior to the patient's discharge to the patient's residence or transfer to another facility.

(b) In the event that a patient is unconscious or otherwise incapacitated, the hospital shall provide the patient or the patient's legal representative with an opportunity to designate an emergency contact and a caregiver within a timeframe deemed appropriate by the attending physician or other licensed health care provider.

(c) If a patient or legal representative declines to designate an emergency contact or a caregiver pursuant to this

Act, the hospital shall document this declination in the patient's medical record and has no further responsibilities under this Act.

(d) If a patient or the patient's legal representative designates an individual as an emergency contact or a caregiver under this Act, the hospital shall record the patient's designation of emergency contact and caregiver, the relationship of the emergency contact and designated caregiver to the patient, and the name, telephone number, and address of the patient's emergency contact and designated caregiver in the patient's medical record.

(e) A patient may elect to change his or her emergency contact or designated caregiver at any time, and the hospital must record this change in the patient's medical record and thereafter treat the newly named person as the designated emergency contact or caregiver.

(f) A designation of an emergency contact or a caregiver by a patient or the patient's legal representative does not obligate any individual to provide any after care for the patient.

(g) This Section shall not be construed to require a patient or a patient's legal representative to designate an individual as an emergency contact or a caregiver under this Act.

(Source: P.A. 99-222, eff. 1-27-16.)

(210 ILCS 91/14 new)

Sec. 14. Notice to designated emergency contact. If a patient has authorized the hospital to share protected health information with an emergency contact that is not the patient's legal representative and the patient's legal representative does not object, a hospital shall, as soon as practicable, notify that emergency contact of the patient's death. The hospital's attempt to notify the emergency contact shall be noted in the patient's record. Failure of the patient's emergency contact to respond to a hospital's attempted contact shall not be considered a violation of this Section. If a patient fails to authorize the hospital to share the patient's protected health information or revokes such authorization, the hospital may contact the emergency contact only as otherwise allowed by law.

(210 ILCS 91/30)

Sec. 30. No private right of action. Nothing in this Act shall be construed to create a private right of action against a hospital, a hospital affiliate, a hospital employee, or a consultant or contractor with whom a hospital has a contractual relationship solely for attempting to contact an emergency contact, as described in Section 14 of this Act, or providing instruction to a designated caregiver, as described in Section 20 of this Act.

A hospital, a hospital affiliate, a hospital employee, or

a consultant or contractor with whom a hospital has a contractual relationship shall not be held liable, except for willful or wanton misconduct, for services rendered or not rendered by the caregiver to the patient or for the hospital's inability to contact, or timeliness in contacting, an emergency contact.

Nothing in this Act shall delay the provision of care to a patient, the discharge of a patient, or the transfer of a patient from a hospital to another facility.

(Source: P.A. 99-222, eff. 1-27-16.)