

RESOLUTION 01.2020-29 (A-20)
CHANGES TO 755 ILCS 40/10, 755 ILCS 40/20 AND 755 ILCS 40/65 – *IL*
HEALTH CARE SURROGATE ACT

ISMS Board Action Taken on 01/25/2020

Adopted Resolution 01.2020-29 (A-20), as amended by the Medical Legal Council.

Medical Legal Council Recommendation to ISMS Board on 01/25/2020

The Medical Legal Council had some concern that the language in resolved one could allow for non-physician health care professionals, such as advanced practice registered nurses (APRNs) or physician assistants (PAs), to certify the presence of a qualifying condition and lack of decisional capacity without any physician involvement. Members of the Council were supportive, however, of changing the current standard from certification by an attending physician and a qualified physician to certification by an attending physician and at least one other qualified health care practitioner.

The Medical Legal Council recommends that the ISMS Board of Trustees adopt Resolution 01.2020-29 (A-20), as amended:

RESOLVED, that ISMS support legislation that reduces barriers for authorized surrogate consent to DNR through the IDPH Uniform POLST form by allowing for an attending physician and at least one other “~~attending~~/qualified health care practitioner” (an individual who is an Illinois licensed physician, advanced practice registered nurse, physician assistant, or licensed resident after completion of one year in a program) to certify and document the presence of a qualifying condition and lack of decisional capacity; and be it further

RESOLVED, that ISMS support legislation that removes the current witness signature requirement from the IDPH Uniform POLST form; and be it further

RESOLVED, that ISMS support clear legislative language that outlines the process by which a decision maker authorized under the *Illinois Health Care Surrogate Act* may revoke an IDPH Uniform POLST form consented to by the patient prior to losing decisional capacity; and be it further

RESOLVED, that ISMS support legislation that explicitly authorizes reciprocity and recognition of the National POLST form or other forms created in the fashion of the National POLST Paradigm faithfully executed in other states within the United States of America.