

Public Act 92-0364

755 ILCS 40/25

from Ch. 110 1/2, par. 851-25

Amends the Health Care Surrogate Act. In provisions concerning a health care provider's reasonable inquiry as to the availability of possible surrogates, provides that a "reasonable inquiry" might include identifying a family member by examining the patient's personal effects or medical records. Requires that an attempt to contact a family member must be made within 24 hours after a determination that a patient lacks decisional capacity. Effective immediately.

LRB9207774DJgc

AN ACT in relation to health care surrogates act.

Be it enacted by the People of the State of Illinois

represented in the General Assembly:

Section 5. The Health Care Surrogate Act is amended by

changing Section 25 as follows:

(755 ILCS 40/25) (from Ch. 110 1/2, par 851-25)

Sec. 25. Surrogate decision making.

(a) When a patient lacks decisional capacity, the health care provider must make a reasonable inquiry as to the availability and authority of a health care agent under the Powers of Attorney for Health Care Law. When no health care agent is authorized and available, the health care provider must make a reasonable inquiry as to the availability of possible surrogates listed in items (1) through (4) of this subsection.

For purposes of this Section, a "reasonable inquiry" includes identifying a member of the patient's family or other health care agent by examining the patient's personal effects or medical records. If a family member or other health care agent is identified, an attempt to contact that person by phone must be made within 24 hours after a determination that the patient lacks decisional capacity by the provider. No person shall be liable for civil damages or subject to professional discipline based on a claim of violating a patient's right to confidentiality as a result of making a reasonable inquiry as to the availability of a patient's family member or health care agent, except for willful or wanton misconduct. The surrogate decision makers, as identified by the attending physician, are then authorized to make decisions as follows: back to original statute)