

190.02 Nursing Home Care Act – Issues Made by the Pleadings – No Issue as to Agency

[1] [The plaintiff claims that the defendant(s) (was) (were) the (licensee) (and) (or) (owner) of _____].
name of facility

[2] [The plaintiff claims that _____ was a resident of _____].
name of resident
name of facility

[3] The plaintiff claims that _____ was injured and sustained
name of resident
damage and that the defendant[s] violated the Nursing Home Care Act in that:

A. [The defendant negligently]

B. [The defendant intentionally]

[Set forth in simple form without undue emphasis or repetition those allegations of the complaint asserting abuse or neglect under the Act or violations of federal or state regulations that have not been withdrawn or ruled out by the court and are supported by the evidence.]

[4] The plaintiff further claims that one or more of the foregoing was a proximate cause of _____ injuries.
name of resident

[5] The defendant(s) (denies) (deny) [that it violated the Nursing Home Care Act] [and] [that (it) (they) (was) (were) an (owner) (licensee) of a facility covered under this Act] [and] [that _____ was a resident of _____].
name of resident name of facility

[6] [The defendant(s) (denies) (deny) that any claimed act or omission on the defendant's part was a proximate cause of _____ claimed injuries].
name of resident

[7] [The defendant(s) further (denies) (deny) that _____ (was injured) (or) sustained damages (to the extent claimed)].
name of resident

[8] [The defendant(s) (claims) (claim) that _____ was contributorily negligent in one or more of the following respects].
name of resident

[Set forth in simple form without undue emphasis or repetition those allegations of the answer as to the plaintiff's contributory negligence that have not been withdrawn or ruled out by the court and are supported by the evidence].

[9] [The defendant(s) further claim(s) that one or more of the foregoing was (a) (the sole) proximate cause of the _____ injuries].
name of resident

[10] [The plaintiff (denies that _____ did any of the things
name of resident
claimed by defendant) (denies _____ was negligent in
name of resident
doing any of the things claimed by the defendant to the extent claimed by the
defendant) (and denies that any claimed act or omission on _____
name of resident
part was a proximate cause of _____ claimed injuries)].
name of resident

Instruction and Notes approved May 2014.

Notes on Use

The bracketed material in paragraphs 1 and 2 should only be utilized if the defendant raises these issues as defenses. Similarly, the bracketed language in paragraph 8 should only be utilized if the defendant claims the resident was contributorily negligent and the plaintiff's allegations involve negligent or reckless acts or omissions. Allegations involving intent are not subject to contributory negligence. *Poole v. City of Rolling Meadows*, 167 Ill. 2d 41, 656 N.E.2d 768, 212 Ill. Dec. 171 (1995).